

# 2018 Senate Journals

Pages	Journal	Pages	Journal	Pages	Journal
1-86	<a href="#">Day 01 - 01/03/18</a>	87-98	<a href="#">Day 02 - 01/04/18</a>	99-111	<a href="#">Day 03 - 01/08/18</a>
112-121	<a href="#">Day 04 - 01/09/18</a>	122-135	<a href="#">Day 05 - 01/10/18</a>	136-140	<a href="#">Day 06 - 01/11/18</a>
141-151	<a href="#">Day 07 - 01/16/18</a>	152-159	<a href="#">Day 08 - 01/17/18</a>	160-168	<a href="#">Day 09 - 01/18/18</a>
169-178	<a href="#">Day 10 - 01/22/18</a>	179-185	<a href="#">Day 11 - 01/23/18</a>	186-195	<a href="#">Day 12 - 01/24/18</a>
196-206	<a href="#">Day 13 - 01/25/18</a>	207-214	<a href="#">Day 14 - 01/29/18</a>	215-221	<a href="#">Day 15 - 01/30/18</a>
222-234	<a href="#">Day 16 - 01/31/18</a>	235-244	<a href="#">Day 17 - 02/01/18</a>	245-253	<a href="#">Day 18 - 02/05/18</a>
254-266	<a href="#">Day 19 - 02/06/18</a>	267-280	<a href="#">Day 20 - 02/07/18</a>	281-284	<a href="#">Day 21 - 02/12/18</a>
285-293	<a href="#">Day 22 - 02/12/18</a>	294-302	<a href="#">Day 23 - 02/13/18</a>	303-308	<a href="#">Day 24 - 02/14/18</a>
309-333	<a href="#">Day 25 - 02/15/18</a>	334-346	<a href="#">Day 26 - 02/19/18</a>	347-355	<a href="#">Day 27 - 02/20/18</a>
356-384	<a href="#">Day 28 - 02/21/18</a>	385-401	<a href="#">Day 29 - 02/22/18</a>	402-410	<a href="#">Day 30 - 02/26/18</a>
411-434	<a href="#">Day 31 - 02/27/18</a>	435-461	<a href="#">Day 32 - 02/28/18</a>	462-486	<a href="#">Day 33 - 03/01/18</a>
487-528	<a href="#">Day 34 - 03/05/18</a>	529-566	<a href="#">Day 35 - 03/06/18</a>	567-586	<a href="#">Day 36 - 03/07/18</a>
587-610	<a href="#">Day 37 - 03/08/18</a>	611-618	<a href="#">Day 38 - 03/12/18</a>	619-638	<a href="#">Day 39 - 03/13/18</a>
639-702	<a href="#">Day 40 - 03/14/18</a>	703-725	<a href="#">Day 41 - 03/15/18</a>	726-733	<a href="#">Day 42 - 03/21/18</a>
734-746	<a href="#">Day 43 - 03/26/18</a>	747-770	<a href="#">Day 44 - 03/27/18</a>	771-791	<a href="#">Day 45 - 03/28/18</a>
792-812	<a href="#">Day 46 - 03/29/18</a>	813-826	<a href="#">Day 47 - 04/03/18</a>	827-841	<a href="#">Day 48 - 04/04/18</a>
842-872	<a href="#">Day 49 - 04/05/18</a>	873-884	<a href="#">Day 50 - 04/09/18</a>	885-899	<a href="#">Day 51 - 04/10/18</a>
900-917	<a href="#">Day 52 - 04/11/18</a>	918-930	<a href="#">Day 53 - 04/12/18</a>	931-939	<a href="#">Day 54 - 04/17/18</a>
940-980	<a href="#">Day 55 - 04/18/18</a>	981-998	<a href="#">Day 56 - 04/19/18</a>	999-1018	<a href="#">Day 57 - 04/23/18</a>
1019-1051	<a href="#">Day 58 - 04/24/18</a>	1052-1088	<a href="#">Day 59 - 04/25/18</a>	1089-1110	<a href="#">Day 60 - 04/26/18</a>
1111-1164	<a href="#">Day 61 - 04/30/18</a>	1165-1301	<a href="#">Day 62 - 05/01/18</a>	1301-1383	<a href="#">Day 63 - 05/02/18</a>
1384-1415	<a href="#">Day 64 - 05/03/18</a>	1416-1533	<a href="#">Day 65 - 05/07/18</a>	1534-1745	<a href="#">Day 66 - 05/08/18</a>
1746-1788	<a href="#">Day 67 - 05/09/18</a>	1789-1844	<a href="#">Day 68 - 05/10/18</a>	1845-1894	<a href="#">Day 69 - 05/11/18</a>
1895-1955	<a href="#">Day 70 - 05/14/18</a>	1956-2133	<a href="#">Day 71 - 05/15/18</a>	2134-2300	<a href="#">Day 72 - 05/16/18</a>
2301-2443	<a href="#">Day 73 - 05/17/18</a>	2444-2490	<a href="#">Day 74 - 05/18/18</a>	2491-2493	<a href="#">Day 75 - 05/25/18</a>
2494-2498	<a href="#">Day 76 - 05/30/18</a>				

## First Special Session

1-3	<a href="#">Day 01 - 05/18/18</a>	4	<a href="#">Day 02 - 05/25/18</a>	5	<a href="#">Day 03 - 05/30/18</a>
6-8	<a href="#">Day 04 - 06/07/18</a>	9-15	<a href="#">Day 05 - 06/11/18</a>		

## First Extra Session

1-18	<a href="#">Day 01 - 09/10/18</a>	19-21	<a href="#">Day 02 - 09/11/18</a>	22-25	<a href="#">Day 03 - 09/12/18</a>
26-30	<a href="#">Day 04 - 09/13/18</a>	31-38	<a href="#">Day 05 - 09/14/18</a>	39-40	<a href="#">Day 06 - 09/19/18</a>

## Veto Session

1-9	<a href="#">Day 01 - 09/12/18</a>
-----	-----------------------------------

**JOURNAL OF THE SENATE**  
**NINETY-NINTH GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF MISSOURI**  
**SECOND REGULAR SESSION**

---

**FIRST DAY—WEDNESDAY, JANUARY 3, 2018**

---

The Senate was called to order at 12:00 noon by Lieutenant Governor Michael L. Parson.

The Reverend Carl Gauck offered the following prayer:

“For the Lord gives wisdom; from his mouth come knowledge and understanding;” (Proverbs 2:6)

Gracious God, we begin the first day of this session and recognize there is much ahead of us that will demand openness for learning about the challenges that are coming and the remedies that are called forth from us. So grant us a willingness to be open to Your wisdom and perceive the many ways Your wisdom will lead us along the right path that will benefit Your people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Kehoe requested unanimous consent of the Senate to allow the Marshal of the Supreme Court to enter the Chamber with side arms, which request was granted.

Senator Kehoe announced photographers from The Columbia Missourian, Jefferson City News Tribune, KRCG-TV, KMIZ-TV, St. Louis Public Radio, KOMU 8 News, KY3-KSPR and Fox 2 St. Louis were given permission to take pictures in the Senate Chamber.

**MESSAGES FROM THE  
SECRETARY OF STATE**

The President laid before the Senate the following communication from the Secretary of State, which was read:

TO THE SECRETARY OF THE SENATE

Honorable Adriane D. Crouse

Jefferson City, MO

Madam:

I, John R. Ashcroft, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 8<sup>th</sup> Senatorial District in the State of Missouri, on the 7<sup>th</sup> day of November, 2017, as provided by law, the following named person was elected to the office of State Senator, 8<sup>th</sup> Senatorial District as shown by the election results certified to this office by the election authorities of the 8<sup>th</sup> Senatorial District.

**Name**

Mike Cierpiot

214 NE Landings Circle

Lee's Summit, MO 64064

**Office**

State Senate

8<sup>th</sup> Senatorial District

IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed the seal of my office  
this 28<sup>th</sup> day of November, 2017.

/s/ Jay Ashcroft

John R. Ashcroft  
Secretary of State

Senator Cierpiot was escorted to the dais and received his oath of office from the Honorable Zel M. Fischer.

Also,

To the Honorable Senate of the 99th General Assembly, Second Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 99th General Assembly (Second Regular Session) of the State of Missouri, elected at the November 4, 2014 General Election, and the November 8, 2016 General Election.

**IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 3rd day of January, 2018.**

(Seal)

/s/ Jay Ashcroft

John R. Ashcroft  
SECRETARY OF STATE

#### MISSOURI STATE SENATORS

Elected November 8, 2016

District	Name
1st	Scott Sifton
3rd	Gary Romine
5th	Jamilah Nasheed
7th	Jason Holsman
9th	Shalonn (Kiki) Curls
11th	John Joseph Rizzo
13th	Gina Walsh
15th	Andrew Koenig
17th	Ryan Silvey
19th	Caleb Rowden
21st	Denny Hoskins
23rd	Bill Eigel
25th	Doug Libla
27th	Wayne Wallingford
29th	David Sater
31st	Ed Emery
33rd	Mike Cunningham

## MISSOURI STATE SENATORS

Elected November 4, 2014

District	Name
2nd	Bob Onder
*4th	Jacob W. Hummel
6th	Mike Kehoe
***8th	Mike Cierpiot
10th	Jeanie Riddle
12th	Dan Hegeman
14th	Maria N. Chappelle-Nadal
16th	Dan Brown
18th	Brian Munzlinger
20th	Jay Wasson
22nd	Paul Wieland
24th	Jill Schupp
26th	Dave Schatz
**28th	Sandy Crawford
30th	Bob Dixon
32nd	Ron Richard
34th	Rob Schaaf

\* Special Election held November 8, 2016 due to the resignation of Senator Joseph Keaveny.

\*\* Special Election held August 8, 2017 due to the resignation of Senator Michael Parson.

\*\*\* Special Election held November 7, 2017 due to the resignation of Senator Will Kraus.

## Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Silvey	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senator Riddle—1

Vacancies—None

The Lieutenant Governor was present.



The President declared the Second Regular Session of the 99th General Assembly convened.

### RESOLUTIONS

Senator Kehoe offered the following resolution, which was read and adopted:

#### SENATE RESOLUTION NO. 1043

BE IT RESOLVED, by the Senate of the Ninety-ninth General Assembly of Missouri, Second Regular Session, that the rules adopted by the Ninety-ninth General Assembly of the State of Missouri, First Regular Session, as amended, insofar as they are applicable, be adopted as the rules for the control of the deliberations of the Senate of the Ninety-ninth General Assembly, Second Regular Session.

Senator Kehoe offered the following resolution, which was read and adopted:

#### SENATE RESOLUTION NO. 1044

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the Second Regular Session of the Ninety-ninth General Assembly is duly convened and is now in session and ready for consideration of business.

Pursuant to Section 9.141, RSMo, the Bill of Rights was read.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 4828**.

#### HOUSE RESOLUTION NO. 4828

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, informs the Senate that the House of Representatives is duly convened and is now in session ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 4829**.

#### HOUSE RESOLUTION NO. 4829

BE IT RESOLVED, that a messages be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, of the State of Missouri is now regularly organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 50**.

#### HOUSE CONCURRENT RESOLUTION NO. 50

BE IT RESOLVED, by the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 7:00 p.m., Wednesday, January 10, 2018, to receive a message from His Excellency, the Honorable Eric R. Greitens, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) members from the House of Representatives be appointed by the Speaker to act with a committee of ten (10) members from the Senate, appointed by the President Pro Tempore, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-ninth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 51**.

HOUSE CONCURRENT RESOLUTION NO. 51

BE IT RESOLVED, by the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 11:00 a.m., Wednesday, January 24, 2018, to receive a message from the Honorable Zel M. Fischer, Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) members from the House of Representatives be appointed by the Speaker to act with a committee of ten (10) members from the Senate, appointed by the President Pro Tempore, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninety-ninth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2017, while the Senate was not in session.

Charles M. Ambrose, 606 Darrow Street, Warrensburg, Johnson County, Missouri 64093, as a member of the Midwestern Higher Education Commission, for a term ending January 1, 2021, and until his successor is duly appointed and qualified; vice, John McGuire, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

William Atherton, 308 South Main Street, Fayette, Howard County, Missouri 65248, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until his successor is duly appointed and qualified; vice, D. Kimberly Whittle, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Adrienne D. Atzemis, 8507 Skyline Drive, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2018, and until her successor is duly appointed and qualified; vice, Holly Monroe, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Elizabeth A. Banker, 102 East 30th Street, Kansas City, Jackson County, Missouri 64108, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2020, and until her successor is duly appointed and qualified; vice, Dawn M. Fuller, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 8, 2017, while the Senate was not in session.

Peggy Barnhart, Republican, 12 Woodcliffe Road, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Saint Louis County Board of Election Commissioners, for a term ending January 10, 2021, and until her successor is duly appointed and qualified; vice, John P. King, deceased.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

November 15, 2017, while the Senate was not in session.

Amy Beechner-McCarthy, 12278 Cedar Grove Road, Rolla, Phelps County, Missouri 65401, as a member of the Children's Trust Fund Board, for a term ending September 15, 2019, and until her successor is duly appointed and qualified; vice, Stephen F. Huss, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Nancy E. Birch, 204 Fox Creek Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2018, and until her successor is duly appointed and qualified; vice, Edna A. Smith, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Melissa A. Birdsell, 418 North 24th Street, Saint Joseph, Buchanan County, Missouri 64501, as a member of the Children's Trust Fund Board, for a term ending September 15, 2020, and until her successor is duly appointed and qualified; vice, Amy Beechner-McCarthy, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

James W. Blair, 1320 Platinum Court, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until his successor is duly appointed and qualified; vice, Larry B. Newcomb, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2017, while the Senate was not in session.

Carl A. Bolm, Republican, 15 Huntleigh Woods Drive, Huntleigh, Saint Louis County, Missouri 63131, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2022, and until his successor is duly appointed and qualified; vice, Elizabeth G. Sims, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Mary B. Bozarth, 4859 South Crescent Avenue, Springfield, Greene County, Missouri 65804, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 8, 2017, while the Senate was not in session.

Robert G. Brinkmann, Republican, 1091 Wings Road, Box 344, Saint Albans, Franklin County, Missouri 63073, as a member of the State Highways and Transportation Commission, for a term ending March 1, 2023, and until his successor is duly appointed and qualified; vice, Edward D. Hillhouse, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 28, 2017, while the Senate was not in session.

Julia G. Brncic, Independent, 7255 Forsyth Boulevard, Saint Louis, Saint Louis County, Missouri 63105, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2021, and until her successor is duly appointed and qualified; vice, Thomas R. Voss, resigned.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Barbara Brown-Johnson, 1965 South Cedarbrook Avenue, Springfield, Greene County, Missouri 65804, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2018, and until her successor is duly appointed and qualified; vice, Barbara Brown-Johnson, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2017, while the Senate was not in session.

Sharon K. Buchanan-McClure, Republican, 145 East Essex Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Saint Louis County Board of Election Commissioners, for a term ending January 10, 2021, and until her successor is duly appointed and qualified; vice, John W. Maupin, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 11, 2017, while the Senate was not in session.

John W. Buckner, 4931 South Farm Road 145, Springfield, Greene County, Missouri 65810, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2020, and until his successor is duly appointed and qualified; vice, John Michael Mowrer, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 31, 2017, while the Senate was not in session.

Michael J. Burbank, Republican, 412 Split Rock Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2019, and until his successor is duly appointed and qualified; vice, Theodore M. Vollmar, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Elaine Buschjost, 4920 Highway HH, Russellville, Cole County, Missouri 65074, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2020, and until her successor is duly appointed and qualified; vice, Jennifer L. Cato, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2017, while the Senate was not in session.

Kevin C. Childress, Republican, 1001 West 57th Street, Kansas City, Jackson County, Missouri 64113, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2022, and until his successor is duly appointed and qualified; vice Aimee Gromowsky, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 31, 2017, while the Senate was not in session.

Cynthia M. Circo, Democrat, 106 West 14th Street #2203, Kansas City, Jackson County, Missouri 64105, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2019, and until her successor is duly appointed and qualified; vice, Judith Grace O'Connor, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 4, 2017, while the Senate was not in session.

Kellie Ann Coats, 4409 Weybridge Drive, Columbia, Missouri 65203, as Executive Director of the Missouri Women's Council, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 4, 2017, while the Senate was not in session.

Stan Coday, Republican, 2165 State Highway K, Seymour, Webster County, Missouri 65746, as a member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2020, and until his successor is duly appointed and qualified; vice, James M. Howerton, resigned.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on



November 17, 2017, while the Senate was not in session.

Steve C. Cookson, 226 Forest Meadow, Poplar Bluff, Butler County, Missouri 63901, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2020, and until his successor is duly appointed and qualified; vice, Michala Stoker, resigned.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2017, while the Senate was not in session.

David M. Corley, Independent, 1161 Marsh Avenue, Ellisville, Saint Louis County, Missouri 63011, as a member of the Tourism Commission, for a term ending January 15, 2019, and until his successor is duly appointed and qualified; vice, Bennett Keller, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 12, 2017, while the Senate was not in session.

Joseph W. Cornelison, Republican, 25457 Magnolia Drive, Maryville, Nodaway County, Missouri 64468, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2020, and until his successor is duly appointed and qualified; vice, Dalton Wright, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 19, 2017, while the Senate was not in session.

Steve L. Corsi, 5388 Craig J Drive, Laramie, Wyoming 82009, as Director of the Department of Social Services, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2017, while the Senate was not in session.

Amelia A. Counts, Independent, 318 Panhurst Court, Ballwin, Saint Louis County, Missouri 63021, as a member of the Missouri State University Board of Governors, for a term ending January 1, 2023, and until her successor is duly appointed and qualified; vice, Stephen B. Hoven, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018, while the Senate was not in session.

Edward P. Davis, Republican, 6230 Wall Street, Kansas City, Platte County, Missouri 64151, as a member of the Platte County Election Board, for a term ending January 11, 2021, and until his successor is duly appointed and qualified; vice, Marvin Ferguson, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Monica A. Davis, 13315 County Road 5010, Rolla, Phelps County, Missouri 65401, as a member of the Children's Trust Fund Board, for a term ending September 15, 2018, and until her successor is duly appointed and qualified; vice, Paula E. Clay, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 7, 2017, while the Senate was not in session.

Rob Dixon, 4000 Wellington Drive, Columbia, Boone County, Missouri 65202, as Director of the Department of Economic Development, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Misty Z. Dobynes, 1201 Beavertrail, Saint Louis, Saint Louis County, Missouri 63135, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until her successor is duly appointed and qualified; vice, Amy J. Thompson, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 11, 2017, while the Senate was not in session.

Jose M. Dominguez, 810 East Sterling Ridge Court, Springfield, Greene County, Missouri 65810, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2020, and until his successor is duly appointed and qualified; vice, Nancy M. Nelson, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 8, 2017, while the Senate was not in session.

Terry L. Ecker, Republican, 11334 Bobcat Road, Elmo, Nodaway County, Missouri 64445, as a member of the State Highways and

Transportation Commission, for a term ending March 1, 2023, and until his successor is duly appointed and qualified; vice, Mary E. Nelson, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Donna J. Erickson, 843 Clark Avenue, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2018, and until her successor is duly appointed and qualified; vice, Donna J. Erickson, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Joyce Estes, 6817 South 7th Street, Post Office Box 2017, Saint Joseph, Buchanan County, Missouri 64502, as a member of the Child Abuse and Neglect Review Board, for a term April 7, 2020, and until her successor is duly appointed and qualified; vice, Christopher M. Carriger, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Sharon Faulkner, 2415 East Wayland Street, Springfield, Greene County, Missouri 65804, as a member of the Children's Trust Fund Board, for a term ending September 15, 2018, and until her successor is duly appointed and qualified; vice, Michelle Crockett, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2017, while the Senate was not in session.

Daniel P. Finney, Democrat, 6960 Dartmouth Avenue, Saint Louis, Saint Louis County, Missouri 63130, as a member of the Missouri Gaming Commission, for a term ending April 29, 2019, and until his successor is duly appointed and qualified; vice, Larry D. Hale, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 18, 2017, while the Senate was not in session.

Paul D. Fitzwater, Republican, 12007 South State Highway 21, Potosi, Washington County, Missouri 63664, as a member of the Board of Probation and Parole, for a term ending December 20, 2018, and until his successor is duly appointed and qualified; vice Don T. Ruzicka, resigned.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 31, 2017, while the Senate was not in session.

Kathleen K. Flemming, 1001 Old Olive Way, Saint Louis, Saint Louis County, Missouri 63141, as a member of the Missouri Achieving a Better Life Experience Board, for a term ending August 29, 2021, and until her successor is duly appointed and qualified; vice RSMo. 206.605.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October

27, 2017, while the Senate was not in session.

Susan A. Fluegel, 7574 Kirky Court, Shrewsbury, Saint Louis County, Missouri 63119, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2018, and until her successor is duly appointed and qualified; vice, April S. Wilson, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Jennifer N. Foster, 6197 Sulks Road, Bates City, Lafayette County, Missouri 64011, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2018, and until her successor is duly appointed and qualified; vice, Janet E. Richardson, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018, while the Senate was not in session.

Stephen L. Foster, Democrat, 12295 County Road E, Camden Point, Platte County, Missouri 64018, as a member of the Platte County Election Board, for a term ending January 11, 2019, and until his successor is duly appointed and qualified; vice, Betty A. Knight, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 8, 2017, while the Senate was not in session.

Gary A. Fraker, Republican, 520 Bluff Road, Marshfield, Webster County, Missouri 65706, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2021, and until his successor is duly appointed and qualified; vice, Scott M. Meierhoffer, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Thomas J. Frawley, 51 Waterman Place, Saint Louis, Saint Louis City, Missouri 63112, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2018, and until his successor is duly appointed and qualified; vice, RSMo 210.617

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Terra N. Frazier, 5512 Northeast 102nd Street, Kansas City, Clay County, Missouri 64156, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2018, and until her successor is duly appointed and qualified; vice, Deborah White, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Elizabeth C. Galt, 800 East Liberty Street, Apartment 31C, Farmington, Saint Francois County, Missouri 63640, as a member of the Missouri Developmental Disabilities Council, for a term ending June 30, 2020, and until her successor is duly appointed and qualified; vice, Mark E. Ohrenberg, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018, while the Senate was not in session.

Brandon C. Garber, Independent, 1001 South Fork Lane, Tipton, Morgan County, Missouri 65081, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2020, and until his successor is duly appointed and qualified; vice, Brandon C. Garber, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 28, 2017, while the Senate was not in session.

Nathan Garrett, 5335 Cherry Street, Kansas City, Jackson County, Missouri 64110, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2019, and until his successor is duly appointed and qualified; vice, Alvin L. Brooks, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018, while the Senate was not in session.

William Gipson, Republican, 299 Oak Tree Point Lane, Shell Knob, Stone County, Missouri 65747, as a member of the Missouri Southern State University Board of Governors, for a term ending August 30, 2023, and until his successor is duly appointed and qualified; vice, William Gipson, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Tonya K. Grimm, 104 Marco Drive, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Higher Education Loan



Authority, for a term ending October 22, 2018, and until her successor is duly appointed and qualified; vice, Christopher G. Halliday, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 31, 2017, while the Senate was not in session.

Carol M. Hallquist, 17 Janssen Place, Kansas City, Jackson County, Missouri 64109, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Daniel McCool.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 17, 2017, while the Senate was not in session.

John M. Hannegan, Republican, 14 Talvista Drive, Saint Charles, Saint Charles County, Missouri 63303, as a member of the State Lottery Commission, for a term ending September 7, 2018, and until his successor is duly appointed and qualified; vice, Terry R. Adams, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

John B. Heskett, 316 Cheval Square Drive, Chesterfield, Saint Louis County, Missouri 63005, as a member of the Children's Trust Fund Board, for a term ending September 15, 2020, and until his successor is duly appointed and qualified; vice, John B. Heskett, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018, while the Senate was not in session.

Gregory E. Hoberock, Republican, 500 Braeburn Court, Washington, Franklin County, Missouri 63090, as a member of the State Technical College of Missouri Board of Regents, for a term ending December 29, 2023, and until his successor is duly appointed and qualified; vice, Gregory E. Hoberock, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on April 17, 2017, while the Senate was not in session.

Anna Hui, 3301 Timber Run Drive, Columbia, Missouri 65203, as Director of the Department of Labor and Industrial Relations, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2017, while the Senate was not in session.

John B. Hurst, Independent, 2236 Northeast 112th Street, Kansas City, Clay County, Missouri 64155, as a member of the Clean Water Commission, for a term ending April 12, 2020, and until his successor is duly appointed and qualified; vice, Ben A. “Todd” Parnell, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Emily C. Hymer, 10330 State Line Avenue, Asbury, Jasper County, Missouri 64832, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2018, and until her successor is duly appointed and qualified; vice, Eric Pilson, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Jack C. Jensen, 2504 Basswood Court, Columbia, Boone County, Missouri 65203, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until his successor is duly appointed and qualified; vice, Carol R. Fischer, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018, while the Senate was not in session.

Jade Jump, Republican, 102 West Meadowbrook Avenue, Clever, Christian County, Missouri 65631, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2023, and until her successor is duly appointed and qualified; vice, Sara Nell Lampe, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on May 22, 2017, while the Senate was not in session.

Lee R. Keith, 8623 NE 91st Terrace, Kansas City, Missouri 64157, as Commissioner of the Division of Finance for the Department of Insurance, Financial Institutions, and Professional Registration, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Bonny Kehm, 2183 Avalon Ridge Circle, Fenton, Missouri 63026, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2020, and until her successor is duly appointed and qualified; vice, Lisa A. Green, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018, while the Senate was not in session.

Kurt L. Killen, Republican, 5607 Northwest Oakridge Court, Platte Woods, Platte County, Missouri 64151, as a member of the Platte County Election Board, for a term ending January 11, 2019, and until his successor is duly appointed and qualified; vice, James Dallas Everett, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Matthew D. Kliethermes, 12112 Jeannette Mary Drive, Maryland Heights, Saint Louis County, Missouri 63043, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until his successor is duly appointed and qualified; vice, Suzanne Taggart, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on

December 22, 2017, while the Senate was not in session.

Jason A. Klindt, Republican, 9920 North Willow Avenue, Kansas City, Clay County, Missouri 64157, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2023, and until his successor is duly appointed and qualified; vice, Francis Dorrel, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2017, while the Senate was not in session.

Beth A. Knes, 650 Willow Lake Court, Weldon Spring, Saint Charles County, Missouri 63304, as a member of the Public School Retirement System of Missouri Board of Trustees, for a term ending June 30, 2020, and until her successor is duly appointed and qualified; vice, Martha O. Harris, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 11, 2017, while the Senate was not in session.

Meredith Knopp, 28 Sutton Valley Place, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2019, and until her successor is duly appointed and qualified; vice, Charles R. Wooten, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Jamie S. Kondis, 250 South Brentwood Boulevard, Unit 1-A, Clayton, Saint Louis County, Missouri 63105, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2018, and until her successor is duly appointed and qualified; vice, Cindra E. Tull, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018, while the Senate was not in session.

Stephen W. Korte, 18450 Pike 9224, Bowling Green, Pike County, Missouri 63334, as a member of the Missouri 911 Service Board, for a term ending April 9, 2020, and until his successor is duly appointed and qualified; vice, Danny R. Rowden, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2017, while the Senate was not in session.

Courtney L. Kovachevich, 11742 Longleaf Circle, Saint Louis, Saint Louis County, Missouri 63146, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2018, and until her successor is duly appointed and qualified; vice, Dorothy Rowland, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2017, while the Senate was not in session.

Geraldine M. Kraemer, Democrat, 4129 Upton Court, Saint Louis City, Missouri 63116, as a member of the Saint Louis City Board of Election Commissioners, for a term ending January 10, 2021, and until her successor is duly appointed and qualified; vice, Benjamin Phillips, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 28, 2017, while the Senate was not in session.

William G. Kraus, Republican, 612 Southwest Trailpark Circle, Lee's Summit, Jackson County, Missouri 64081, as a member of the State Tax Commission, for a term ending January 23, 2020, and until his successor is duly appointed and qualified; vice, Ryan G. McKenna, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Kathy R. Lambert, 149 Dornoch Drive, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Missouri Workforce Development Board, for a term ending March 3, 2018, and until her successor is duly appointed and qualified; vice, Terral S. Akins, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Brenda I. Maly, 16094 Meadow Oak Drive, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until her successor is duly appointed and qualified; vice, Barbara Kuebler, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Katherine J. Mathews, Independent, 27 Briarcliff, Saint Louis, Saint Louis County, Missouri 63124, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2020, and until her successor is duly appointed and qualified; vice, Robert E. Gardner Sr., withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 8, 2017, while the Senate was not in session.

Scott M. Meierhoffer, Republican, 3402 Stanford Court, Saint Joseph, Buchanan County, Missouri 64506, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2020, and until his successor is duly appointed and qualified; vice, Robert Bradley Speaks, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Elizabeth K. Miller, Independent, 473 North Farm Road 243, Strafford, Greene County, Missouri 65757, as a member of the Missouri Women's Council, for a term ending December 6, 2018, and until her successor is duly appointed and qualified; vice, Nicole Colbert-Botchway, resigned.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

DiAnne L. Mueller, 2246 Graystone Drive, Saint Charles, Saint Charles County, Missouri 63303, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until her successor is duly appointed and qualified; vice, Betty



Skinner, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Ryan L. Munro, 14724 Appalachian Trail, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2020, and until his successor is duly appointed and qualified; vice, Elizabeth Magee, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2017, while the Senate was not in session.

Donna J. Neely, 52360 Bird Haven Road, Centertown, Moniteau County, Missouri 65023, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until her successor is duly appointed and qualified; vice Kerry Messer, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 8, 2017, while the Senate was not in session.

Jean M. Neshek-Dowe, 2029 Willow Leaf Drive, Des Peres, Saint Louis County, Missouri 63131, as a member of the Missouri Developmental Disabilities Council, for a term ending June 30, 2020, and until her successor is duly appointed and qualified; vice Paula G. Bonney, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 11, 2017, while the Senate was not in session.

Timothy R. Noonan, 26 Westmoreland Place, Saint Louis, Saint Louis City, Missouri 63108, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2021, and until his successor is duly appointed and qualified; vice, Scott C. Englund, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 31, 2017, while the Senate was not in session.

Daniel W. O'Neill, 305 North Harrison Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2020, and until his successor is duly appointed and qualified; vice, Nila B. Hayes, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018, while the Senate was not in session.

Janay N. Orange, 263 South Complex 30, Maryville, Nodaway County, Missouri 64468, as the student representative of the Northwest Missouri State University Board of Regents, for a term ending December 31, 2019, and until her successor is duly appointed and qualified; vice, Janay N. Orange, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 18, 2017, while the Senate was not in session.

Craig A. Porter, Republican, 11306 Plattsburg Road, Kearney, Clay County, Missouri 64060, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2019, and until his successor is duly appointed and qualified; vice, Stephen C. Bradford, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2017, while the Senate was not in session.

Matthew W. Potter, Democrat, 7630 Gannon Avenue, Saint Louis, Saint Louis County, Missouri 63130, as a member of the Saint Louis County Board of Election Commissioners, for a term ending January 10, 2021, and until his successor is duly appointed and qualified; vice, Richard H. Kellett, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

William C. Prince, 3406 West Camelot Street, Springfield, Greene County, Missouri 65807, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2018, and until his successor is duly appointed and qualified; vice, Eric R. Reece, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2017, while the Senate was not in session.

Alice Chang Ray, 1301 Kiefer Bluffs Drive, Ballwin, Saint Louis County, Missouri 63021, as a member of the Child Abuse and

Neglect Review Board, for a term ending April 7, 2019, and until her successor is duly appointed and qualified; vice, Alice Chang Ray, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 8, 2017, while the Senate was not in session.

James K. Reinhard, Democrat, 118 West Locust Street, Box 57, Paris, Monroe County, Missouri 65275, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2022, and until his successor is duly appointed and qualified; vice, Colin L. Follis, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2017, while the Senate was not in session.

Bobby G. Robertson Jr., Republican, 175 Hunters Glen Lane, Kimberling City, Stone County, Missouri 65686, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2018, and until his successor is duly appointed and qualified; vice, Brian Fogle, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018 while the Senate was not in session.

Benjamin D. Rosenberg, Democrat, 1401 Mississippi Avenue, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Southern State University Board of Governors, for a term ending August 30, 2023, and until his successor is duly appointed and qualified; vice, James B. Fleischaker, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 6, 2017, while the Senate was not in session.

Kevin L. Rosenbohm, Republican, 18358 395th Street, Graham, Nodaway County, Missouri 64455, as a member of the Air Conservation Commission, for a term ending October 14, 2021, and until his successor is duly appointed and qualified; vice, Jack Baker, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 8, 2017, while the Senate was not in session.

Michael P. Rother, 2134 San Juan Drive, Arnold, Jefferson County, Missouri 63010, as a member of the State Board of Mediation, for a term ending April 1, 2018, and until his successor is duly appointed and qualified; vice Emily Martin, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Grant Rummerfield, 3562 Heather Trails Drive, Saint Louis, Saint Louis County, Missouri 63031, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until his successor is duly appointed and qualified; vice, Lisa Reynolds-Korobey, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2017, while the Senate was not in session.

Shawn Saale, Republican, 425 Callaway Ridge Drive, Defiance, Saint Charles County, Missouri 63341, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2021, and until his successor is duly appointed and qualified; vice, John W. Sisco III, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018 while the Senate was not in session.

Larry Saxton Junior, 5162 East Cherry Hills Boulevard, Springfield, Greene County, Missouri 65809, as a member of the Missouri 911 Service Board, for a term ending April 9, 2019, and until his successor is duly appointed and qualified; vice, Michael D. Hall, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 18, 2017, while the Senate was not in session.

John P. Scariot, Republican, 22 Webster Acres, Saint Louis, Saint Louis County, Missouri 63119, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2021, and until his successor is duly appointed and qualified; vice, Claudia Oñate Greim, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018 while the Senate was not in session.

Lisa M. Schlottach, 2945 County Line Road, Gerald, Franklin County, Missouri 63037, as a member of the Missouri 911 Service Board, for a term ending April 9, 2021, and until her successor is duly appointed an qualified; vice, RSMo 650.330.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2017, while the Senate was not in session.

Fred W. Schmidt, 12308 Dunmorr Drive, Des Peres, Saint Louis County, Missouri 63131, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2020, and until his successor is duly appointed and qualified; vice, Gwendolyn Grant, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Jennifer L. Schoonover, 9227 Southwest Josh Ridge Road, Trimble, Clinton County, Missouri 64492, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2020, and until her successor is duly appointed and qualified; vice, Jennifer L. Schoonover, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018, while the Senate was not in session.

Steven G. Sellenriek, Republican, 101 Bixie Lane, Jonesburg, Montgomery County, Missouri 63351, as a member of the State Technical College of Missouri Board of Regents, for a term ending December 29, 2019, and until his successor is duly appointed and

qualified; vice, Toni R. Schwartz, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018, while the Senate was not in session.

Ryan A. Silvey, 1405 Northeast 95th Terrace, Kansas City, Clay County, Missouri 64155, as a member of the Public Service Commission, for a term ending January 2, 2024, and until his successor is duly appointed and qualified; vice, Stephen Stoll, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 16, 2017, while the Senate was not in session.

Alan T. Simpson, Republican, 4010 Northeast Woodridge Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2020, and until his successor is duly appointed and qualified; vice Troy L. Nash, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Robin A. Simpson, Republican, 740 Stanton Avenue, Monroe City, Marion County, Missouri 63456, as a member of the State Lottery Commission, for a term ending September 7, 2019, and until her successor is duly appointed and qualified; vice, Phyllis Ann Chase, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor



Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Danielle T. Smith, 14340 Ladue Road, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2018, and until her successor is duly appointed and qualified; vice, Julie T. Donelon, term expired.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 11, 2017, while the Senate was not in session.

Timothy J. Smith, 808 Winter Lake Court, St. Louis, St. Louis County, Missouri 63125, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2021, and until his successor is duly appointed and qualified; vice, William A. Wallace, term expired.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 8, 2017, while the Senate was not in session.

Todd P. Smith, 2405 Woodland Drive, Sedalia, Pettis County, Missouri 65301, as the Chairman of the State Board of Mediation, for a term ending April 1, 2020, and until his successor is duly appointed and qualified; vice Andrew (Butch) Albert, term expired.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 22, 2017, while the Senate was not in session.

George R. Speckman, Independent, 12222 Tuscany Lake Drive, Saint Joseph, Andrew County, Missouri 64505, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2023, and until his successor is duly appointed and qualified; vice, Jerry J. Genochio, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Terri J. Stone, 5007 Lucia Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2020, and until her successor is duly appointed and qualified; vice, Taryn G. Sandheinrich, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 28, 2017, while the Senate was not in session.

Jon T. Sundvold, Republican, 2700 Westbrook Way, Columbia, Boone County, Missouri 65203, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2019, and until his successor is duly appointed and qualified; vice, Mary E. Nelson, resigned.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018, while the Senate was not in session.

Roxanna R. Swaney, Republican, 934 Swallow Circle, Liberty, Clay County, Missouri 64068, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2024, and until her successor is duly appointed and qualified; vice, Roxanna R. Swaney, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Joy A. Sweigart, 2120 Saint Marys Boulevard, Apartment B2, Jefferson City, Cole County, Missouri 65109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2018, and until her successor is duly appointed and qualified; vice, James D. Cunningham, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Cherisse M. Thibaut, 4 Garden Lane, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Children's Trust Fund Board, for a term ending September 15, 2018, and until her successor is duly appointed and qualified; vice, Regina Staves, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Jeanie M. Thies, 2721 Kettering Drive, Saint Charles, Saint Charles County, Missouri 63303, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2018, and until her successor is duly appointed and qualified; vice, Carla G. Holste, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 4, 2017, while the Senate was not in session.

Patricia N. Thomas, Republican, 3444 Hobbs Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2018, and until her successor is duly appointed and qualified; vice, Wallis Warren, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 29, 2017, while the Senate was not in session.

Eugene R. Todd, Republican, 1022 Mississippi Avenue, Saint Louis, Saint Louis City, Missouri 63104, as a member of the Saint Louis City Board of Election Commissioners, for a term ending January 10, 2021, and until his successor is duly appointed and qualified; vice, Paul M. Maloney, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2017, while the Senate was not in session.

Mark C. Tolbert, 7900 East 83rd Street, Kansas City, Jackson County, Missouri 64138, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2018, and until his successor is duly appointed and qualified; vice, Angela Wasson-Hunt, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Kristen M. Tuohy Avila, 251 Adams Lane, Rogersville, Webster County, Missouri 65742, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until her successor is duly appointed and qualified; vice, Christopher L. Thiemann, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Robin R. Vannoy, 515 Olive Street, Apartment 1207, Saint Louis, Saint Louis City, Missouri 63101, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2020, and until her successor is duly appointed and qualified; vice, RSMo 210.617

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 27, 2017, while the Senate was not in session.

Cynthia L. Vessell, 10794 Pine Crest Court, Sainte Genevieve, Sainte Genevieve County, Missouri 63670, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until her successor is duly appointed and qualified; vice, Kristi Kenney, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 2, 2017, while the Senate was not in session.

Don W. Wagner, 1050 West 54th Street, Kansas City, Jackson County, Missouri 64112, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2021, and until his successor is duly appointed and qualified; vice, Michael C. Rader, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 26, 2017, while the Senate was not in session.

Kevin D. Wallace, 7981 East Farm Road 186, Rogersville, Greene County, Missouri 65742, as a member of the Missouri Dental Board, for a term ending October 16, 2020, and until his successor is duly appointed and qualified; vice Kevin D. Wallace, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018 while the Senate was not in session.

Darryl L. Winegar, Republican, 922 Scott Station Road, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2020, and until his successor is duly appointed and qualified; vice, Derek B. Hunter, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018 while the Senate was not in session.

Nikki D. Whitehead, Republican, 198 Crestwood, Marshfield, Webster County, Missouri 65706, as a member of the State Fair Commission, for a term ending December 29, 2021, and until her successor is duly appointed and qualified; vice, Barbara J. Hayden, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 15, 2017, while the Senate was not in session.

Sarah White, 12586 Sunview Drive, Saint Louis, Saint Louis County, Missouri 63146, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2018, and until her successor is duly appointed and qualified; vice, Kelly L. Floyd, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 31, 2017, while the Senate was not in session.

Nicole E. Wood, Republican, 583 East Capri Drive, Bonne Terre, Saint Francois County, Missouri 63628, as a member of the Conservation Commission, for a term ending June 30, 2023, and until her successor is duly appointed and qualified; vice, James T. Blair IV, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

President Pro Tem Richard referred the above appointments to the Committee on Gubernatorial Appointments.

On motion of Senator Kehoe, the Senate recessed until 2:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

### **FIRST READING OF PRE-FILED SENATE BILLS**

As provided by Chapter 21, RSMo, Sections 21.600, 21.605, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

**SB 545**—By Richard.

An Act to repeal section 253.550, RSMo, and to enact in lieu thereof three new sections relating to historic buildings, with an emergency clause.

**SB 546**—By Munzlinger.

An Act to repeal sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, and to enact in lieu thereof five new sections relating to civil procedure in tort claims.

**SB 547**—By Munzlinger.

An Act to repeal sections 195.010, 195.017, and 196.070, RSMo, and to enact in lieu thereof sixteen new sections relating to industrial hemp, with penalty provisions.

**SB 548**—By Munzlinger.

An Act to repeal section 137.021, RSMo, and to enact in lieu thereof one new section relating to agricultural land values.

**SB 549**—By Wasson.

An Act to repeal section 620.809, RSMo, and to enact in lieu thereof one new section relating to job training.

**SB 550**—By Wasson.

An Act to repeal section 620.2020, RSMo, and to enact in lieu thereof one new section relating to financial incentives for job creation.

**SB 551**—By Wasson.

An Act to repeal sections 620.2005, 620.2010, 620.2015, and 620.2020, RSMo, and to enact in lieu thereof four new sections relating to financial incentives for job creation.

**SB 552**—By Dixon.

An Act to repeal sections 105.478 and 576.040, RSMo, and to enact in lieu thereof six new sections relating to official misconduct, with penalty provisions.

**SB 553**—By Dixon.

An Act to repeal sections 302.341, 479.020, 479.350, 479.353, 479.359, and 479.360, RSMo, and to enact in lieu thereof six new sections relating to municipal courts.

**SB 554**—By Dixon.

An Act to repeal sections 82.1025, 82.1027, and 82.1028, RSMo, and to enact in lieu thereof three new sections relating to property regulations in certain cities and counties.

**SB 555**—By Brown.

An Act to repeal sections 8.675, 8.683, 34.217, 89.410, 285.500, 290.095, 290.210, 290.220, 290.230, 290.240, 290.250, 290.260, 290.262, 290.263, 290.265, 290.270, 290.280, 290.290, 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, 290.335, 290.340, 290.550, 292.630, 393.715, 516.130, and 630.546, RSMo, and to enact in lieu thereof eleven new sections relating to public contracts, with penalty provisions.

**SB 556**—By Brown.

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof two new sections relating to the operation of motorcycles or motortricycles, with penalty provisions.

**SB 557**—By Brown.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for



charitable contributions to certain organizations.

**SB 558**—By Chappelle-Nadal.

An Act to repeal section 441.236, RSMo, and to enact in lieu thereof five new sections relating to contaminated homes, with a penalty provision and an emergency clause.

**SB 559**—By Chappelle-Nadal.

An Act to repeal sections 160.410, 160.415, 162.081, 163.021, 163.036, 167.121, 167.131, 171.031, and 210.861, RSMo, and to enact in lieu thereof thirty-five new sections relating to elementary and secondary education, with an emergency clause.

**SB 560**—By Chappelle-Nadal.

An Act to repeal section 590.650, RSMo, and to enact in lieu thereof one new section relating to racial bias in policing.

**SB 561**—By Sater.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the supplemental nutrition assistance program.

**SB 562**—By Sater.

An Act to amend chapter 208, RSMo, by adding thereto four new sections relating to the Medicaid global waiver.

**SB 563**—By Sater.

An Act to repeal section 208.790, RSMo, and to enact in lieu thereof one new section relating to the Missouri RX plan.

**SB 564**—By Emery and Cunningham.

An Act to repeal sections 386.266 and 386.390, RSMo, and to enact in lieu thereof seven new sections relating to public utilities.

**SB 565**—By Emery.

An Act to amend chapters 135 and 166, RSMo, by adding thereto eleven new sections relating to educational scholarships, with penalty provisions.

**SB 566**—By Emery.

An Act to repeal sections 106.030, 106.040, 106.070, 106.080, 106.090, 106.100, 106.110, 106.120, 106.130, 106.150, 106.160, 106.170, 106.180, 106.200, and 106.210, RSMo, and to enact in lieu thereof twelve new sections relating to impeachment trials, with a contingent effective date.

**SB 567**—By Cunningham.

An Act to repeal sections 135.010, 135.025, 135.030, and 208.1050, RSMo, and to enact in lieu thereof five new sections relating to funds for certain vulnerable populations, with an emergency clause.

**SB 568**—By Cunningham.

An Act to repeal sections 49.082 and 57.317, RSMo, and to enact in lieu thereof two new sections relating to the salaries of elected county officers.

**SB 569**—By Cunningham.

An Act to repeal sections 456.1-103 and 456.8-808, RSMo, and to enact in lieu thereof two new sections relating to immunity for trustees.

**SB 570**—By Silvey.

An Act to repeal section 287.067, RSMo, and to enact in lieu thereof two new sections relating to workers' compensation for firefighters.

**SB 571**—By Silvey.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to high school graduation requirements.

**SB 572**—By Silvey.

An Act to repeal sections 386.266 and 386.390, RSMo, and to enact in lieu thereof seven new sections relating to public utilities.

**SB 573**—By Wallingford.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to income tax deductions for military personnel.

**SB 574**—By Wallingford.

An Act to repeal section 198.070, RSMo, and to enact in lieu thereof one new section relating to sexual assault reporting in long-term care facilities, with existing penalty provisions.

**SB 575**—By Wallingford.

An Act to repeal section 354.603, RSMo, and to enact in lieu thereof one new section relating to the accreditation of managed care plans.

**SB 576**—By Romine.

An Act to repeal sections 161.670 and 167.121, RSMo, and to enact in lieu thereof two new sections relating to course access in education, with an effective date.

**SB 577**—By Romine.

An Act to repeal sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof nine new sections relating to higher education, with an existing penalty provision.

**SB 578**—By Romine.

An Act to repeal sections 435.350, 435.355, and 435.440, RSMo, and to enact in lieu thereof three new sections relating to arbitration agreements between employers and at-will employees.

**SB 579**—By Libla.

An Act to repeal sections 544.671, 565.050, 565.052, 565.054, 565.056, and 575.150, RSMo, and to enact in lieu thereof six new sections relating to certain crimes against emergency service providers, with penalty provisions.

**SB 580**—By Libla.

An Act to amend chapter 493, RSMo, by adding thereto one new section relating to publication of legal notices.

**SB 581**—By Libla.

An Act to repeal section 535.300, RSMo, and to enact in lieu thereof one new section relating to security deposits held by landlords.

**SB 582**—By Walsh.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to personal information data of students.

**SB 583**—By Nasheed.

An Act to repeal section 221.105, RSMo, and to enact in lieu thereof one new section relating to boarding of prisoners.

**SB 584**—By Nasheed.

An Act to repeal sections 253.048 and 253.110, RSMo, and to enact in lieu thereof two new sections relating to the display of civil war property.

**SB 585**—By Nasheed.

An Act to repeal sections 213.010, 213.070, 213.075, and 213.111, RSMo, and to enact in lieu thereof four new sections relating to unlawful discriminatory practices.

**SB 586**—By Holsman.

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the establishment of the joint committee on disaster preparedness.

**SB 587**—By Sifton.

An Act to repeal sections 160.011, 160.041, 160.410, 160.415, 162.081, 163.018, 163.021, 163.073, 167.131, 167.151, 167.241, 168.133, 171.029, 171.031, 171.033, and 304.060, RSMo, and to enact in lieu thereof twenty-one new sections relating to elementary and secondary education, with an emergency clause for certain sections and a delayed effective date for a certain section.

**SB 588**—By Sifton.

An Act to repeal sections 105.470, 105.477, and 105.955, RSMo, section 105.456 as enacted by house bill no. 1979, ninety-eighth general assembly, second regular session, section 105.456 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, section 105.473 as enacted by house bill no.

1900, ninety-third general assembly, second regular session, section 130.011 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 130.011 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof seven new sections relating to ethics, with penalty provisions and an effective date for certain sections.

**SB 589—By Sifton.**

An Act to repeal sections 556.061 and 579.020, RSMo, and to enact in lieu thereof two new sections relating to penalties for the offense of delivery of controlled substances containing heroin, with penalty provisions.

**SB 590—By Hegeman.**

An Act to repeal sections 253.545, 253.550, and 253.559, RSMo, and to enact in lieu thereof six new sections relating to historic buildings, with an emergency clause.

**SB 591—By Hegeman.**

An Act to repeal section 135.352, RSMo, and to enact in lieu thereof one new section relating to tax credits for low-income housing.

**SB 592—By Hegeman.**

An Act to repeal sections 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.013, 115.023, 115.049, 115.061, 115.063, 115.065, 115.077, 115.125, 115.127, 115.155, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.493, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, and 115.910, RSMo, and to enact in lieu thereof thirty-nine new sections relating to elections, with existing penalty provisions.

**SB 593—By Wieland.**

An Act to repeal sections 375.1025, 375.1052, 375.1053, 375.1056, and 382.278, RSMo, and to enact in lieu thereof fourteen new sections relating to financial solvency of insurance companies, with penalty provisions and a delayed effective date.

**SB 594—By Wieland.**

An Act to repeal section 379.321, RSMo, and to enact in lieu thereof one new section relating to insurance markets for commercial insurance.

**SB 595—By Wieland.**

An Act to repeal sections 546.680, 546.690, 546.700, 546.710, 546.720, 546.730, 546.740, 546.750, 546.800, 546.810, 546.820, 565.004, 565.006, 565.020, 565.030, 565.032, 565.035, and 565.040, RSMo, and to enact in lieu thereof four new sections relating to repealing the death penalty, with existing penalty provisions.

**SB 596—By Riddle.**

An Act to amend chapter 516, RSMo, by adding thereto one new section relating to time limitations for filing certain claims for damages.

**SB 597**—By Riddle.

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to chiropractic services.

**SB 598**—By Riddle.

An Act to repeal section 227.240, RSMo, and to enact in lieu thereof one new section relating to the department of transportation utility corridor, with an existing penalty provision.

**SB 599**—By Schatz.

An Act to repeal sections 290.210, 290.220, 290.230, 290.250, 290.260, 290.262, 290.263, 290.265, 290.270, 290.290, 290.300, 290.305, 290.320, and 290.325, RSMo, and to enact in lieu thereof thirteen new sections relating to public contracts.

**SB 600**—By Schatz.

An Act to amend chapter 285, RSMo, by adding thereto nine new sections relating to professional employer organizations.

**SB 601**—By Schatz.

An Act to repeal section 287.140, RSMo, and to enact in lieu thereof two new sections relating to fee schedules for purposes of covering injuries compensable under workers' compensation laws, with an existing penalty provision.

**SB 602**—By Onder.

An Act to repeal sections 105.500, 105.520, 105.525, and 105.530, RSMo, and to enact in lieu thereof twenty new sections relating to public labor organizations, with penalty provisions.

**SB 603**—By Onder.

An Act to repeal sections 161.670 and 167.121, RSMo, and to enact in lieu thereof two new sections relating to course access in education, with a delayed effective date.

**SB 604**—By Onder.

An Act to amend chapter 595, RSMo, by adding thereto one new section relating to human trafficking hotline posters, with penalty provisions.

**SB 605**—By Schupp.

An Act to repeal sections 213.010, 213.020, 213.030, 213.040, 213.041, 213.045, 213.050, 213.070, 213.075, 213.076, 213.077, 213.085, 213.095, 213.101, 213.111, 213.112, 213.126, 213.135, and 510.265, RSMo, and to enact in lieu thereof twenty-eight new sections relating to unlawful discriminatory housing practices, with penalty provisions.

**SB 606**—By Schupp.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for

emergency generator upgrades.

**SB 607**—By Schupp.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof ten new sections relating to leave from employment, with a referendum clause.

**SB 608**—By Hoskins.

An Act to amend chapter 537, RSMo, by adding thereto two new sections relating to civil liability due to criminal conduct.

**SB 609**—By Hoskins.

An Act to repeal sections 8.675, 8.683, 34.217, 89.410, 285.500, 290.095, 290.210, 290.220, 290.230, 290.240, 290.250, 290.260, 290.262, 290.263, 290.265, 290.270, 290.280, 290.290, 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, 290.335, 290.340, 290.550, 292.630, 393.715, 516.130, and 630.546, RSMo, and to enact in lieu thereof eleven new sections relating to public contracts, with penalty provisions.

**SB 610**—By Hoskins.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the supplemental nutrition assistance program.

**SB 611**—By Koenig.

An Act to repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 100.730, 135.110, 135.352, 135.805, 135.825, 142.803, 143.011, 143.071, 143.111, 143.171, 143.261, 144.010, 144.014, 144.020, 144.030, 144.032, 144.043, 144.049, 144.054, 144.060, 144.069, 144.080, 144.083, 144.100, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.655, 144.710, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 184.845, 208.1050, 221.407, 238.235, 238.410, 253.550, 253.559, 620.2010, and 644.032, RSMo, and to enact in lieu thereof ninety-seven new sections relating to taxation, with penalty provisions.

**SB 612**—By Koenig.

An Act to amend chapters 135 and 166, RSMo, by adding thereto ten new sections relating to educational scholarships, with penalty provisions.

**SB 613**—By Koenig.

An Act to repeal section 329.010, RSMo, and to enact in lieu thereof two new sections relating to the practice of hair braiding.

**SB 614**—By Rowden.

An Act to repeal sections 105.470, 105.477, and 105.955, RSMo, section 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof four new

sections relating to lobbyist expenditures.

**SB 615**—By Rowden.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to an earned income tax credit.

**SB 616**—By Rowden.

An Act to amend chapter 590, RSMo, by adding thereto one new section relating to the disclosure of privileged information obtained during a peer support counseling session.

**SB 617**—By Eigel.

An Act to repeal sections 135.352, 142.803, 143.011, 143.131, 143.171, 144.140, 144.710, and 313.935, RSMo, and to enact in lieu thereof seven new sections relating to taxation.

**SB 618**—By Eigel.

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, and 160.425, RSMo, and to enact in lieu thereof five new sections relating to charter schools, with a contingent effective date.

**SB 619**—By Eigel.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to major interstate infrastructure.

**SB 620**—By Hummel.

An Act to repeal sections 213.010, 213.020, 213.030, 213.040, 213.041, 213.045, 213.050, 213.070, 213.075, 213.076, 213.077, 213.085, 213.095, 213.101, 213.111, 213.112, 213.126, 213.135, and 510.265, RSMo, and to enact in lieu thereof twenty-eight new sections relating to unlawful discriminatory practices, with penalty provisions.

**SB 621**—By Hummel.

An Act to repeal section 287.067, RSMo, and to enact in lieu thereof two new sections relating to workers' compensation for firefighters.

**SB 622**—By Hummel.

An Act to amend chapters 306 and 320, RSMo, by adding thereto two new sections relating to electric shock drowning prevention.

**SB 623**—By Crawford.

An Act to repeal section 140.230, RSMo, and to enact in lieu thereof one new section relating to foreclosure proceeds.

**SB 624**—By Crawford.

An Act to repeal sections 226.540 and 226.550, RSMo, and to enact in lieu thereof two new sections relating to outdoor advertising.

**SB 625**—By Cierpiot.

An Act to repeal sections 144.030 and 144.054, RSMo, and to enact in lieu thereof two new sections relating to sales and use tax exemptions.

**SB 626**—By Munzlinger.

An Act to repeal section 292.606, RSMo, and to enact in lieu thereof one new section relating to distribution of petroleum products.

**SB 627**—By Munzlinger.

An Act to repeal sections 144.010, 262.900, 265.300, 267.565, 276.606, and 277.020, RSMo, and to enact in lieu thereof six new sections relating to agriculture.

**SB 628**—By Munzlinger.

An Act to amend chapter 278, RSMo, by adding thereto one new section relating to retirement benefits for employees of soil and water districts.

**SB 629**—By Wasson.

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to tax increment financing.

**SB 630**—By Wasson.

An Act to repeal section 100.010, RSMo, and to enact in lieu thereof one new section relating to industrial development projects.

**SB 631**—By Wasson.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for contributions to certain benevolent organizations.

**SB 632**—By Dixon.

An Act to repeal sections 135.600 and 135.630, RSMo, and to enact in lieu thereof two new sections relating to tax credits for contributions to certain benevolent organizations.

**SB 633**—By Dixon.

An Act to repeal sections 2.050, 2.060, 3.010, 3.140, 3.142, 3.150, 23.020, 23.040, and 23.050, RSMo, and to enact in lieu thereof nine new sections relating to the duties and functions of the joint committee on legislative research, with an emergency clause for a certain section.

**SB 634**—By Dixon.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a sales tax for early childhood education programs, with penalty provisions.

**SB 635**—By Chappelle-Nadal.

An Act to amend chapter 571, RSMo, by adding thereto three new sections relating to firearms, with penalty provisions.



**SB 636**—By Chappelle-Nadal.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to increasing the number of contracts awarded to women's and minority business enterprises.

**SB 637**—By Chappelle-Nadal.

An Act to repeal section 290.502, RSMo, and to enact in lieu thereof one new section relating to the minimum wage.

**SB 638**—By Sater.

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof six new sections relating to reimbursement allowance taxes.

**SB 639**—By Sater.

An Act to repeal section 376.421, RSMo, and to enact in lieu thereof one new section relating to association health insurance policies.

**SB 640**—By Sater.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to sunscreen.

**SB 641**—By Emery.

An Act to amend chapter 455, RSMo, by adding thereto one new section relating to electronic monitoring of persons who have been charged with or found guilty of violating protection orders.

**SB 642**—By Emery.

An Act to repeal section 386.266, RSMo, and to enact in lieu thereof one new section relating to ratemaking for public utilities.

**SB 643**—By Emery.

An Act to repeal section 160.522, RSMo, and to enact in lieu thereof one new section relating to school report cards.

**SB 644**—By Cunningham.

An Act to repeal sections 447.562 and 447.581, RSMo, and to enact in lieu thereof two new sections relating to unclaimed property, with penalty provisions.

**SB 645**—By Wallingford.

An Act to repeal section 452.375, RSMo, and to enact in lieu thereof one new section relating to child custody arrangements.

**SB 646**—By Wallingford.

An Act to repeal sections 335.016, 335.019, 335.046, 335.056, and 335.086, RSMo, and to enact in lieu thereof six new sections relating to advanced practice registered nurses.

**SB 647**—By Wallingford.

An Act to repeal section 192.2425, RSMo, and to enact in lieu thereof one new section relating to investigations of elder abuse.

**SB 648**—By Romine.

An Act to repeal section 162.720, RSMo, and to enact in lieu thereof two new sections relating to gifted education.

**SB 649**—By Romine.

An Act to repeal section 319.318, RSMo, and to enact in lieu thereof one new section relating to the per ton fee for using explosives.

**SB 650**—By Romine.

An Act to repeal section 137.556, RSMo, and to enact in lieu thereof one new section relating to expenditures from a county's special road and bridge tax.

**SB 651**—By Nasheed.

An Act to amend chapters 488 and 590, RSMo, by adding thereto three new sections relating to video recorders used by law enforcement agencies.

**SB 652**—By Nasheed.

An Act to repeal section 57.450, RSMo, and to enact in lieu thereof one new section relating to the office of sheriff of the city of St. Louis.

**SB 653**—By Nasheed.

An Act to repeal section 57.530, RSMo, and to enact in lieu thereof one new section relating to the sheriff of the city of St. Louis, with an emergency clause.

**SB 654**—By Sifton.

An Act to repeal section 650.055, RSMo, and to enact in lieu thereof one new section relating to the collection of biological samples from individuals arrested for felony offenses, with an existing penalty provision.

**SB 655**—By Sifton.

An Act to repeal sections 556.036 and 556.037, RSMo, and to enact in lieu thereof two new sections relating to statutes of limitation for certain offenses against a child, with penalty provisions.

**SB 656**—By Sifton.

An Act to repeal section 571.070, RSMo, and to enact in lieu thereof one new section relating to unlawful possession of firearms, with penalty provisions.

**SB 657**—By Hegeman.

An Act to repeal section 263.245, RSMo, and to enact in lieu thereof one new section relating to landowner obligations to control brush growing adjacent to county roads.

**SB 658**—By Hegeman.

An Act to repeal section 88.770, RSMo, and to enact in lieu thereof one new section relating to municipally-owned utilities.

**SB 659**—By Hegeman.

An Act to repeal section 640.620, RSMo, and to enact in lieu thereof one new section relating to grants to assist in financing certain utility projects.

**SB 660**—By Riddle.

An Act to repeal section 630.945, RSMo, and to enact in lieu thereof one new section relating to employees working in certain mental health facilities.

**SB 661**—By Riddle.

An Act to repeal section 552.020, RSMo, and to enact in lieu thereof one new section relating to persons committed to the department of mental health due to the lack of mental fitness to stand trial.

**SB 662**—By Riddle.

An Act to repeal section 302.176, RSMo, and to enact in lieu thereof two new sections relating to public safety education.

**SB 663**—By Schatz.

An Act to amend chapter 99, RSMo, by adding thereto one new section relating to land clearance projects.

**SB 664**—By Schatz.

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to intoxicating liquor licensees.

**SB 665**—By Schatz.

An Act to repeal section 49.060, RSMo, and to enact in lieu thereof one new section relating to vacancies in the office of county commissioner.

**SB 666**—By Onder.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to the employer-employee relationship.

**SB 667**—By Onder.

An Act to repeal sections 143.011 and 143.022, RSMo, and to enact in lieu thereof two new sections relating to income taxes.

**SB 668**—By Onder.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to virtual school transparency.

**SB 669—By Schupp.**

An Act to repeal section 130.011 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session and section 130.011 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof two new sections relating to campaign finance, with an effective date and penalty provisions.

**SB 670—By Schupp.**

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to pregnancy-related services.

**SB 671—By Schupp.**

An Act to repeal sections 188.027 and 188.039, RSMo, and to enact in lieu thereof two new sections relating to abortion.

**SB 672—By Koenig.**

An Act to repeal section 475.024, RSMo, and to enact in lieu thereof four new sections relating to guardianships.

**SB 673—By Koenig.**

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to education.

**SB 674—By Koenig.**

An Act to repeal section 143.011, RSMo, and to enact in lieu thereof one new section relating to taxation.

**SB 675—By Rowden.**

An Act to repeal section 135.341, RSMo, and to enact in lieu thereof one new section relating to the champion for children tax credit.

**SB 676—By Eigel.**

An Act to repeal sections 70.220, 160.405, and 355.846, RSMo, and to enact in lieu thereof four new sections relating to not for profit entities.

**SB 677—By Eigel.**

An Act to repeal section 324.001, RSMo, and to enact in lieu thereof one new section relating to the division of professional registration.

**SB 678—By Eigel.**

An Act to repeal section 537.067, RSMo, and to enact in lieu thereof one new section relating to joint and several liability.

**SB 679—By Hummel.**

An Act to repeal sections 143.261 and 144.140, RSMo, and to enact in lieu thereof two new sections relating to certain allowances for the timely remittance of taxes.

**SB 680**—By Hummel.

An Act to repeal sections 290.500, 290.502, 290.507, and 290.527, RSMo, and to enact in lieu thereof four new sections relating to the minimum wage, with a delayed effective date.

**SB 681**—By Hummel.

An Act to repeal section 167.225, RSMo, and to enact in lieu thereof one new section relating to school instruction in Braille.

**SB 682**—By Munzlinger.

An Act to repeal sections 173.1101, 173.1102, 173.1104, 173.1105, and 173.1107, RSMo, and to enact in lieu thereof five new sections relating to virtual education.

**SB 683**—By Wasson.

An Act to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to transportation of cranes.

**SB 684**—By Chappelle-Nadal.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to the creation of subdistricts in certain school districts.

**SB 685**—By Chappelle-Nadal.

An Act to repeal section 235.140, RSMo, and to enact in lieu thereof one new section relating to the election of board members of street light maintenance districts.

**SB 686**—By Chappelle-Nadal.

An Act to amend chapter 30, RSMo, by adding thereto one new section relating to the investment policies of public entities, with a referendum clause.

**SB 687**—By Sater.

An Act to repeal section 160.530, RSMo, and to enact in lieu thereof one new section relating to the allocation of moneys to school district professional development committees.

**SB 688**—By Sater.

An Act to repeal section 290.210, RSMo, and to enact in lieu thereof one new section relating to public contracts.

**SB 689**—By Sater.

An Act to repeal section 566.147, RSMo, and to enact in lieu thereof one new section relating to residence restrictions for sex offenders, with penalty provisions.

**SB 690**—By Emery.

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to the physical privacy of students.

**SB 691**—By Emery.

An Act to repeal sections 536.017, 536.063, 536.085, 536.087, and 536.140, RSMo, and to enact in lieu thereof six new sections relating to administrative law procedures.

**SB 692**—By Emery.

An Act to repeal sections 479.350, 479.353, 479.359, 479.360, and 479.368, RSMo, and to enact in lieu thereof five new sections relating to municipal ordinance violations.

**SB 693**—By Wallingford.

An Act to repeal sections 475.050 and 475.075, RSMo, and to enact in lieu thereof two new sections relating to the appointment of a guardian or conservator for certain persons.

**SB 694**—By Wallingford.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to the senior services growth and development program.

**SB 695**—By Wallingford.

An Act to repeal section 161.072, RSMo, and to enact in lieu thereof two new sections relating to the appointment of a teacher representative to the state board of education.

**SB 696**—By Romine.

An Act to repeal sections 162.1115 and 178.550, RSMo, and to enact in lieu thereof four new sections relating to career and technical education.

**SB 697**—By Romine.

An Act to repeal section 313.040, RSMo, and to enact in lieu thereof one new section relating to bingo, with a contingent effective date and existing penalty provisions.

**SB 698**—By Nasheed.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the labeling of genetically modified food, with a penalty provision.

**SB 699**—By Sifton.

An Act to repeal section 208.146, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet buy-in for workers with disabilities program.

**SB 700**—By Sifton.

An Act to repeal sections 290.400, 290.410, 290.440, and 290.450, RSMo, and to enact in lieu thereof three new sections relating to employment practices relating to gender.

**SB 701**—By Sifton.

An Act to repeal section 253.550, RSMo, and to enact in lieu thereof one new section relating to tax credits for the rehabilitation of historic structures.

**SB 702**—By Hegeman.

An Act to repeal section 115.157, RSMo, and to enact in lieu thereof one new section relating to the public availability of voter records.

**SB 703**—By Hegeman.

An Act to repeal section 34.165, RSMo, and to enact in lieu thereof one new section relating to state bidding for certain entities.

**SB 704**—By Hegeman.

An Act to repeal sections 49.020, 67.617, and 71.015, RSMo, and to enact in lieu thereof three new sections relating to political subdivisions.

**SB 705**—By Riddle.

An Act to repeal section 386.266, RSMo, and to enact in lieu thereof one new section relating to rate adjustments outside of general rate proceedings for certain public utilities.

**SB 706**—By Riddle.

An Act to repeal section 260.262, RSMo, and to enact in lieu thereof one new section relating to the fee collected at the time of sale for lead-acid batteries.

**SB 707**—By Schatz.

An Act to repeal sections 144.025, 301.213, 301.550, 301.553, 301.557, 301.559, 301.560, 301.562, 301.563, 301.564, 301.566, 301.568, and 301.570, RSMo, and to enact in lieu thereof thirteen new sections relating to vehicle sales, with existing penalty provisions.

**SB 708**—By Schatz.

An Act to repeal sections 105.1073, 303.020, 303.030, 303.120, 303.190, and 303.240, RSMo, and to enact in lieu thereof seven new sections relating to motor vehicle financial responsibility, with an effective date.

**SB 709**—By Schatz.

An Act to repeal sections 162.431 and 167.121, RSMo, and to enact in lieu thereof three new sections relating to travel hardships of public school pupils.

**SB 710**—By Onder.

An Act to repeal section 577.012, RSMo, and to enact in lieu thereof one new section relating to the offense of driving with prohibited blood alcohol or drug content, with penalty provisions.

**SB 711**—By Schupp.

An Act to repeal section 571.060, RSMo, and to enact in lieu thereof one new section relating to the offense of unlawful transfer of weapons, with penalty provisions.

**SB 712**—By Schupp.

An Act to repeal sections 210.211 and 210.245, RSMo, and to enact in lieu thereof two new sections

relating to child care facilities, with penalty provisions.

**SB 713**—By Schupp.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to MO HealthNet services.

**SB 714**—By Koenig.

An Act to repeal sections 188.027 and 188.052, RSMo, and to enact in lieu thereof three new sections relating to abortion, with penalty provisions.

**SB 715**—By Koenig.

An Act to repeal sections 210.498, 453.121, and 610.021, RSMo, and to enact in lieu thereof three new sections relating to records involving the care and custody of children.

**SB 716**—By Eigel.

An Act to repeal sections 575.353, 578.007, and 578.022, RSMo, and to enact in lieu thereof three new sections relating to law enforcement animals, with penalty provisions.

**SB 717**—By Eigel.

An Act to repeal section 9.010, RSMo, and to enact in lieu thereof one new section relating to the establishment of a deer season holiday.

**SB 718**—By Eigel.

An Act to repeal section 338.202, RSMo, and to enact in lieu thereof one new section relating to maintenance medication.

**SB 719**—By Chappelle-Nadal.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to long-term care facilities.

**SB 720**—By Chappelle-Nadal.

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to the disclosure of information on radon hazards to buyers of residential real property.

**SB 721**—By Chappelle-Nadal.

An Act to repeal section 287.430, RSMo, and to enact in lieu thereof one new section relating to the statute of limitations for certain claims under workers' compensation laws.

**SB 722**—By Sater.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a prescription drug importation study.

**SB 723**—By Sater.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to sepsis protocols.



**SB 724**—By Sater.

An Act to repeal sections 188.015 and 188.052, RSMo, and to enact in lieu thereof three new sections relating to a ban on certain selective abortions.

**SB 725**—By Emery.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to academic freedom of expression, with an emergency clause.

**SB 726**—By Emery.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to the participation of home school students in public school activities.

**SB 727**—By Emery.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the comprehensive state energy plan.

**SB 728**—By Wallingford.

An Act to repeal section 163.018, RSMo, and to enact in lieu thereof one new section relating to early childhood education, with an emergency clause.

**SB 729**—By Wallingford.

An Act to repeal sections 58.280, 58.290, 58.410, 58.520, 58.530, and 58.540, RSMo, and to enact in lieu thereof six new sections relating to monies charged during a coroner's inquest, with penalty provisions.

**SB 730**—By Wallingford.

An Act to repeal section 393.1012, RSMo, and to enact in lieu thereof twelve new sections relating to ratemaking for gas corporations.

**SB 731**—By Sifton.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to MO HealthNet services, with a referendum clause.

**SB 732**—By Sifton.

An Act to repeal section 513.430, RSMo, and to enact in lieu thereof one new section relating to the exemption from attachment of a person's interest in proceeds from a personal injury claim.

**SB 733**—By Sifton.

An Act to amend chapter 337, RSMo, by adding thereto fourteen new sections relating to the psychology interjurisdictional compact, with a delayed effective date.

**SB 734**—By Schatz.

An Act to repeal section 142.803, RSMo, and to enact in lieu thereof one new section relating to the taxation of motor fuel.

**SB 735**—by Schatz.

An Act to repeal section 287.310, RSMo, and to enact in lieu thereof one new section relating to workers' compensation premiums.

**SB 736**—By Schatz.

An Act to amend chapters 34 and 386, RSMo, by adding thereto two new sections relating to prohibiting the conditioning of eligibility for certain contracts on a bidder's experience modification factor.

**SB 737**—By Schupp.

An Act to amend chapter 195, RSMo, by adding thereto seven new sections relating to the monitoring of certain prescribed controlled substances, with penalty provisions.

**SB 738**—By Schupp.

An Act to repeal sections 367.515, 408.100, 408.500, 408.505, and 408.510, and to enact in lieu thereof six new sections relating to consumer credit interest rates, with penalty provisions and a referendum clause.

**SB 739**—By Schupp.

An Act to amend chapter 285, RSMo, by adding thereto six new sections relating to unpaid leave for victims of certain crimes.

**SB 740**—By Chappelle-Nadal.

An Act to amend chapter 561, RSMo, by adding thereto one new section relating to the court disclosing certain consequences prior to accepting a guilty plea.

**SB 741**—By Chappelle-Nadal.

An Act to repeal section 191.235, RSMo, and to enact in lieu thereof one new section relating to vaccines.

**SB 742**—By Chappelle-Nadal.

An Act to amend chapter 314, RSMo, by adding thereto four new sections relating to discriminatory practices against persons convicted of certain offenses.

**SB 743**—By Sater.

An Act to repeal section 162.401, RSMo, and to enact in lieu thereof one new section relating to bonding requirements for treasurers of seven-director school districts.

**SB 744**—By Sater.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to comparable health care service incentive programs, with an effective date.

**SB 745**—By Sater.

An Act to repeal section 334.104, RSMo, and to enact in lieu thereof one new section relating to advanced practice registered nurses in collaborative agreements.

**SB 746**—By Emery.

An Act to repeal sections 340.200, 340.216, 340.218, and 340.222, RSMo, and to enact in lieu thereof four new sections relating to animal chiropractic practitioners.

**SB 747**—By Emery.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to retirement benefits for elected officials.

**SB 748**—By Emery.

An Act to amend chapter 558, RSMo, by adding thereto one new section relating to minimum prison terms.

**SB 749**—By Wallingford.

An Act to repeal section 304.820, RSMo, and to enact in lieu thereof one new section relating to the operation of motor vehicles while using electronic devices, with penalty provisions.

**SB 750**—By Schatz.

An Act to repeal section 400.9-501, RSMo, and to enact in lieu thereof two new sections relating to the filing of false documents, with penalty provisions.

**SB 751**—By Schatz.

An Act to repeal section 226.095, RSMo, relating to mandatory arbitration in tort claims against the department of transportation.

**SB 752**—By Schatz.

An Act to repeal section 306.126, RSMo, and to enact in lieu thereof one new section relating to boat passengers.

**SB 753**—By Schupp.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to unlawful discriminatory practices based on sexual orientation or gender identity.

**SB 754**—By Schupp.

An Act to amend chapter 351, RSMo, by adding thereto twelve new sections relating to benefit corporations.

**SB 755**—By Schupp.

An Act to repeal section 304.820, RSMo, and to enact in lieu thereof one new section relating to the operation of motor vehicles while using electronic devices, with penalty provisions.

**SB 756**—By Sater.

An Act to repeal section 59.800, RSMo, and to enact in lieu thereof one new section relating to county recording fees.

**SB 757**—By Schatz.

An Act to repeal section 70.370, RSMo, and to enact in lieu thereof one new section relating to the bi-state metropolitan development district.

**SB 758**—By Schatz.

An Act to repeal section 311.355, RSMo, and to enact in lieu thereof one new section relating to intoxicating liquor.

**SB 759**—By Schatz.

An Act to repeal section 173.1003, RSMo, and to enact in lieu thereof one new section relating to tuition at public higher education institutions.

**SB 760**—By Schupp.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to mandatory influenza vaccinations.

**SB 761**—By Schatz.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to poaching, with penalty provisions.

**SB 762**—By Schatz.

An Act to amend chapter 195, RSMo, by adding thereto seven new sections relating to a program for the monitoring of certain prescribed controlled substances, with penalty provisions.

**SB 763**—By Schatz.

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to a database for workers' compensation claims, with a penalty provision.

**SB 764**—By Schatz.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the free application for federal student aid.

**SB 765**—By Riddle.

An Act to repeal section 29.200, RSMo, and to enact in lieu thereof one new section relating to reports issued by the state auditor.

**SB 766**—By Riddle.

An Act to repeal section 304.015, RSMo, and to enact in lieu thereof one new section relating to the operation of certain motor vehicles on the shoulder of the roadway, with existing penalty provisions.

**SB 767**—By Hoskins.

An Act to amend chapter 313, RSMo, by adding thereto six new sections relating to video lottery, with penalty provisions.

**SB 768**—By Hoskins.

An Act to repeal section 153.030, RSMo, and to enact in lieu thereof one new section relating to property taxation of telephone companies.

**SB 769**—By Cunningham.

An Act to repeal sections 30.270, 67.085, 95.530, 110.010, 110.070, 110.080, 110.140, 165.221, 165.231, 165.241, and 165.271, RSMo, and to enact in lieu thereof eleven new sections relating to financial transactions involving public entities, with existing penalty provisions.

**SB 770**—By Hegeman.

An Act to repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof two new sections relating to contracts executed by counties.

**SB 771**—By Hoskins.

An Act to repeal section 105.500, RSMo, and to enact in lieu thereof two new sections relating to restrictions on the use of payroll deduction options for public employees.

**SB 772**—By Hoskins.

An Act to repeal section 160.415, RSMo, and to enact in lieu thereof one new section relating to early childhood education funds, with an emergency clause.

**SB 773**—By Hoskins.

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to income tax for certain nonresidents.

**SB 774**—By Munzlinger.

An Act to repeal section 105.030, RSMo, and to enact in lieu thereof one new section relating to vacancies in certain elected offices.

**SB 775**—By Brown.

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof six new sections relating to reimbursement allowance taxes.

**SB 776**—By Sater.

An Act to repeal section 338.010, RSMo, and to enact in lieu thereof one new section relating to the administration of vaccines.

**SB 777**—By Koenig.

An Act to repeal section 221.105, RSMo, and to enact in lieu thereof one new section relating to reimbursement for the cost of incarcerating certain prisoners.

**SB 778**—By Rowden.

An Act to repeal section 507.060, RSMo, and to enact in lieu thereof one new section relating to an insurer's liability in an interpleader action.

**SB 779**—By Curls.

An Act to repeal sections 197.300, 197.305, 197.310, 197.311, 197.312, 197.315, 197.316, 197.318, 197.320, 197.326, 197.327, 197.330, 197.366, and 197.367, RSMo, and to enact in lieu thereof fourteen new sections relating to long-term care certificates of need, with existing penalty provisions.

**SB 780**—By Curls.

An Act to amend chapter 82, RSMo, by adding thereto one new section relating to abandoned real property in certain cities.

**SB 781**—By Curls.

An Act to repeal section 324.010, RSMo, and to enact in lieu thereof one new section relating to professional licenses.

**SB 782**—By Cunningham.

An Act to repeal sections 260.380, 260.475, 444.768, 444.772, 644.054 and 644.057, RSMo, and to enact in lieu thereof six new sections relating to fees assessed by the department of natural resources.

**SB 783**—By Nasheed.

An Act to amend chapter 173, RSMo, by adding thereto three new sections relating to the establishment of the Missouri promise scholarship program.

**SB 784**—By Nasheed.

An Act to repeal section 304.820, RSMo, and to enact in lieu thereof one new section relating to the use of electronic wireless communications devices while operating a motor vehicle.

**SB 785**—By Nasheed.

An Act to amend chapter 173, RSMo, by adding thereto two new sections relating to student mental health at public institutions of higher education.

**SB 786**—By Schupp.

An Act to repeal section 105.055, RSMo, and to enact in lieu thereof two new sections relating to freedom to disclose information about public employers.

**SB 787**—By Curls.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the Missouri senior farmers' market nutrition program.

**SB 788**—By Nasheed.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to education about human sexuality.

**SB 789**—By Nasheed.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to the Missouri care counts program.

**SB 790**—By Cierpiot.

An Act to repeal section 621.045, RSMo, and to enact in lieu thereof fourteen new sections relating to the registering of roofing contractors, with penalty provisions.

**SB 791**—By Nasheed.

An Act to repeal section 565.027, RSMo, and to enact in lieu thereof one new section relating to the offense of involuntary manslaughter, with penalty provisions.

**SB 792**—By Nasheed.

An Act to amend chapter 610, RSMo, by adding thereto one new section relating to expungement of criminal records involving the offense of prostitution.

**SB 793**—By Wallingford.

An Act to repeal sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044, RSMo, and to enact in lieu thereof eighteen new sections relating to juvenile court proceedings, with penalty provisions and a delayed effective date.

**SB 794**—By Romine, Libla and Holsman.

An Act to repeal sections 161.032, 161.042, 161.052, and 161.082, RSMo, and to enact in lieu thereof five new sections relating to gubernatorial appointments.

**SB 795**—By Koenig.

An Act to repeal section 211.447, RSMo, and to enact in lieu thereof one new section relating to termination of parental rights.

**SB 796**—By Koenig.

An Act to repeal sections 337.025, 337.029, and 337.033, RSMo, and to enact in lieu thereof three new sections relating to the licensure of psychologists.

**SB 797**—By Munzlinger.

An Act to amend chapter 273, RSMo, by adding thereto one new section relating to animals, with penalty provisions and a delayed effective date.

**SB 798**—By Wallingford.

An Act to repeal sections 181.022, 181.100, 181.110, 181.130, and 182.900, RSMo, and to enact in lieu thereof four new sections relating to libraries.

**SB 799**—By Wallingford.

An Act to repeal section 407.1380, RSMo, and to enact in lieu thereof one new section relating to consumer credit protection for protected persons.

**SB 800**—By Libla.

An Act to repeal section 211.444, RSMo, and to enact in lieu thereof one new section relating to

juvenile court proceedings.

**SB 801**—By Nasheed.

An Act to repeal sections 290.502 and 290.527, RSMo, and to enact in lieu thereof three new sections relating to minimum wage.

**SB 802**—By Nasheed.

An Act to repeal section 37.020, RSMo, and to enact in lieu thereof one new section relating to women's and minority business enterprises.

**SB 803**—By Nasheed.

An Act to amend chapters 217 and 221, RSMo, by adding thereto four new sections relating to pregnant or postpartum offenders in custody.

**SB 804**—By Nasheed.

An Act to repeal section 135.647, RSMo, and to enact in lieu thereof one new section relating to tax credits for contributions to certain benevolent organizations.

**SB 805**—By Crawford.

An Act to repeal section 431.056, RSMo, and to enact in lieu thereof one new section relating to the ability of minors to contract for certain purposes.

**SB 806**—By Crawford.

An Act to repeal sections 475.050, 475.070, 475.075, 475.290, and 475.320, RSMo, and to enact in lieu thereof five new sections relating to the appointment of a guardian or conservator for certain persons.

**SB 807**—By Wasson.

An Act to repeal sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof nine new sections relating to higher education, with an existing penalty provision.

**SB 808**—By Brown.

An Act to repeal section 311.300, RSMo, and to enact in lieu thereof one new section relating to the transfer of intoxicating liquor.

**SB 809**—By Koenig.

An Act to repeal sections 516.105 and 537.100, RSMo, and to enact in lieu thereof two new sections relating to service of process after the statute of limitations has expired for filing an action.

**SB 810**—By Koenig.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school budget transparency.



**SB 811**—By Munzlinger.

An Act to repeal section 303.040, RSMo, and to enact in lieu thereof six new sections relating to automated driving systems.

**SB 812**—By Wallingford.

An Act to repeal sections 301.074 and 301.075, RSMo, and to enact in lieu thereof two new sections relating to disabled veteran license plates.

**SB 813**—By Riddle.

An Act to repeal section 574.010, RSMo, and to enact in lieu thereof one new section relating to the offense of peace disturbance, with penalty provisions.

**SB 814**—By Riddle.

An Act to repeal section 302.174, RSMo, and to enact in lieu thereof one new section relating to driver's licenses for persons who are deaf or hard of hearing.

**SB 815**—By Schatz.

An Act to repeal section 386.572, RSMo, and to enact in lieu thereof one new section relating to civil penalties for violating federally mandated natural gas safety standards, with penalty provisions.

**SB 816**—By Schatz.

An Act to repeal section 319.045, RSMo, and to enact in lieu thereof one new section relating to the civil penalty for violating certain underground facility safety standards, with penalty provisions.

**SB 817**—By Munzlinger.

An Act to repeal sections 578.018 and 578.030, RSMo, and to enact in lieu thereof two new sections relating to the disposition of impounded animals.

**SB 818**—By Brown.

An Act to repeal section 208.225, RSMo, and to enact in lieu thereof one new section relating to Medicaid per diem reimbursement rates, with an emergency clause.

**SB 819**—By Cunningham.

An Act to repeal sections 210.112 and 210.487, RSMo, and to enact in lieu thereof two new sections relating to foster care.

**SB 820**—By Cunningham.

An Act to amend chapter 394, RSMo, by adding thereto one new section relating to broadband communications services provided by rural electric cooperatives.

**SB 821**—By Cunningham.

An Act to repeal section 335.021, RSMo, and to enact in lieu thereof one new section relating to the Missouri state board of nursing.

**SB 822**—By Hegeman.

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to the admissibility of the use of a safety belt as evidence of comparative negligence, with an existing penalty provision.

**SB 823**—By Schatz.

An Act to repeal sections 644.016 and 644.051, RSMo, and to enact in lieu thereof two new sections relating to the Missouri clean water law.

**SB 824**—By Cunningham.

An Act to repeal sections 335.036, 335.066, and 335.067, RSMo, and to enact in lieu thereof three new sections relating to nurses.

**SB 825**—By Sater.

An Act to repeal sections 195.010 and 195.080, RSMo, and to enact in lieu thereof two new sections relating to limitations on prescribing opioids.

**SB 826**—By Sater.

An Act to repeal section 195.070, RSMo, and to enact in lieu thereof two new sections relating to the disposal of unused controlled substances, with an emergency clause for a certain section.

**SB 827**—By Sater.

An Act to repeal section 193.265, RSMo, and to enact in lieu thereof one new section relating to vital records.

**SB 828**—By Nasheed.

An Act to repeal section 590.650, RSMo, and to enact in lieu thereof one new section relating to discriminatory policing.

**SB 829**—By Hoskins.

An Act to repeal sections 326.271 and 326.289, RSMo, and to enact in lieu thereof two new sections relating to the Missouri state board of accountancy, with a delayed effective date.

**SB 830**—By Riddle.

An Act to amend chapter 578, RSMo, by adding thereto four new sections relating to unlawful activity on nuclear power plant property, with penalty provisions.

**SB 831**—By Rowden.

An Act to repeal sections 435.350, 435.355, and 435.440, RSMo, and to enact in lieu thereof three new sections relating to arbitration agreements between employers and at-will employees.

**SB 832**—By Rowden.

An Act to repeal sections 407.025, 508.010, and 537.762, RSMo, and to enact in lieu thereof seven new sections relating to civil actions.

**SB 833**—By Rowden.

An Act to repeal section 386.020, RSMo, and to enact in lieu thereof one new section relating to electric vehicle charging stations.

**SB 834**—By Rowden.

An Act to repeal section 311.070, RSMo, and to enact in lieu thereof one new section relating to alcohol trade practices, with penalty provisions.

**SB 835**—By Rowden.

An Act to repeal section 324.001, RSMo, and to enact in lieu thereof one new section relating to the division of professional registration.

**SB 836**—By Rowden.

An Act to repeal section 143.041, RSMo, and to enact in lieu thereof one new section relating to taxation.

**SB 837**—By Rowden.

An Act to repeal sections 67.1830 and 67.1846, RSMo, and to enact in lieu thereof fourteen new sections relating to the deployment of wireless facilities.

**SB 838**—By Rowden.

An Act to repeal sections 168.133 and 304.060, RSMo, and to enact in lieu thereof two new sections relating to transportation of school children.

**SB 839**—By Rowden.

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to a social innovation grant program.

**SB 840**—By Rowden.

An Act to repeal sections 324.200, 324.205, and 324.210, RSMo, and to enact in lieu thereof three new sections relating to dietitians, with existing penalty provisions.

**SB 841**—By Munzlinger.

An Act to repeal section 311.373, RSMo, and to enact in lieu thereof one new section relating to intoxicating liquor.

**SB 842**—By Munzlinger.

An Act to repeal section 307.175, RSMo, and to enact in lieu thereof one new section relating to transportation.

**SB 843**—By Riddle.

An Act to repeal sections 143.1015, 186.007, 191.980, 194.400, 194.408, 194.409, 196.1103, 196.1106, 196.1112, 196.1118, 196.1121, 196.1124, 196.1127, 196.1129, 208.197, 208.955, 210.170, 217.900, 217.903, 217.905, 217.907, 217.910, 253.408, 253.412, 288.475, 324.406, 324.409, 324.412, 324.415,

324.421, 324.424, 324.427, 324.430, 324.436, 348.265, 453.600, 620.1200, and 633.200, RSMo, sections 196.1109 and 196.1115 as enacted by senate bill no. 7, ninety-sixth general assembly, first extraordinary session, and sections 196.1109 and 196.1115 as enacted by house bill no. 688, ninety-second general assembly, first regular session, and to enact in lieu thereof thirty new sections relating to the existence of certain state administrative boards and commissions.

**SB 844**—By Riddle.

An Act to repeal sections 324.177, 324.180, 324.478, 332.086, 334.430, 334.625, and 334.749, RSMo, and to enact in lieu thereof seven new sections relating to the appointment power of the director of the division of professional registration.

**SB 845**—By Riddle.

An Act to repeal section 160.2100 and 160.2110, RSMo, and to enact in lieu thereof two new sections relating to the task force on the prevention of sexual abuse of children.

**SB 846**—By Schupp.

An Act to repeal sections 337.020, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, and 337.718, RSMo, and to enact in lieu thereof eleven new sections relating to suicide prevention training for health care professionals.

**SB 847**—By Eigel.

An Act to amend chapters 302 and 304, RSMo, by adding thereto two new sections relating to traffic enforcement.

**SB 848**—By Riddle.

An Act to repeal sections 209.287 and 209.307, RSMo, and to enact in lieu thereof two new sections relating to the board for certification of interpreters.

**SJR 19**—By Munzlinger.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 40(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the conservation commission.

**SJR 20**—By Munzlinger.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 43(c) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the reauthorization of a sales tax dedicated to conservation purposes.

**SJR 21**—By Chappelle-Nadal.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VI of the Constitution of Missouri, by adding thereto one new section relating to a recall election for the St. Louis county executive.

**SJR 22**—By Emery.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2 of article VII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to impeachment trials.

**SJR 23**—By Silvey.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to property tax exemptions for veterans.

**SJR 24**—By Silvey.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 7, 8, and 9, of article III of the Constitution of Missouri, and adopting five new sections in lieu thereof relating to the Missouri general assembly.

**SJR 25**—By Romine.

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 39(a) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bingo.

**SJR 26**—By Holsman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 23 of article VIII of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to financial disclosure for entities engaging in certain political campaign activities.

**SJR 27**—By Holsman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to members of the general assembly.

**SJR 28**—By Hegeman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 25(a) of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the nonpartisan court plan.

**SJR 29**—By Schupp.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits for members of the general assembly.

**SJR 30**—By Koenig.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 1 of article X of the Constitution of Missouri, and adopting eleven new sections in lieu thereof relating to taxation.

**SJR 31—By Eigel.**

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, by adopting one new section relating to the state budget.

**SJR 32—By Curls.**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to compensation adjustments appropriated by the general assembly.

**SJR 33—By Eigel.**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 23 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the appropriation of state money.

**CONCURRENT RESOLUTIONS**

Senator Emery offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 27

Whereas, allowing retail customers of electric generation to have access to competitive suppliers of retail electricity is being considered by many states, and has already been implemented in several other states; and

Whereas, the ability of Missouri citizens and businesses to compete in the global market may be harmed unless they have access to reliable electrical power at rates and on terms which are competitive with rates and terms in others states; and

Whereas, legislation designed to implement retail competition will require a careful examination of existing law, and the provisions of that legislation must take into account a variety of issues and factors:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby create the Task Force on Retail Electric Competition; and

Be It Further Resolved that the mission of the task force shall be to fully consider and make recommendations in a report to the General Assembly on:

- (1) The method, feasibility, and impact of implementing retail electric competition on Missouri generators of electricity and Missouri consumers of electricity;
- (2) The costs and benefits other states have experienced as a result of retail electric competition;
- (3) The taxation and regulatory issues associated with implementing retail electric competition;
- (4) The social and other public service functions provided by the regulated electric utility industry to determine the potential impact of retail electric competition on these functions;
- (5) Whether, and under what terms, retail electric competition should be offered in Missouri; and

Be It Further Resolved that the task force be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

Be It Further Resolved that the task force shall consist of the following members:

- (1) One member of the senate of the majority party appointed by the president pro tempore of the senate, to serve as the chair of the task force;
- (2) One member of the house of representatives of the majority party appointed by the speaker of the house of representatives, to serve as the vice chair and secretary of the task force, and who will provide an agenda and report minutes of the task force;
- (3) One member of the majority party of the senate and one member of the minority party of the senate appointed by the president pro tempore of the senate;
- (4) One member of the majority party of the house of representatives and one member of the minority party of the house of representatives appointed by the speaker of the house of representatives;
- (5) The Office of the Public Counsel, or his or her designee, to serve as a member and to provide technical assistance to the task force;

(6) The Director of the Division of Energy, or his or her designee, to serve as a member and to provide technical assistance to the task force;

(7) The Chair of the Public Service Commission, or his or her designee, to serve as a member and to provide technical assistance to the task force;

(8) A representative from each of the three segments of the retail electric industry appointed by the president pro tempore of the senate from the respective nominees submitted by the statewide associations of the investor-owned electric utilities, rural electric cooperatives, and municipally-owned electric utilities;

(9) A representative of retail electric consumers appointed by the speaker of the house of representatives;

(10) Two members representing the renewable energy industry appointed by the Chair of the Public Service Commission;

(11) Two members appointed by the Chair of the Public Service Commission representing each of the regional transmission organizations whose coverage area includes Missouri: Southwest Power Pool and Midcontinental Independent System Operator; and

Be It Further Resolved that the staff of Senate Research and House Research shall provide such legal, research, clerical, technical, and bill drafting services as the task force may require in the performance of its duties; and

Be It Further Resolved that the task force, its members, and any staff assigned to the task force shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the task force; and

Be It Further Resolved that the chair or vice chair and secretary of the task force shall call an organizational meeting within fifteen days of the adoption of this resolution; and

Be It Further Resolved that the task force shall terminate by either a majority of members voting for termination, or by December 31, 2018, whichever occurs first; and

Be It Further Resolved that on the date of termination, the task force may deliver a report of findings and recommendations to the General Assembly; and

Be It Further Resolved that this resolution does not amend any state law to which any retail electric generator or consumer is subject, and shall be interpreted to be consistent with any requirements of such state or federal law; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Office of Public Counsel, the Division of Energy, and the Chair of the Public Service Commission.

### Senators Schupp and Nasheed offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 28

Whereas, extensive and credible reports have revealed mass killing of prisoners of conscience in the People's Republic of China, primarily practitioners of the spiritual based exercises of Falun Gong, but also other religious and ethnic minority groups, in order to obtain organs for transplants; and

Whereas, the organ transplantation system in China does not comply with the World Health Organization's Guiding Principles of traceability and transparency in organ procurement pathways, and the government of the People's Republic of China has resisted independent scrutiny of the system; and

Whereas, traditional Chinese custom requires bodies to be preserved intact after death. With rare voluntary organ donation, however, China's transplantation industry significantly increased since 2000; and

Whereas, the 2017 Freedom House Report "The Battle for China's Spirit" states that "Available evidence suggests that forced extraction of organs from Falun Gong detainees for sale in transplant operations has occurred on a large scale and may be continuing"; and

Whereas, an investigative report, published in June 2016, conducted by human rights attorney David Matas, former Canadian Secretary of State for Asia-Pacific David Kilgour, and journalist Ethan Gutmann, estimated that China is performing 60,000 to 100,000 transplants per year as opposed to 10,000 transplants claimed by the Chinese government, which is "an industrial-scale, state-directed organ transplantation system, controlled through national policies and funding, and implicating both the military and civilian healthcare systems"; and

Whereas, China's Liver Transplant Registry System indicated that more than 25% of cases were emergency transplants, for which an organ was found within days or even hours. Wait times for non-emergency liver transplants were usually quoted in weeks. Most patients in other countries have to wait years for a transplant; and

Whereas, the Chinese government claims that 90% of China's organ transplant sources come from executed prisoners. However, the number of executions has dropped 10% annually since 2002 and is far less than the number of transplants taking place. The government has never acknowledged the sourcing of organs from prisoners of conscience; and

Whereas, Falun Gong, a spiritual practice involving meditative "qigong" exercises and centered on the values of truthfulness, compassion, and forbearance, became immensely popular in China in the 1990s, with multiple estimates placing the number of practitioners at upwards of 70 million; and

Whereas, in July 1999, the Chinese Communist Party launched an intensive, nationwide persecution designed to eradicate the spiritual practice of Falun Gong, including physical and mental torture, reflecting the party's long-standing intolerance of large independent civil society groups; and

Whereas, since 1999, hundreds of thousands of Falun Gong practitioners have been detained extra-legally in Chinese reeducation-through-labor camps, detention centers, and prisons, where torture, abuse, and implausible medical exams and blood tests on Falun Gong practitioners are routine; and

Whereas, Freedom House reported in 2015 that Falun Gong practitioners comprise the largest portion of prisoners of conscience in China, and face an elevated risk of dying or being killed in custody; and

Whereas, the United Nations Committee Against Torture and the Special Rapporteur on Torture have expressed concern over the allegations of organ harvesting from Falun Gong prisoners, and have called on the Government of the People's Republic of China to increase accountability and transparency in the organ transplant system and punish those responsible for abuses; and

Whereas, in June 2016, the U.S. House of Representatives unanimously passed House Resolution 343, condemning the systematic, state-sanctioned organ harvesting from Falun Gong and other prisoners of conscience; and

Whereas, the killing of religious or political prisoners for the purpose of selling their organs for transplant is an egregious and intolerable violation of the fundamental right to live; and

Whereas, organ tourism to China should not be shielded by medical confidentiality, but openly monitored. No nation should allow their citizens to go to China for organs until China has allowed a full investigation into organ harvesting of prisoners of conscience, both past and present:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein:

(1) Call upon the Government of the People's Republic of China to immediately end the practice of organ harvesting from all prisoners and prisoners of conscience, and explicitly from Falun Gong prisoners of conscience and members of other religious and ethnic minority groups;

(2) Call upon the Government of the People's Republic of China to immediately end the 17-year persecution of the Falun Gong, and the immediate release of all Falun Gong practitioners and other prisoners of conscience;

(3) Call upon the President of the United States to undertake a full and transparent investigation by the United States Department of State into organ transplant practices in the People's Republic of China, and calls for the prosecution of those found to have engaged in such unethical practices;

(4) Encourage the medical community of Missouri to engage in educating colleagues and residents of Missouri about the risks of travel to China for organ transplants so as to help prevent Missouri residents from unwittingly becoming involved in murder in the form of forced organ harvesting from prisoners of conscience; and

(5) Agree to take measures to ban the entry of those who have participated in illegal removal of human tissues and organs, and seek prosecution of such individuals should they be found on the soil of Missouri; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President and Vice President of the United States, the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the chair of the Senate Committee on Foreign Affairs, the chair of the House Committee on Foreign Relations, and each member of Missouri's Congressional delegation.

**Senator Nasheed offered the following concurrent resolution:**

SENATE CONCURRENT RESOLUTION NO. 29

Whereas, the St. Louis Public School District has been under the authority of a Special Administrative Board since 2007; and

Whereas, the Special Administrative Board is set to expire in 2019; and

Whereas, this transfer in administrative authority was intended to be temporary; and

Whereas, on a date set by the State Board of Education, any district operating under the governance of a special administrative board shall return to local governance, and continue operation as a school district as otherwise authorized by law; and

Whereas, the St. Louis Public School District has shown a strong improvement in annual performance report scores over the last several years; and

Whereas, the transition back to an elected board will allow for more local input and control:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby create the "Joint Committee on the Transition of the St. Louis Public School District"; and

Be It Further Resolved that the mission of the Joint Committee shall be to fully consider and make recommendations in a report to the



General Assembly on:

(1) Transitioning the St. Louis Public School District from the Special Administrative Board back to an elected school board; and

Be It Further Resolved that the Joint Committee be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

Be It Further Resolved that the Joint Committee shall be composed of:

(1) Five members of the Senate and five members of the House of Representatives, with no more than three members of either chamber being of one party. The Senate members of the Joint Committee shall be appointed by the President Pro Tempore of the Senate, and the House of Representatives members shall be appointed by the Speaker of the House of Representatives; and

(2) The members of the Special Administrative Board; and

(3) The members of the elected school board of the St. Louis Public School District; and

Be It Further Resolved that the Joint Committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the Senate and one a member of the House of Representatives. A majority of the members shall constitute a quorum; and

Be It Further Resolved that the Joint Committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations; and

Be It Further Resolved that the staff of Senate Research and House Research shall provide such legal, research, clerical, technical, and bill drafting services as the Joint Committee may require in the performance of its duties; and

Be It Further Resolved that the Joint Committee, its members, and any staff assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee; and

Be It Further Resolved that the chairperson or co-chairpersons of the Joint Committee shall call an organizational meeting within fifteen days of the adoption of this resolution; and

Be It Further Resolved that the Joint Committee shall terminate by either a majority of members voting for termination, or by December 31, 2018, whichever occurs first. On the date of termination, the Joint Committee shall deliver a report of findings and recommendations to the General Assembly; and

Be It Further Resolved that the Joint Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-ninth General Assembly and the First Regular Session of the One Hundredth General Assembly through December 31, 2018, as authorized by State v. Atterbury, 300 S.W.2d 806 (Mo. 1957).

Senator Wallingford offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 30

Whereas, the Joint Committee on Solid Waste Management District Operations was originally established pursuant to Senate Concurrent Resolution 17 during the Second Regular Session of the Ninety-seventh General Assembly; and

Whereas, Senate Concurrent Resolution 17 established the Joint Committee on Solid Waste Management District Operations to examine solid waste management district operations, including but not limited to efficiency, efficacy, and reasonableness of costs and expenses of such districts to Missouri taxpayers; and

Whereas, the Joint Committee on Solid Waste Management District Operations heard testimony from individuals, business owners, and various interested parties during September and December 2014; and

Whereas, after review and consideration of the testimony presented, the Joint Committee on Solid Waste Management District Operations considered multiple legislative proposals relating to solid waste; and

Whereas, the Joint Committee on Solid Waste Management District Operations held a public hearing on December 3, 2014 to receive comments on a draft Senate bill relating to solid waste; and

Whereas, the draft Senate bill was discussed and received support from multiple stakeholders, and such draft bill was filed by Senator Wallingford as Senate Bill 152 during the Ninety-eighth General Assembly, First Regular Session; and

Whereas, the provisions of Senate Bill 152 were truly agreed to and finally passed in Senate Bill 445 sponsored by Senator Romine during the Ninety-eighth General Assembly, First Regular Session; and

Whereas, the Joint Committee on Solid Waste Management District Operations dissolved on December 31, 2014, but had further hearings to conduct and additional legislative alternatives to research, and was reauthorized by the General Assembly by Senate Concurrent Resolution 3 during the Ninety-eighth General Assembly, First Regular Session; and

Whereas, the Joint Committee on Solid Waste Management District Operations dissolved on December 31, 2016, but has further hearings to conduct relating to the implementation of the provisions of Senate Bill 445, as well as additional legislative alternatives relating to solid waste management district operations to research:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the “Joint Committee on Solid Waste Management District Operations” to examine solid waste management district operations, including but not limited to efficiency, efficacy, and reasonableness of costs and expenses of such districts to Missouri taxpayers, and the implementation of the provisions of Senate Bill 445; and

Be It Further Resolved that the Joint Committee on Solid Waste Management District Operations shall be composed of five members of the Senate, with no more than three members of one party, and five members of the House of Representatives, with no more than three members of one party. The Senate members of the Joint Committee shall be appointed by the President Pro Tempore of the Senate and the House members by the Speaker of the House of Representatives. The Joint Committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the Senate and one a member of the House of Representatives. A majority of the members shall constitute a quorum. Meetings of the Joint Committee may be called at such time and place as the chairperson or chairpersons designate; and

Be It Further Resolved that the Joint Committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The Joint Committee may make reasonable requests for staff assistance from the research and appropriations staffs of the House and Senate, as well as the Department of Natural Resources and representatives of solid waste management districts; and

Be It Further Resolved that the Joint Committee may prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the General Assembly by December 31, 2018, at which time the Joint Committee shall be dissolved; and

Be It Further Resolved that members of the Joint Committee and any staff personnel assigned to the Joint Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Joint Committee; and

Be It Further Resolved that the actual expenses of the Joint Committee, its members, and any staff assigned to the Joint Committee incurred by the Joint Committee shall be paid by the Joint Contingent Fund; and

Be It Further Resolved that the Joint Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-ninth General Assembly and the First Regular Session of the One-hundredth General Assembly through December 31, 2018, as recognized in *State v. Atterbury*, 300 S.W.2d 806 (Mo. 1957).

Senator Wallingford offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 31

Whereas, the founders of this great nation set forth on the Earth an enduring Republic and charged future generations with the solemn duty of its preservation; and

Whereas, the Constitution of these United States, which is the cornerstone of this Republic, establishes the process to propose and ratify amendments to itself, including a process reserved for the state legislatures in Article V of the United States Constitution; and

Whereas, the State of Missouri recognizes that this process to amend the United States Constitution should by right be held in esteem, worthy of the sacrifice of our founders; and

Whereas, the State of Missouri recognizes that a preexisting set of rules and procedures to convene a convention for proposing amendments under Article V of the United States Constitution is desirable to ensure that such a convention functions effectively and decisively; and

Whereas, the State of Missouri recognizes that the Assembly of State Legislatures, made up of a bipartisan group of state legislators from 45 states, has met over a period of four years to carefully craft and consider rules and procedures for the convening of an Article V convention:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby declares that should a convention for proposing amendments under Article V of the United States Constitution be called, the State of Missouri supports the adoption of the rules and procedures adopted by the Assembly of State Legislatures on June 17, 2016, as the official rules and procedures to convene such a convention; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Executive Committee of the Assembly of State Legislatures.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 849**—By Kehoe and Schupp.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to prohibiting public entities from contracting with companies discriminating against Israel.

**SB 850**—By Wallingford.

An Act to repeal section 210.152, RSMo, and to enact in lieu thereof one new section relating to investigations of child abuse and neglect.

**SB 851**—By Wallingford.

An Act to repeal section 211.093, RSMo, and to enact in lieu thereof one new section relating to juvenile court orders.

**SB 852**—By Wallingford.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to dental insurance.

**SB 853**—By Wallingford.

An Act to repeal section 260.283, RSMo, and to enact in lieu thereof one new section relating to the prohibition on political subdivisions from regulating auxiliary containers.

**SB 854**—By Wallingford.

An Act to repeal sections 43.401, 70.210, 190.300, 190.307, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, and 650.330, RSMo, and to enact in lieu thereof nineteen new sections relating to emergency communication services, with penalty provisions.

**SB 855**—By Curls.

An Act to repeal section 161.092, RSMo, and to enact in lieu thereof one new section relating to the duties of the state board of education.

**SB 856**—By Curls.

An Act to repeal sections 169.291, 169.324, 169.350, and 169.360, RSMo, and to enact in lieu thereof four new sections relating to the public school retirement system of Kansas City.

**SB 857**—By Curls.

An Act to repeal sections 210.117, 211.038, 452.375, and 452.400, RSMo, and to enact in lieu thereof four new sections relating to the placement of children.

**SB 858**—By Curls.

An Act to repeal sections 210.145 and 210.150, RSMo, and to enact in lieu thereof two new sections relating to investigations of child abuse or neglect, with an existing penalty provision.

**RESOLUTIONS**

Senator Sater offered Senate Resolution No. 1045, regarding Gayle L. Donley, Aurora, which was adopted.

Senator Sater offered Senate Resolution No. 1046, regarding Sara Brown, Aurora, which was adopted.

## COMMUNICATIONS

President Pro Tem Richard submitted the following:

January 3, 2018

Ms. Adriane Crouse  
Secretary of the Senate  
State Capitol Building  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to Rule 12, I hereby remove Senator Kehoe from the Committee on Agriculture, Food Production and Outdoor Resources, and appoint Senator Sandy Crawford.

Sincerely,



Ron Richard

President Pro Tem

Also,

January 3, 2018

Ms. Adriane Crouse  
Secretary of the Senate  
State Capitol Building  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to Rule 12, and due to the resignation of Senator Will Kraus I hereby appoint Senator Mike Cierpiot to the following committees:

Commerce, Consumer Protection, Energy and the Environment  
Economic Development  
Ways and Means

Sincerely,



Ron Richard

President Pro Tem

Also,

January 3, 2018

Ms. Adriane Crouse  
Secretary of the Senate  
State Capitol Building  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to Rule 12, and due to the resignation of Senator Will Kraus, I hereby appoint Senator Sandy Crawford to the following committee:  
Local Government and Elections

Sincerely,



Ron Richard  
President Pro Tem

Also,

January 3, 2018

Ms. Adriane Crouse  
Secretary of the Senate  
State Capitol Building  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to Rule 12, I hereby remove Senator Jay Wasson from the Committee on Insurance and Banking, and appoint Senator Sandy Crawford.

Sincerely,



Ron Richard  
President Pro Tem

Also,

January 3, 2018

Ms. Adriane Crouse  
Secretary of the Senate  
State Capitol Building  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to Rule 12, I hereby remove Senators Ed Emery and Wayne Wallingford from the Committee on Senior, Families and Children and appoint the following Senators:

Jeannie Riddle – Vice Chairman  
Gary Romine

Sincerely,



Ron Richard  
President Pro Tem

Also,

January 3, 2018

Ms. Adriane Crouse  
Secretary of the Senate  
State Capitol Building  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to Rule 12, I hereby appoint Senator Wayne Wallingford as Chairman and Senator Andrew Koenig as Vice Chairman of the

Committee on Ways and Means. I remove Senator Wayne Wallingford as Chairman and appoint him Vice Chairman of Veterans and Military Affairs, and appoint Denny Hoskins as Chairman of Veterans and Military Affairs.

Sincerely,



Ron Richard

President Pro Tem

### INTRODUCTION OF GUESTS

Senator Schupp introduced to the Senate, Violet Marcel, London, England.

On motion of Senator Kehoe, the Senate adjourned under the rules.

### SENATE CALENDAR

---

SECOND DAY—THURSDAY, JANUARY 4, 2018

---

### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 545-Richard

SB 546-Munzlinger

SB 547-Munzlinger

SB 548-Munzlinger

SB 549-Wasson

SB 550-Wasson

SB 551-Wasson

SB 552-Dixon

SB 553-Dixon

SB 554-Dixon

SB 555-Brown

SB 556-Brown

SB 557-Brown

SB 558-Chappelle-Nadal

SB 559-Chappelle-Nadal

SB 560-Chappelle-Nadal

SB 561-Sater

SB 562-Sater

SB 563-Sater

SB 564-Emery and Cunningham

SB 565-Emery

SB 566-Emery

SB 567-Cunningham

SB 568-Cunningham

SB 569-Cunningham

SB 570-Silvey

SB 571-Silvey

SB 572-Silvey

SB 573-Wallingford

SB 574-Wallingford

SB 575-Wallingford

SB 576-Romine

SB 577-Romine

SB 578-Romine

SB 579-Libla

SB 580-Libla

SB 581-Libla	SB 620-Hummel
SB 582-Walsh	SB 621-Hummel
SB 583-Nasheed	SB 622-Hummel
SB 584-Nasheed	SB 623-Crawford
SB 585-Nasheed	SB 624-Crawford
SB 586-Holsman	SB 625-Cierpiot
SB 587-Sifton	SB 626-Munzlinger
SB 588-Sifton	SB 627-Munzlinger
SB 589-Sifton	SB 628-Munzlinger
SB 590-Hegeman	SB 629-Wasson
SB 591-Hegeman	SB 630-Wasson
SB 592-Hegeman	SB 631-Wasson
SB 593-Wieland	SB 632-Dixon
SB 594-Wieland	SB 633-Dixon
SB 595-Wieland	SB 634-Dixon
SB 596-Riddle	SB 635-Chappelle-Nadal
SB 597-Riddle	SB 636-Chappelle-Nadal
SB 598-Riddle	SB 637-Chappelle-Nadal
SB 599-Schatz	SB 638-Sater
SB 600-Schatz	SB 639-Sater
SB 601-Schatz	SB 640-Sater
SB 602-Onder	SB 641-Emery
SB 603-Onder	SB 642-Emery
SB 604-Onder	SB 643-Emery
SB 605-Schupp	SB 644-Cunningham
SB 606-Schupp	SB 645-Wallingford
SB 607-Schupp	SB 646-Wallingford
SB 608-Hoskins	SB 647-Wallingford
SB 609-Hoskins	SB 648-Romine
SB 610-Hoskins	SB 649-Romine
SB 611-Koenig	SB 650-Romine
SB 612-Koenig	SB 651-Nasheed
SB 613-Koenig	SB 652-Nasheed
SB 614-Rowden	SB 653-Nasheed
SB 615-Rowden	SB 654-Sifton
SB 616-Rowden	SB 655-Sifton
SB 617-Eigel	SB 656-Sifton
SB 618-Eigel	SB 657-Hegeman
SB 619-Eigel	SB 658-Hegeman

SB 659-Hegeman	SB 698-Nasheed
SB 660-Riddle	SB 699-Sifton
SB 661-Riddle	SB 700-Sifton
SB 662-Riddle	SB 701-Sifton
SB 663-Schatz	SB 702-Hegeman
SB 664-Schatz	SB 703-Hegeman
SB 665-Schatz	SB 704-Hegeman
SB 666-Onder	SB 705-Riddle
SB 667-Onder	SB 706-Riddle
SB 668-Onder	SB 707-Schatz
SB 669-Schupp	SB 708-Schatz
SB 670-Schupp	SB 709-Schatz
SB 671-Schupp	SB 710-Onder
SB 672-Koenig	SB 711-Schupp
SB 673-Koenig	SB 712-Schupp
SB 674-Koenig	SB 713-Schupp
SB 675-Rowden	SB 714-Koenig
SB 676-Eigel	SB 715-Koenig
SB 677-Eigel	SB 716-Eigel
SB 678-Eigel	SB 717-Eigel
SB 679-Hummel	SB 718-Eigel
SB 680-Hummel	SB 719-Chappelle-Nadal
SB 681-Hummel	SB 720-Chappelle-Nadal
SB 682-Munzlinger	SB 721-Chappelle-Nadal
SB 683-Wasson	SB 722-Sater
SB 684-Chappelle-Nadal	SB 723-Sater
SB 685-Chappelle-Nadal	SB 724-Sater
SB 686-Chappelle-Nadal	SB 725-Emery
SB 687-Sater	SB 726-Emery
SB 688-Sater	SB 727-Emery
SB 689-Sater	SB 728-Wallingford
SB 690-Emery	SB 729-Wallingford
SB 691-Emery	SB 730-Wallingford
SB 692-Emery	SB 731-Sifton
SB 693-Wallingford	SB 732-Sifton
SB 694-Wallingford	SB 733-Sifton
SB 695-Wallingford	SB 734-Schatz
SB 696-Romine	SB 735-Schatz
SB 697-Romine	SB 736-Schatz



SB 737-Schupp	SB 776-Sater
SB 738-Schupp	SB 777-Koenig
SB 739-Schupp	SB 778-Rowden
SB 740-Chappelle-Nadal	SB 779-Curls
SB 741-Chappelle-Nadal	SB 780-Curls
SB 742-Chappelle-Nadal	SB 781-Curls
SB 743-Sater	SB 782-Cunningham
SB 744-Sater	SB 783-Nasheed
SB 745-Sater	SB 784-Nasheed
SB 746-Emery	SB 785-Nasheed
SB 747-Emery	SB 786-Schupp
SB 748-Emery	SB 787-Curls
SB 749-Wallingford	SB 788-Nasheed
SB 750-Schatz	SB 789-Nasheed
SB 751-Schatz	SB 790-Cierpiot
SB 752-Schatz	SB 791-Nasheed
SB 753-Schupp	SB 792-Nasheed
SB 754-Schupp	SB 793-Wallingford
SB 755-Schupp	SB 794-Romine, et al
SB 756-Sater	SB 795-Koenig
SB 757-Schatz	SB 796-Koenig
SB 758-Schatz	SB 797-Munzlinger
SB 759-Schatz	SB 798-Wallingford
SB 760-Schupp	SB 799-Wallingford
SB 761-Schatz	SB 800-Libla
SB 762-Schatz	SB 801-Nasheed
SB 763-Schatz	SB 802-Nasheed
SB 764-Schatz	SB 803-Nasheed
SB 765-Riddle	SB 804-Nasheed
SB 766-Riddle	SB 805-Crawford
SB 767-Hoskins	SB 806-Crawford
SB 768-Hoskins	SB 807-Wasson
SB 769-Cunningham	SB 808-Brown
SB 770-Hegeman	SB 809-Koenig
SB 771-Hoskins	SB 810-Koenig
SB 772-Hoskins	SB 811-Munzlinger
SB 773-Hoskins	SB 812-Wallingford
SB 774-Munzlinger	SB 813-Riddle
SB 775-Brown	SB 814-Riddle

SB 815-Schatz	SB 845-Riddle
SB 816-Schatz	SB 846-Schupp
SB 817-Munzlinger	SB 847-Eigel
SB 818-Brown	SB 848-Riddle
SB 819-Cunningham	SB 849-Kehoe and Schupp
SB 820-Cunningham	SB 850-Wallingford
SB 821-Cunningham	SB 851-Wallingford
SB 822-Hegeman	SB 852-Wallingford
SB 823-Schatz	SB 853-Wallingford
SB 824-Cunningham	SB 854-Wallingford
SB 825-Sater	SB 855-Curls
SB 826-Sater	SB 856-Curls
SB 827-Sater	SB 857-Curls
SB 828-Nasheed	SB 858-Curls
SB 829-Hoskins	SJR 19-Munzlinger
SB 830-Riddle	SJR 20-Munzlinger
SB 831-Rowden	SJR 21-Chappelle-Nadal
SB 832-Rowden	SJR 22-Emery
SB 833-Rowden	SJR 23-Silvey
SB 834-Rowden	SJR 24-Silvey
SB 835-Rowden	SJR 25-Romine
SB 836-Rowden	SJR 26-Holsman
SB 837-Rowden	SJR 27-Holsman
SB 838-Rowden	SJR 28-Hegeman
SB 839-Rowden	SJR 29-Schupp
SB 840-Rowden	SJR 30-Koenig
SB 841-Munzlinger	SJR 31-Eigel
SB 842-Munzlinger	SJR 32-Curls
SB 843-Riddle	SJR 33-Eigel
SB 844-Riddle	

## INFORMAL CALENDAR

### RESOLUTIONS

#### To be Referred

SCR 27-Emery	SCR 29-Nasheed
SCR 28-Schupp and Nasheed	SCR 30-Wallingford

SCR 31-Wallingford

HCR 50-Vescovo (Kehoe)

HCR 51-Vescovo (Kehoe)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SECOND DAY—THURSDAY, JANUARY 4, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“O give thanks to the Lord, for he is good; for his steadfast love endures forever.” (Psalm 106:1-3)

Heavenly Father, as we finish up this day and drive home let us be mindful for the people in our lives who we consider family. Increase our sense of gratefulness for their presence and for the privilege we have of sharing our love with them. Let us always have a willingness to express that love openly so our relationship with them continues to grow and becomes more beautiful each day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kehoe announced photographers from St. Louis Public Radio and Missourinet were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Rizzo
Romine	Rowden	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

Absent—Senators—None

Absent with leave—Senators

Riddle                Sater—2

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Hegeman offered Senate Resolution No. 1047, regarding the One Hundredth Birthday of Dora (VanDeventer) Routh, Mound City, which was adopted.

Senator Hegeman offered Senate Resolution No. 1048, regarding the Fiftieth Anniversary of John and Carolyn Schroeder, Maryville, which was adopted.

Senator Hegeman offered Senate Resolution No. 1049, regarding the Sixtieth Anniversary of Don and Barbara Wagner, Savannah, which was adopted.

Senator Hegeman offered Senate Resolution No. 1050, regarding the Sixty-fifth Anniversary of Wayne and Anita Kurtz, Oregon, which was adopted.

Senator Hegeman offered Senate Resolution No. 1051, regarding the Sixtieth Anniversary of Ernie and Noni Lorenson, Gower, which was adopted.

Senator Hegeman offered Senate Resolution No. 1052, regarding the Fiftieth Anniversary of Dwight and Rosemary Hall, which was adopted.

Senator Hegeman offered Senate Resolution No. 1053, regarding Jody Barnes-Novak, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 859**—By Koenig.

An Act to repeal sections 99.805, 99.810, 99.825, and 99.843, RSMo, and to enact in lieu thereof four new sections relating to tax increment financing.

**SB 860**—By Koenig.

An Act to repeal sections 191.671, 376.429, 376.452, 376.454, 376.779, 376.782, 376.811, 376.845, 376.1199, 376.1209, 376.1210, 376.1215, 376.1218, 376.1219, 376.1220, 376.1224, 376.1225, 376.1230, 376.1235, 376.1250, 376.1253, 376.1257, 376.1275, 376.1550, and 376.1900, RSMo, and to enact in lieu thereof twenty-five new sections relating to short-term major medical insurance.

**SB 861**—By Hegeman.

An Act to repeal sections 304.001, 304.017, and 304.044, RSMo, and to enact in lieu thereof three new sections relating to operation of platoons on Missouri roads, with an existing penalty provision.

**SB 862**—By Schatz.

An Act to repeal sections 324.920 and 324.935, RSMo, and to enact in lieu thereof two new sections relating to electrical contractors.

**SB 863**—By Cunningham.

An Act to repeal section 208.225, RSMo, and to enact in lieu thereof one new section relating to Medicaid per diem reimbursement rates.

**SB 864**—By Hoskins.

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to employment

preferences for certain persons connected to past military service.

### **REPORTS OF STANDING COMMITTEES**

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

William G. Kraus, Republican, as a member of the State Tax Commission; and

Ryan A. Silvey, Republican, as a member of the Public Service Commission.

Senator Richard requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Richard moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 9th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jennifer W. Edwards, Independent, 5976 South Parkhaven Lane, Springfield, Greene County, Missouri 65810, as a member of the State Board of Education, for a term ending July 1, 2023, and until her successor is duly appointed and qualified; vice, Jennifer W. Edwards, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 9th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Marvin R. Jungmeyer, Independent, 14113 Stevens Road, Russellville, Cole County, Missouri 65074, as a member of the State Board of Education, for a term ending July 1, 2021, and until his successor is duly appointed and qualified; vice, Marvin R. Jungmeyer,

withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 9th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Eddy A. Justice, Republican, 319 Remington Place, Poplar Bluff, Butler County, Missouri 63901, as a member of the State Board of Education, for a term ending July 1, 2024, and until his successor is duly appointed and qualified; vice, Eddy A. Justice.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 9th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John D. Russell, Republican, 1616 Arbour Drive, Lebanon, Laclede County, Missouri 65536, as a member of the State Board of Education, for a term ending July 1, 2025, and until his successor is duly appointed and qualified; vice, John D. Russell, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 9th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Eric Teeman, Independent, 11801 East 86th Street, Raytown, Jackson County, Missouri 64138, as a member of the State Board of Education, for a term ending July 1, 2022, and until his successor is duly appointed and qualified; vice, Eric Teeman, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 31, 2017, while the Senate was not in session.

Brandon C. Garber, Independent, 1001 South Fork Lane, Tipton, Morgan County, Missouri 65081, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2018, and until his successor is duly appointed and qualified; vice, William A. Krodinger, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 22, 2017, while the Senate was not in session.

Gregory E. Hoberock, Republican, 500 Braeburn Court, Washington, Franklin County, Missouri 63090, as a member of the State Technical College of Missouri Board of Regents, for a term ending December 29, 2017, and until his successor is duly appointed and qualified; vice, Kenneth L. Miller, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 22, 2017, while the Senate was not in session.

Janay N. Orange, 263 South Complex 30, Maryville, Nodaway County, Missouri 64468, as the student representative of the Northwest Missouri State University Board of Regents, for a term ending December 31, 2017, and until her successor is duly appointed and qualified; vice, Janay N. Orange, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,



GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 3, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 22, 2017, while the Senate was not in session.

Roxanna R. Swaney, Republican, 934 Swallow Circle, Liberty, Clay County, Missouri 64068, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2018, and until her successor is duly appointed and qualified; vice, Roxanna R. Swaney, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

President Pro Tem Richard referred the above appointments to the Committee on Gubernatorial Appointments.

### COMMUNICATIONS

President Pro Tem Richard submitted the following:

January 4, 2018

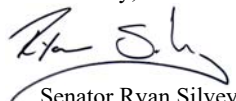
The Honorable Michael Parson  
President, Missouri Senate  
State Capitol Building  
Jefferson City, Missouri 65101

Dear Lt. Governor Parson:

I respectfully resign my Senate seat, District 17, effective 9:59 a.m., January 4, 2018.

Thank you.

Sincerely,



Senator Ryan Silvey  
District 17

Also,

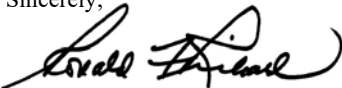
January 4, 2018

Ms. Adriane Crouse  
Secretary of the Senate  
State Capitol Building  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to Rule 12, and the resignation of Senator Ryan Silvey, I appoint Senator Ed Emery as the Chairman of Commerce, Consumer Protection and the Environment and Senator Jeanie Riddle, Vice Chairman. I also remove Senator Ed Emery as Chairman of Government Reform, and appoint Senator Caleb Rowden as Chairman of Government Reform.

Sincerely,



Ron Richard

President Pro Tem

Also,

January 4, 2018

Ms. Adriane Crouse  
Secretary of the Senate  
State Capitol Building  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to Rule 12, I make the following changes to standing committees:

I remove Senator Dan Hegeman from Gubernatorial Appointments, and appoint Senator Mike Cierpiot.

I remove Senator Rowden from Local Government and Elections.

I appoint Senator Sandy Crawford to Veterans and Military Affairs, which fills the vacancy from Senator Will Kraus' resignation.

Sincerely,



Ron Richard  
President Pro Tem

Also,

January 4, 2018

Ms. Adriane Crouse  
Secretary of the Senate  
State Capitol Building  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to Rule 12 and the resignation of Senator Ryan Silvey, I appoint the following:

Caleb Rowden to Appropriations

Dan Hegeman to Fiscal Oversight

Sincerely,



Ron Richard  
President Pro Tem

### **INTRODUCTION OF GUESTS**

Senator Kehoe introduced to the Senate, Halie Dampf, Russellville.

Senator Schupp introduced to the Senate, Madison Malugen, Truman State University.

Senator Wallingford introduced to the Senate, his wife, Suzy, Cape Girardeau.

Senator Munzlinger introduced to the Senate, his wife, Michele, Williamstown; and Richard and Renee Fordyce, Bethany.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, January 8, 2018.

## SENATE CALENDAR

THIRD DAY—MONDAY, JANUARY 8, 2018

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 545-Richard	SB 575-Wallingford
SB 546-Munzlinger	SB 576-Romine
SB 547-Munzlinger	SB 577-Romine
SB 548-Munzlinger	SB 578-Romine
SB 549-Wasson	SB 579-Libla
SB 550-Wasson	SB 580-Libla
SB 551-Wasson	SB 581-Libla
SB 552-Dixon	SB 582-Walsh
SB 553-Dixon	SB 583-Nasheed
SB 554-Dixon	SB 584-Nasheed
SB 555-Brown	SB 585-Nasheed
SB 556-Brown	SB 586-Holsman
SB 557-Brown	SB 587-Sifton
SB 558-Chappelle-Nadal	SB 588-Sifton
SB 559-Chappelle-Nadal	SB 589-Sifton
SB 560-Chappelle-Nadal	SB 590-Hegeman
SB 561-Sater	SB 591-Hegeman
SB 562-Sater	SB 592-Hegeman
SB 563-Sater	SB 593-Wieland
SB 564-Emery and Cunningham	SB 594-Wieland
SB 565-Emery	SB 595-Wieland
SB 566-Emery	SB 596-Riddle
SB 567-Cunningham	SB 597-Riddle
SB 568-Cunningham	SB 598-Riddle
SB 569-Cunningham	SB 599-Schatz
SB 570-Silvey	SB 600-Schatz
SB 571-Silvey	SB 601-Schatz
SB 572-Silvey	SB 602-Onder
SB 573-Wallingford	SB 603-Onder
SB 574-Wallingford	SB 604-Onder

SB 605-Schupp	SB 645-Wallingford
SB 606-Schupp	SB 646-Wallingford
SB 607-Schupp	SB 647-Wallingford
SB 608-Hoskins	SB 648-Romine
SB 609-Hoskins	SB 649-Romine
SB 610-Hoskins	SB 650-Romine
SB 611-Koenig	SB 651-Nasheed
SB 612-Koenig	SB 652-Nasheed
SB 613-Koenig	SB 653-Nasheed
SB 614-Rowden	SB 654-Sifton
SB 615-Rowden	SB 655-Sifton
SB 616-Rowden	SB 656-Sifton
SB 617-Eigel	SB 657-Hegeman
SB 618-Eigel	SB 658-Hegeman
SB 619-Eigel	SB 659-Hegeman
SB 620-Hummel	SB 660-Riddle
SB 621-Hummel	SB 661-Riddle
SB 622-Hummel	SB 662-Riddle
SB 623-Crawford	SB 663-Schatz
SB 624-Crawford	SB 664-Schatz
SB 625-Cierpiot	SB 665-Schatz
SB 626-Munzlinger	SB 666-Onder
SB 627-Munzlinger	SB 667-Onder
SB 628-Munzlinger	SB 668-Onder
SB 629-Wasson	SB 669-Schupp
SB 630-Wasson	SB 670-Schupp
SB 631-Wasson	SB 671-Schupp
SB 632-Dixon	SB 672-Koenig
SB 633-Dixon	SB 673-Koenig
SB 634-Dixon	SB 674-Koenig
SB 635-Chappelle-Nadal	SB 675-Rowden
SB 636-Chappelle-Nadal	SB 676-Eigel
SB 637-Chappelle-Nadal	SB 677-Eigel
SB 638-Sater	SB 678-Eigel
SB 639-Sater	SB 679-Hummel
SB 640-Sater	SB 680-Hummel
SB 641-Emery	SB 681-Hummel
SB 642-Emery	SB 682-Munzlinger
SB 643-Emery	SB 683-Wasson
SB 644-Cunningham	SB 684-Chappelle-Nadal

SB 685-Chappelle-Nadal	SB 725-Emery
SB 686-Chappelle-Nadal	SB 726-Emery
SB 687-Sater	SB 727-Emery
SB 688-Sater	SB 728-Wallingford
SB 689-Sater	SB 729-Wallingford
SB 690-Emery	SB 730-Wallingford
SB 691-Emery	SB 731-Sifton
SB 692-Emery	SB 732-Sifton
SB 693-Wallingford	SB 733-Sifton
SB 694-Wallingford	SB 734-Schatz
SB 695-Wallingford	SB 735-Schatz
SB 696-Romine	SB 736-Schatz
SB 697-Romine	SB 737-Schupp
SB 698-Nasheed	SB 738-Schupp
SB 699-Sifton	SB 739-Schupp
SB 700-Sifton	SB 740-Chappelle-Nadal
SB 701-Sifton	SB 741-Chappelle-Nadal
SB 702-Hegeman	SB 742-Chappelle-Nadal
SB 703-Hegeman	SB 743-Sater
SB 704-Hegeman	SB 744-Sater
SB 705-Riddle	SB 745-Sater
SB 706-Riddle	SB 746-Emery
SB 707-Schatz	SB 747-Emery
SB 708-Schatz	SB 748-Emery
SB 709-Schatz	SB 749-Wallingford
SB 710-Onder	SB 750-Schatz
SB 711-Schupp	SB 751-Schatz
SB 712-Schupp	SB 752-Schatz
SB 713-Schupp	SB 753-Schupp
SB 714-Koenig	SB 754-Schupp
SB 715-Koenig	SB 755-Schupp
SB 716-Eigel	SB 756-Sater
SB 717-Eigel	SB 757-Schatz
SB 718-Eigel	SB 758-Schatz
SB 719-Chappelle-Nadal	SB 759-Schatz
SB 720-Chappelle-Nadal	SB 760-Schupp
SB 721-Chappelle-Nadal	SB 761-Schatz
SB 722-Sater	SB 762-Schatz
SB 723-Sater	SB 763-Schatz
SB 724-Sater	SB 764-Schatz

SB 765-Riddle	SB 806-Crawford
SB 766-Riddle	SB 807-Wasson
SB 767-Hoskins	SB 808-Brown
SB 768-Hoskins	SB 809-Koenig
SB 769-Cunningham	SB 810-Koenig
SB 770-Hegeman	SB 811-Munzlinger
SB 771-Hoskins	SB 812-Wallingford
SB 772-Hoskins	SB 813-Riddle
SB 773-Hoskins	SB 814-Riddle
SB 774-Munzlinger	SB 815-Schatz
SB 775-Brown	SB 816-Schatz
SB 776-Sater	SB 817-Munzlinger
SB 777-Koenig	SB 818-Brown
SB 778-Rowden	SB 819-Cunningham
SB 779-Curls	SB 820-Cunningham
SB 780-Curls	SB 821-Cunningham
SB 781-Curls	SB 822-Hegeman
SB 782-Cunningham	SB 823-Schatz
SB 783-Nasheed	SB 824-Cunningham
SB 784-Nasheed	SB 825-Sater
SB 785-Nasheed	SB 826-Sater
SB 786-Schupp	SB 827-Sater
SB 787-Curls	SB 828-Nasheed
SB 788-Nasheed	SB 829-Hoskins
SB 789-Nasheed	SB 830-Riddle
SB 790-Cierpiot	SB 831-Rowden
SB 791-Nasheed	SB 832-Rowden
SB 792-Nasheed	SB 833-Rowden
SB 793-Wallingford	SB 834-Rowden
SB 794-Romine, et al	SB 835-Rowden
SB 795-Koenig	SB 836-Rowden
SB 796-Koenig	SB 837-Rowden
SB 797-Munzlinger	SB 838-Rowden
SB 798-Wallingford	SB 839-Rowden
SB 799-Wallingford	SB 840-Rowden
SB 800-Libla	SB 841-Munzlinger
SB 801-Nasheed	SB 842-Munzlinger
SB 802-Nasheed	SB 843-Riddle
SB 803-Nasheed	SB 844-Riddle
SB 804-Nasheed	SB 845-Riddle
SB 805-Crawford	SB 846-Schupp

SB 847-Eigel  
 SB 848-Riddle  
 SB 849-Kehoe and Schupp  
 SB 850-Wallingford  
 SB 851-Wallingford  
 SB 852-Wallingford  
 SB 853-Wallingford  
 SB 854-Wallingford  
 SB 855-Curls  
 SB 856-Curls  
 SB 857-Curls  
 SB 858-Curls  
 SB 859-Koenig  
 SB 860-Koenig  
 SB 861-Hegeman  
 SB 862-Schatz  
 SB 863-Cunningham

SB 864-Hoskins  
 SJR 19-Munzlinger  
 SJR 20-Munzlinger  
 SJR 21-Chappelle-Nadal  
 SJR 22-Emery  
 SJR 23-Silvey  
 SJR 24-Silvey  
 SJR 25-Romine  
 SJR 26-Holsman  
 SJR 27-Holsman  
 SJR 28-Hegeman  
 SJR 29-Schupp  
 SJR 30-Koenig  
 SJR 31-Eigel  
 SJR 32-Curls  
 SJR 33-Eigel

## INFORMAL CALENDAR

### RESOLUTIONS

#### To be Referred

SCR 27-Emery  
 SCR 28-Schupp and Nasheed  
 SCR 29-Nasheed  
 SCR 30-Wallingford

SCR 31-Wallingford  
 HCR 50-Vescovo (Kehoe)  
 HCR 51-Vescovo (Kehoe)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

### THIRD DAY—MONDAY, JANUARY 8, 2018

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“O Lord, who may abide in your tent? Who may dwell on Your holy hill? Those who walk blameless and do what is right, and speak the truth from their heart.” (Psalm 15:1-2a)

O God we begin a new week and there is much that seeks our attention and so we ask that You grant us righteousness and truth in our hearts and minds, clothe us so our hearts seek to live lives that bear witness to Your grace and mercy. And grant us to always be about that which is helpful and right for those we serve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 4, 2018 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Schupp offered Senate Resolution No. 1054, regarding the Thirty-sixth Anniversary of Robert T.



and June H. Berry, Town and Country, which was adopted.

Senator Libla offered Senate Resolution No. 1055, regarding Dr. Gregory L. “Greg” Hempen, Saint Louis, which was adopted.

Senator Riddle offered Senate Resolution No. 1056, regarding Tom Oliver, which was adopted.

Senator Walsh offered Senate Resolution No. 1057, regarding Nathan and Christina Bennett, Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 1058, regarding Bret Berigan, which was adopted.

Senator Walsh offered Senate Resolution No. 1059, regarding Patrick R. Schierbecker, which was adopted.

Senator Richard offered Senate Resolution No. 1060, regarding Mark J. Elliff, Carthage, which was adopted.

Senator Sater offered Senate Resolution No. 1061, regarding the Sixty-seventh Anniversary of Ralph and Florene Towers, Pierce City, which was adopted.

Senator Sater offered Senate Resolution No. 1062, regarding the Fortieth Anniversary of Jim and Fern Mease, which was adopted.

Senator Sater offered Senate Resolution No. 1063, regarding the Fiftieth Anniversary of Curtis and Donnell Burton, Billings, which was adopted.

Senator Sater offered Senate Resolution No. 1064, regarding Gale Pate, Jr., which was adopted.

Senator Wasson offered Senate Resolution No. 1065, regarding Eagle Scout Dylan Jacob Bunch, Ozark, which was adopted.

Senator Wallingford offered Senate Resolution No. 1066, regarding Benchmark Printing and Graphics, Jackson, which was adopted.

Senator Wallingford offered Senate Resolution No. 1067, regarding Aaron Olivas, Oak Ridge, which was adopted.

Senator Wallingford offered Senate Resolution No. 1068, regarding BOLD Marketing, LLC, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 1069, regarding Justin McMullen, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 1070, regarding Mondi, Jackson, which was adopted.

Senator Schaaf offered Senate Resolution No. 1071, regarding St. Joseph Police Officer Roy Wedlow, which was adopted.

Senator Schaaf offered Senate Resolution No. 1072, regarding the One Hundredth Birthday of Ernestine Elrod, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 1073, regarding Eagle Scout Michael Patrick Allen, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 1074, regarding Eagle Scout Michael Tyler Allen, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 1075, regarding Eagle Scout Lucas Edward Blahnik, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 1076, regarding the Fiftieth Wedding Anniversary of Calvin and Sandra Smith, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 1077, regarding Eagle Scout Bret Quentin Worley, Parkville, which was adopted.

Senator Schaaf offered Senate Resolution No. 1078, regarding Eagle Scout Thomas Joseph Wineinger, Kansas City, which was adopted.

Senator Schaaf offered Senate Resolution No. 1079, regarding Eagle Scout Parker Thomas Stevens, Kansas City, which was adopted.

Senator Schaaf offered Senate Resolution No. 1080, regarding Eagle Scout Dylan Michael Hughes, Weatherby Lake, which was adopted.

Senator Schaaf offered Senate Resolution No. 1081, regarding Eagle Scout Tyler Lutgen Brown, Parkville, which was adopted.

Senator Hegeman offered Senate Resolution No. 1082, regarding Eagle Scout Colten M. Hamilton, Trenton, which was adopted.

### CONCURRENT RESOLUTIONS

Senator Kehoe moved that **HCR 50** be taken up for adoption, which motion prevailed.

Senator Rowden assumed the Chair.

On motion of Senator Kehoe, **HCR 50** was adopted by the following vote:

#### YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

#### NAYS—Senators—None

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senator Holsman—1

Vacancies—1

Senator Kehoe moved that **HCR 51** be taken up for adoption, which motion prevailed.

On motion of Senator Kehoe, **HCR 51** was adopted by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senator Holsman—1

Vacancies—1

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 865**—By Kehoe.

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to commercial zones.

**SB 866**—By Kehoe.

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to fence maintenance along the historic Missouri rock island railroad corridor.

**SB 867**—By Kehoe.

An Act to repeal section 163.016, RSMo, and to enact in lieu thereof one new section relating to the dollar value modifier used in certain school districts.

**SB 868**—By Kehoe.

An Act to repeal section 137.100, RSMo, and to enact in lieu thereof one new section relating to land subject to railbanking.

**SB 869**—By Kehoe.

An Act to repeal sections 288.036, 288.060, 288.120, 288.122, and 288.330, as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, sections 288.036, 288.120, and 288.122, as enacted by house bill no. 1456, ninety-third general assembly, second regular session, section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, and section 288.330 as enacted by house bill no. 1075, ninety-fifth general assembly, first regular session, and to enact in lieu thereof five new sections relating to employment security.

**SB 870**—By Hegeman.

An Act to repeal sections 99.848, 190.100, 190.103, 190.131, 190.142, 190.143, 190.165, 190.173, and 190.196, RSMo, and to enact in lieu thereof ten new sections relating to emergency medical services.

**SB 871**—By Romine.

An Act to repeal section 488.2250, RSMo, and to enact in lieu thereof one new section relating to court reporters.

**SB 872**—By Schatz.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to motor vehicle franchises.

**SB 873**—By Schupp.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to a course on career readiness for ninth grade students.

**SB 874**—By Emery.

An Act to repeal section 540.021, RSMo, and to enact in lieu thereof two new sections relating to grand juries.

**SB 875**—By Nasheed.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to a reporting requirement for lost or stolen firearms.

**SB 876**—By Sater.

An Act to repeal section 115.124, RSMo, and to enact in lieu thereof one new section relating to nonpartisan elections.

**SB 877**—By Onder.

An Act to repeal section 443.320, RSMo, and to enact in lieu thereof one new section relating to the publication of electronic notice of the sale of real property.

**SB 878**—By Wieland.

An Act to amend chapter 44, RSMo, by adding thereto one new section relating to law enforcement assistance.

**SB 879**—By Wieland.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to a qualifying life event for a special enrollment period.

**SB 880**—By Wieland.

An Act to repeal section 137.073, RSMo, and to enact in lieu thereof one new section relating to adjustments to tax rate levies of political subdivisions.

**SB 881**—By Eigel.

An Act to repeal section 301.145, RSMo, and to enact in lieu thereof one new section relating to special license plates.

**SB 882**—By Hoskins.

An Act to repeal section 166.435 as enacted by senate bill no. 366, ninety-eighth general assembly, first

regular session and section 166.435 as enacted by senate bill no. 863, ninety-fourth general assembly, second regular session, RSMo, and to enact in lieu thereof one new section relating to the Missouri higher education savings program.

### **COMMITTEE APPOINTMENTS**

President Pro Tem Richard appointed the following escort committee pursuant to **HCR 50**: Senators Crawford, Hummel, Rizzo, Eigel, Rowden, Koenig, Hoskins, Walsh, Onder and Schatz.

President Pro Tem Richard appointed the following escort committee pursuant to **HCR 51**: Senators Dixon, Onder, Emery, Koenig, Sifton, Riddle, Wieland, Hegeman, Holsman and Nasheed.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 545**—Economic Development.

**SB 546**—Government Reform.

**SB 547**—Agriculture, Food Production and Outdoor Resources.

**SB 548**—Ways and Means.

**SB 549**—Economic Development.

**SB 550**—Economic Development.

**SB 551**—Economic Development.

**SB 552**—Judiciary and Civil and Criminal Jurisprudence.

**SB 553**—Judiciary and Civil and Criminal Jurisprudence.

**SB 554**—Local Government and Elections.

**SB 555**—General Laws.

**SB 556**—Transportation, Infrastructure and Public Safety.

**SB 557**—Economic Development.

**SB 558**—Appropriations.

**SB 559**—Education.

**SB 560**—Transportation, Infrastructure and Public Safety.

**SB 561**—Seniors, Families and Children.

**SB 562**—Seniors, Families and Children.

**SB 563**—Seniors, Families and Children.

**SB 564**—Commerce, Consumer Protection, Energy and the Environment.

**SB 565**—Education.

**SB 566**—Judiciary and Civil and Criminal Jurisprudence.

**SB 567**—Seniors, Families and Children.

**SB 568**—Local Government and Elections.

**SB 569**—Insurance and Banking.

**SB 570**—Small Business and Industry.

**SB 571**—Education.

**SB 572**—Commerce, Consumer Protection, Energy and the Environment.

**SB 573**—Veterans and Military Affairs.

**SB 574**—Seniors, Families and Children.

**SB 575**—Health and Pensions.

**SB 576**—Education.

**SB 577**—Education.

**SB 578**—Small Business and Industry.

**SB 579**—Transportation, Infrastructure and Public Safety.

**SB 580**—Local Government and Elections.

**SB 581**—Small Business and Industry.

**SB 582**—Education.

**SB 583**—Local Government and Elections.

**SB 584**—General Laws.

**SB 585**—Small Business and Industry.

**SB 586**—Transportation, Infrastructure and Public Safety.

**SB 587**—Education.

**SB 588**—Rules, Joint Rules, Resolutions and Ethics.

**SB 589**—Judiciary and Civil and Criminal Jurisprudence.

**SB 590**—Local Government and Elections.

**SB 591**—Local Government and Elections.

**SB 592**—Local Government and Elections.

**SB 593**—Insurance and Banking.

**SB 594**—Insurance and Banking.

### **REFERRALS**

President Pro Tem Richard referred **SCR 27, SCR 28, SCR 29, SCR 30** and **SCR 31** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 8, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Steve L. Corsi as Director of the Department of Social Services, submitted to you on January 3, 2018. Lines 1 and 2 should be amended to read:

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 8, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Rob Dixon as the Director of the Department of Economic Development, submitted to you on January 3, 2018. Lines 1 and 2 should be amended to read:

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 8, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Anna Hui as Director of the Department of Labor and Industrial Relations, submitted to you on January 3, 2018. Lines 1 and 2 should be amended to read:

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 8, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Lee R. Keith as the Commissioner of the Division of Finance for the Department and Insurance, Financial Institutions, and Professional Registration, submitted to you on January 3, 2018. Lines 1 and 2 should be amended to read:

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Respectfully submitted,  
Eric R. Greitens  
Governor

President Pro Tem Richard referred the above addendums to the Committee on Gubernatorial Appointments.

## COMMUNICATIONS

President Pro Tem Richard submitted the following:

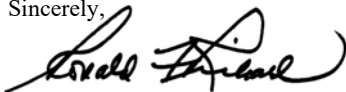
January 8, 2018

Ms. Adriane Crouse  
Secretary of the Senate  
State Capitol Building  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to Rule 12, I appoint Senator Wayne Wallingford, Vice Chairman of Veterans and Military Affairs. Also, I appoint Senator Mike Kehoe to the Committee on Local Government and Elections.

Sincerely,



Ron Richard

President Pro Tem

## INTRODUCTION OF GUESTS

Senator Wallingford introduced to the Senate, Erica Townsend, Lilbourn.

Senator Dixon introduced to the Senate, Mirhad Hasanovic, Columbia.

Senator Schatz introduced to the Senate, his wife, Chara, Sullivan.

Senator Onder introduced to the Senate, his wife, Allison, and his children, Bobby and Elizabeth, Lake St. Louis.

On motion of Senator Kehoe, the Senate adjourned under the rules.



## SENATE CALENDAR

FOURTH DAY—TUESDAY, JANUARY 9, 2018

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 595-Wieland	SB 625-Cierpiot
SB 596-Riddle	SB 626-Munzlinger
SB 597-Riddle	SB 627-Munzlinger
SB 598-Riddle	SB 628-Munzlinger
SB 599-Schatz	SB 629-Wasson
SB 600-Schatz	SB 630-Wasson
SB 601-Schatz	SB 631-Wasson
SB 602-Onder	SB 632-Dixon
SB 603-Onder	SB 633-Dixon
SB 604-Onder	SB 634-Dixon
SB 605-Schupp	SB 635-Chappelle-Nadal
SB 606-Schupp	SB 636-Chappelle-Nadal
SB 607-Schupp	SB 637-Chappelle-Nadal
SB 608-Hoskins	SB 638-Sater
SB 609-Hoskins	SB 639-Sater
SB 610-Hoskins	SB 640-Sater
SB 611-Koenig	SB 641-Emery
SB 612-Koenig	SB 642-Emery
SB 613-Koenig	SB 643-Emery
SB 614-Rowden	SB 644-Cunningham
SB 615-Rowden	SB 645-Wallingford
SB 616-Rowden	SB 646-Wallingford
SB 617-Eigel	SB 647-Wallingford
SB 618-Eigel	SB 648-Romine
SB 619-Eigel	SB 649-Romine
SB 620-Hummel	SB 650-Romine
SB 621-Hummel	SB 651-Nasheed
SB 622-Hummel	SB 652-Nasheed
SB 623-Crawford	SB 653-Nasheed
SB 624-Crawford	SB 654-Sifton

SB 655-Sifton	SB 696-Romine
SB 656-Sifton	SB 697-Romine
SB 657-Hegeman	SB 698-Nasheed
SB 658-Hegeman	SB 699-Sifton
SB 659-Hegeman	SB 700-Sifton
SB 660-Riddle	SB 701-Sifton
SB 661-Riddle	SB 702-Hegeman
SB 662-Riddle	SB 703-Hegeman
SB 663-Schatz	SB 704-Hegeman
SB 664-Schatz	SB 705-Riddle
SB 665-Schatz	SB 706-Riddle
SB 666-Onder	SB 707-Schatz
SB 667-Onder	SB 708-Schatz
SB 668-Onder	SB 709-Schatz
SB 669-Schupp	SB 710-Onder
SB 670-Schupp	SB 711-Schupp
SB 671-Schupp	SB 712-Schupp
SB 672-Koenig	SB 713-Schupp
SB 673-Koenig	SB 714-Koenig
SB 674-Koenig	SB 715-Koenig
SB 675-Rowden	SB 716-Eigel
SB 676-Eigel	SB 717-Eigel
SB 677-Eigel	SB 718-Eigel
SB 678-Eigel	SB 719-Chappelle-Nadal
SB 679-Hummel	SB 720-Chappelle-Nadal
SB 680-Hummel	SB 721-Chappelle-Nadal
SB 681-Hummel	SB 722-Sater
SB 682-Munzlinger	SB 723-Sater
SB 683-Wasson	SB 724-Sater
SB 684-Chappelle-Nadal	SB 725-Emery
SB 685-Chappelle-Nadal	SB 726-Emery
SB 686-Chappelle-Nadal	SB 727-Emery
SB 687-Sater	SB 728-Wallingford
SB 688-Sater	SB 729-Wallingford
SB 689-Sater	SB 730-Wallingford
SB 690-Emery	SB 731-Sifton
SB 691-Emery	SB 732-Sifton
SB 692-Emery	SB 733-Sifton
SB 693-Wallingford	SB 734-Schatz
SB 694-Wallingford	SB 735-Schatz
SB 695-Wallingford	SB 736-Schatz

SB 737-Schupp	SB 778-Rowden
SB 738-Schupp	SB 779-Curls
SB 739-Schupp	SB 780-Curls
SB 740-Chappelle-Nadal	SB 781-Curls
SB 741-Chappelle-Nadal	SB 782-Cunningham
SB 742-Chappelle-Nadal	SB 783-Nasheed
SB 743-Sater	SB 784-Nasheed
SB 744-Sater	SB 785-Nasheed
SB 745-Sater	SB 786-Schupp
SB 746-Emery	SB 787-Curls
SB 747-Emery	SB 788-Nasheed
SB 748-Emery	SB 789-Nasheed
SB 749-Wallingford	SB 790-Cierpiot
SB 750-Schatz	SB 791-Nasheed
SB 751-Schatz	SB 792-Nasheed
SB 752-Schatz	SB 793-Wallingford
SB 753-Schupp	SB 794-Romine, et al
SB 754-Schupp	SB 795-Koenig
SB 755-Schupp	SB 796-Koenig
SB 756-Sater	SB 797-Munzlinger
SB 757-Schatz	SB 798-Wallingford
SB 758-Schatz	SB 799-Wallingford
SB 759-Schatz	SB 800-Libla
SB 760-Schupp	SB 801-Nasheed
SB 761-Schatz	SB 802-Nasheed
SB 762-Schatz	SB 803-Nasheed
SB 763-Schatz	SB 804-Nasheed
SB 764-Schatz	SB 805-Crawford
SB 765-Riddle	SB 806-Crawford
SB 766-Riddle	SB 807-Wasson
SB 767-Hoskins	SB 808-Brown
SB 768-Hoskins	SB 809-Koenig
SB 769-Cunningham	SB 810-Koenig
SB 770-Hegeman	SB 811-Munzlinger
SB 771-Hoskins	SB 812-Wallingford
SB 772-Hoskins	SB 813-Riddle
SB 773-Hoskins	SB 814-Riddle
SB 774-Munzlinger	SB 815-Schatz
SB 775-Brown	SB 816-Schatz
SB 776-Sater	SB 817-Munzlinger
SB 777-Koenig	SB 818-Brown

SB 819-Cunningham	SB 859-Koenig
SB 820-Cunningham	SB 860-Koenig
SB 821-Cunningham	SB 861-Hegeman
SB 822-Hegeman	SB 862-Schatz
SB 823-Schatz	SB 863-Cunningham
SB 824-Cunningham	SB 864-Hoskins
SB 825-Sater	SB 865-Kehoe
SB 826-Sater	SB 866-Kehoe
SB 827-Sater	SB 867-Kehoe
SB 828-Nasheed	SB 868-Kehoe
SB 829-Hoskins	SB 869-Kehoe
SB 830-Riddle	SB 870-Hegeman
SB 831-Rowden	SB 871-Romine
SB 832-Rowden	SB 872-Schatz
SB 833-Rowden	SB 873-Schupp
SB 834-Rowden	SB 874-Emery
SB 835-Rowden	SB 875-Nasheed
SB 836-Rowden	SB 876-Sater
SB 837-Rowden	SB 877-Onder
SB 838-Rowden	SB 878-Wieland
SB 839-Rowden	SB 879-Wieland
SB 840-Rowden	SB 880-Wieland
SB 841-Munzlinger	SB 881-Eigel
SB 842-Munzlinger	SB 882-Hoskins
SB 843-Riddle	SJR 19-Munzlinger
SB 844-Riddle	SJR 20-Munzlinger
SB 845-Riddle	SJR 21-Chappelle-Nadal
SB 846-Schupp	SJR 22-Emery
SB 847-Eigel	SJR 23-Silvey
SB 848-Riddle	SJR 24-Silvey
SB 849-Kehoe and Schupp	SJR 25-Romine
SB 850-Wallingford	SJR 26-Holsman
SB 851-Wallingford	SJR 27-Holsman
SB 852-Wallingford	SJR 28-Hegeman
SB 853-Wallingford	SJR 29-Schupp
SB 854-Wallingford	SJR 30-Koenig
SB 855-Curls	SJR 31-Eigel
SB 856-Curls	SJR 32-Curls
SB 857-Curls	SJR 33-Eigel
SB 858-Curls	

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FOURTH DAY—TUESDAY, JANUARY 9, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“I bless the Lord who gives me counsel; in night also my heart instructs me. I keep the Lord always before me; because he is at my right hand, I shall not be moved.” (Psalm 16:7-8)

O God, we pray that You give us patience to understand the instruction You send to us when our minds are quiet and we are open to be taught by You. May our thoughts and actions be done mindful You are always at our right hand for this is what we are called to do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Libla offered Senate Resolution No. 1083, regarding William “Bill” Foster, Portageville, which was adopted.

Senator Hegeman offered Senate Resolution No. 1084, regarding Eagle Scout Austin Brown, which was adopted.

Senator Hegeman offered Senate Resolution No. 1085, regarding the Seventy-fifth Wedding Anniversary of Warren and Georgia Stucki, Savannah, which was adopted.

Senator Hegeman offered Senate Resolution No. 1086, regarding the Seventieth Wedding Anniversary of Bill and Earlene Vaughn, Maysville, which was adopted.

Senator Hegeman offered Senate Resolution No. 1087, regarding the Sixtieth Wedding Anniversary of H.A. and Suzanne Roberson, Bethany, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Holsman offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 32**

Relating to an application to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution which regulate elections.

Whereas, the framers of the Constitution of the United States of America intended that the Congress of the United States of America should be “dependent on the people alone” (James Madison, Federalist 52); and

Whereas, that dependency has evolved from a dependency on the people alone to a dependency on powerful special interests, through campaigns or third-party groups, that have created a fundamental imbalance in our representative democracy; and

Whereas, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportional influence of special interests and fair enough that any citizen can be elected into office; and

Whereas, the Constitution of the State of Missouri states “that all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole” and the people have the exclusive right to alter their constitutions of government whenever they deem it necessary (Article I, Sections 1 & 3); and

Whereas, Article V of the United States Constitution requires Congress to call a convention for proposing amendments to the federal Constitution on the application of two-thirds of the legislatures of the several states; and

Whereas, the Missouri General Assembly perceives the need for an amendments convention in order to restore balance and integrity to our elections by proposing an amendment to the federal Constitution that will permanently protect free and fair elections in America by addressing, inter alia, issues raised by the decisions of the United States Supreme Court in *Citizens United v. Federal Election Commission* (2010) 130 S.Ct. 876 and related cases and events; and

Whereas, the Missouri General Assembly perceives the need for an amendments convention in order to restore transparency to our elections by proposing an amendment to the federal Constitution that will permanently impose transparency in the contributions and expenditures being made by entities engaged in electioneering activities, including all organizations organized as nonprofit organizations and that are exempt from taxation under Section 501(c)4 of the Internal Revenue Code and desires that said convention should be so limited; and

Whereas, the State of Missouri desires that the delegates to said convention shall be comprised equally of individuals currently elected to state and local office, or be selected by election, in each Congressional district for the purpose of serving as delegates, though all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the convention, and intends to retain the ability to restrict or expand the power of its delegates within the limits expressed herein; and

Whereas, the State of Missouri intends that this be a continuing application considered together with applications calling for a convention passed in the 2013-2014 Vermont legislature as R454, the 2013-2014 California legislature as Resolution Chapter 77, the 98th Illinois General Assembly as SJR 42, the 2014-2015 New Jersey legislature as SCR 132, the 2015-2016 Rhode Island legislature as HR 7670 and SR 2589, and all other passed, pending, and future applications until such time as two-thirds of the several states have applied for a convention for a similar purpose and said convention is convened by Congress:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby apply to the United States Congress, under the provisions of Article V of the United States

Constitution for the calling of a convention of the states for the exclusive purpose of proposing an amendment to the United States Constitution that will restore free, fair, and transparent elections as described herein; and

Be It Further Resolved that the Secretary of the Senate transmit copies of this resolution to the President of the United States; the Vice President of the United States in his capacity as presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, to each Senator and Representative from Missouri in the Congress of the United States with the respectful request that the full and complete text of this resolution be printed in the Congressional Record, to the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling Congress to call a convention for proposing amendments pursuant to Article V of the U.S. Constitution.

Read 1st time.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 883**—By Holsman.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of February as earthquake awareness month.

**SB 884**—By Koenig.

An Act to repeal section 144.087, RSMo, and to enact in lieu thereof one new section relating to bonding requirements of retail sales licensees.

**SB 885**—By Rowden.

An Act to repeal section 94.900, RSMo, and to enact in lieu thereof one new section relating to sales taxes for public safety.

**SB 886**—By Rowden.

An Act to repeal sections 313.905, 313.915, 313.920, 313.925, 313.935, 313.940, 313.945, 313.950, and 313.955, RSMo, and to enact in lieu thereof eleven new sections relating to fantasy sports contests, with penalty provisions.

**SB 887**—By Rowden.

An Act to amend chapters 143 and 443, RSMo, by adding thereto seven new sections relating to savings accounts for first-time home buyers.

**SB 888**—By Rowden.

An Act to repeal sections 43.500, 43.503, 43.504, 43.506, 43.509, 43.527, 43.530, 43.535, 43.540, 43.543, 43.546, 43.547, 192.2495, 210.482, 210.487, 302.060, 313.810, and 610.120, RSMo, and to enact in lieu thereof eighteen new sections relating to criminal history records, with existing penalty provisions.

**SB 889**—By Rowden.

An Act to repeal section 321.320, RSMo, and to enact in lieu thereof one new section relating to the annexation of property within fire protection districts.

### COMMUNICATIONS

President Pro Tem Richard submitted the following:

**SENATE HEARING SCHEDULE  
99th GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
JANUARY 9, 2018**

	Monday	Tuesday	Wednesday	Thursday
<b>8:00 a.m.</b>		<b>Insurance and Banking</b> SL (Wieland)  <b>Ways and Means</b> SCR 1 (Wallingford)  <b>Appropriations</b> SCR 2 (Brown)	<b>Seniors, Families and Children</b> SL (Sater)  <b>Government Reform</b> SCR 1 (Rowden)  <b>Progress and Development</b> SCR 2 (Walsh)	<b>Transportation, Infrastructure and Public Safety</b> SL (Schatz)  <b>Veterans and Military Affairs</b> SCR 1 (Hoskins)  <b>Appropriations</b> SCR 2 (Brown)
<b>9:00 a.m.</b>		<b>Rules, Joint Rules, Resolutions and Ethics</b> SL (Kehoe)	<b>Appropriations</b> SCR 2 (Brown)	<b>Fiscal Oversight</b> SCR 1 (Cunningham)
<b>10:15 a.m.</b>		<b>Local Government and Elections</b> SL (Hegeman)  <b>Small Business and Industry</b> SCR 1 (Libla)	<b>Gubernatorial Appointments</b> SL (Richard)  <b>Health and Pensions</b> SCR 1 (Schaaf)	
<b>12:00 p.m.</b>		<b>Economic Development</b> SL (Wasson)  <b>Education</b> SCR 1 (Romine)	<b>Commerce, Consumer Protection, Energy and the Environment</b> SL (Emery)  <b>General Laws</b> SCR 1 (Onder)	
<b>1:00 p.m.</b>				
<b>2:00 p.m.</b>	<b>Judiciary and Civil and Criminal Jurisprudence</b> SL (Dixon)  <b>Professional Registration</b> SCR 1 (Riddle)  <b>Agriculture, Food Production and Outdoor Resources</b> SCR 2 (Munzlinger)			



On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

**SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 595**—General Laws.

**SB 596**—Government Reform.

**SB 597**—Professional Registration.

**SB 598**—Transportation, Infrastructure and Public Safety.

**SB 599**—General Laws.

**SB 600**—Insurance and Banking.

**SB 601**—Small Business and Industry.

**SB 602**—General Laws.

**SB 603**—General Laws.

**SB 604**—Judiciary and Civil and Criminal Jurisprudence.

**SB 605**—Small Business and Industry.

**SB 606**—Economic Development.

**SB 607**—Small Business and Industry.

**SB 608**—Small Business and Industry.

**SB 609**—General Laws.

**SB 610**—Seniors, Families and Children.

**SB 611**—Ways and Means.

**SB 612**—Government Reform.

**SB 613**—Professional Registration.

**SB 614**—Rules, Joint Rules, Resolutions and Ethics.

**SB 615**—Ways and Means.

**SB 616**—Judiciary and Civil and Criminal Jurisprudence.

**SB 617**—Ways and Means.

**SB 618**—Education.

**SB 619**—Transportation, Infrastructure and Public Safety.

**SB 620**—Small Business and Industry.

**SB 621**—Small Business and Industry.

**SB 622**—Transportation, Infrastructure and Public Safety.

**SB 623**—Insurance and Banking.

**SB 624**—Transportation, Infrastructure and Public Safety.

**SB 625**—Ways and Means.

**SB 626**—Transportation, Infrastructure and Public Safety.

**SB 627**—Agriculture, Food Production and Outdoor Resources.

**SB 628**—Health and Pensions.

**SB 629**—Economic Development.

**SB 630**—Economic Development.

**SB 631**—Economic Development.

**SB 632**—Economic Development.

**SB 633**—Government Reform.

**SB 634**—Local Government and Elections.

**SB 635**—Transportation, Infrastructure and Public Safety.

**SB 636**—Local Government and Elections.

**SB 637**—Small Business and Industry.

**SB 638**—Health and Pensions.

**SB 639**—Insurance and Banking.

**SB 640**—Education.

**SB 641**—Judiciary and Civil and Criminal Jurisprudence.

**SB 642**—Commerce, Consumer Protection, Energy and the Environment.

**SB 643**—Education.

**SB 644**—Government Reform.

### **RESOLUTIONS**

Senator Hegeman offered Senate Resolution No. 1088, regarding the Sixtieth Wedding Anniversary of Kenneth and Lucy Hatten, Drexel, which was adopted.

Senator Sater offered Senate Resolution No. 1089, regarding Robert Offutt, which was adopted.

Senator Sater offered Senate Resolution No. 1090, regarding Doug Stroemel, Shell Knob, which was adopted.

Senator Sater offered Senate Resolution No. 1091, regarding Ridgley Southern Baptist Church, which was adopted.

### **INTRODUCTION OF GUESTS**

Senator Schupp introduced to the Senate, the Physician of the Day, Dr. Christopher “Kit” Young, MD, Ballwin.

Senator Libla introduced to the Senate, Carol Workman, Holts Summit.

Senator Holsman introduced to the Senate, Nathan Garrett, Kansas City.

On motion of Senator Kehoe, the Senate adjourned under the rules.

SENATE CALENDAR

---

FIFTH DAY—WEDNESDAY, JANUARY 10, 2018

---

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 645-Wallingford	SB 678-Eigel
SB 646-Wallingford	SB 679-Hummel
SB 647-Wallingford	SB 680-Hummel
SB 648-Romine	SB 681-Hummel
SB 649-Romine	SB 682-Munzlinger
SB 650-Romine	SB 683-Wasson
SB 651-Nasheed	SB 684-Chappelle-Nadal
SB 652-Nasheed	SB 685-Chappelle-Nadal
SB 653-Nasheed	SB 686-Chappelle-Nadal
SB 654-Sifton	SB 687-Sater
SB 655-Sifton	SB 688-Sater
SB 656-Sifton	SB 689-Sater
SB 657-Hegeman	SB 690-Emery
SB 658-Hegeman	SB 691-Emery
SB 659-Hegeman	SB 692-Emery
SB 660-Riddle	SB 693-Wallingford
SB 661-Riddle	SB 694-Wallingford
SB 662-Riddle	SB 695-Wallingford
SB 663-Schatz	SB 696-Romine
SB 664-Schatz	SB 697-Romine
SB 665-Schatz	SB 698-Nasheed
SB 666-Onder	SB 699-Sifton
SB 667-Onder	SB 700-Sifton
SB 668-Onder	SB 701-Sifton
SB 669-Schupp	SB 702-Hegeman
SB 670-Schupp	SB 703-Hegeman
SB 671-Schupp	SB 704-Hegeman
SB 672-Koenig	SB 705-Riddle
SB 673-Koenig	SB 706-Riddle
SB 674-Koenig	SB 707-Schatz
SB 675-Rowden	SB 708-Schatz
SB 676-Eigel	SB 709-Schatz
SB 677-Eigel	SB 710-Onder

SB 711-Schupp	SB 755-Schupp
SB 712-Schupp	SB 756-Sater
SB 713-Schupp	SB 757-Schatz
SB 714-Koenig	SB 758-Schatz
SB 715-Koenig	SB 759-Schatz
SB 716-Eigel	SB 760-Schupp
SB 717-Eigel	SB 761-Schatz
SB 718-Eigel	SB 762-Schatz
SB 719-Chappelle-Nadal	SB 763-Schatz
SB 720-Chappelle-Nadal	SB 764-Schatz
SB 721-Chappelle-Nadal	SB 765-Riddle
SB 722-Sater	SB 766-Riddle
SB 723-Sater	SB 767-Hoskins
SB 724-Sater	SB 768-Hoskins
SB 725-Emery	SB 769-Cunningham
SB 726-Emery	SB 770-Hegeman
SB 727-Emery	SB 771-Hoskins
SB 728-Wallingford	SB 772-Hoskins
SB 729-Wallingford	SB 773-Hoskins
SB 730-Wallingford	SB 774-Munzlinger
SB 731-Sifton	SB 775-Brown
SB 732-Sifton	SB 776-Sater
SB 733-Sifton	SB 777-Koenig
SB 734-Schatz	SB 778-Rowden
SB 735-Schatz	SB 779-Curls
SB 736-Schatz	SB 780-Curls
SB 737-Schupp	SB 781-Curls
SB 738-Schupp	SB 782-Cunningham
SB 739-Schupp	SB 783-Nasheed
SB 740-Chappelle-Nadal	SB 784-Nasheed
SB 741-Chappelle-Nadal	SB 785-Nasheed
SB 742-Chappelle-Nadal	SB 786-Schupp
SB 743-Sater	SB 787-Curls
SB 744-Sater	SB 788-Nasheed
SB 745-Sater	SB 789-Nasheed
SB 746-Emery	SB 790-Cierpiot
SB 747-Emery	SB 791-Nasheed
SB 748-Emery	SB 792-Nasheed
SB 749-Wallingford	SB 793-Wallingford
SB 750-Schatz	SB 794-Romine, et al
SB 751-Schatz	SB 795-Koenig
SB 752-Schatz	SB 796-Koenig
SB 753-Schupp	SB 797-Munzlinger
SB 754-Schupp	SB 798-Wallingford

SB 799-Wallingford	SB 843-Riddle
SB 800-Libla	SB 844-Riddle
SB 801-Nasheed	SB 845-Riddle
SB 802-Nasheed	SB 846-Schupp
SB 803-Nasheed	SB 847-Eigel
SB 804-Nasheed	SB 848-Riddle
SB 805-Crawford	SB 849-Kehoe and Schupp
SB 806-Crawford	SB 850-Wallingford
SB 807-Wasson	SB 851-Wallingford
SB 808-Brown	SB 852-Wallingford
SB 809-Koenig	SB 853-Wallingford
SB 810-Koenig	SB 854-Wallingford
SB 811-Munzlinger	SB 855-Curls
SB 812-Wallingford	SB 856-Curls
SB 813-Riddle	SB 857-Curls
SB 814-Riddle	SB 858-Curls
SB 815-Schatz	SB 859-Koenig
SB 816-Schatz	SB 860-Koenig
SB 817-Munzlinger	SB 861-Hegeman
SB 818-Brown	SB 862-Schatz
SB 819-Cunningham	SB 863-Cunningham
SB 820-Cunningham	SB 864-Hoskins
SB 821-Cunningham	SB 865-Kehoe
SB 822-Hegeman	SB 866-Kehoe
SB 823-Schatz	SB 867-Kehoe
SB 824-Cunningham	SB 868-Kehoe
SB 825-Sater	SB 869-Kehoe
SB 826-Sater	SB 870-Hegeman
SB 827-Sater	SB 871-Romine
SB 828-Nasheed	SB 872-Schatz
SB 829-Hoskins	SB 873-Schupp
SB 830-Riddle	SB 874-Emery
SB 831-Rowden	SB 875-Nasheed
SB 832-Rowden	SB 876-Sater
SB 833-Rowden	SB 877-Onder
SB 834-Rowden	SB 878-Wieland
SB 835-Rowden	SB 879-Wieland
SB 836-Rowden	SB 880-Wieland
SB 837-Rowden	SB 881-Eigel
SB 838-Rowden	SB 882-Hoskins
SB 839-Rowden	SB 883-Holsman
SB 840-Rowden	SB 884-Koenig
SB 841-Munzlinger	SB 885-Rowden
SB 842-Munzlinger	SB 886-Rowden

SB 887-Rowden  
SB 888-Rowden  
SB 889-Rowden  
SJR 19-Munzlinger  
SJR 20-Munzlinger  
SJR 21-Chappelle-Nadal  
SJR 22-Emery  
SJR 23-Silvey  
SJR 24-Silvey

SJR 25-Romine  
SJR 26-Holsman  
SJR 27-Holsman  
SJR 28-Hegeman  
SJR 29-Schupp  
SJR 30-Koenig  
SJR 31-Eigel  
SJR 32-Curls  
SJR 33-Eigel

## INFORMAL CALENDAR

### RESOLUTIONS

To be Referred

SCR 32-Holsman

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

### FIFTH DAY—WEDNESDAY, JANUARY 10, 2018

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“For everything there is a season and a time for every matter under heaven. (Ecclesiastes 3:1)

Almighty God, our lives are short compared to the infinite horizon in Your measure of time and our term here even shorter so teach us to value the precious gift of time we have each been given and may our efforts be fruitful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kehoe requested unanimous consent of the Senate to allow a member of the St. Louis County Police Department to enter the Chamber with side arms, which request was granted.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

### RESOLUTIONS

Senator Sifton offered Senate Resolution No. 1092, regarding Matt and Michele Herndon, Affton, which was adopted.

Senator Sifton offered Senate Resolution No. 1093, regarding Melissa Webb, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1094, regarding Greg and Lois Mans, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1095, regarding Frank Totten, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1096, regarding Bayless School District, Saint Louis County, which was adopted.

Senator Sifton offered Senate Resolution No. 1097, regarding Fresh Thyme Farmers Market, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1098, regarding Lindbergh Schools, Saint Louis County, which was adopted.

Senator Sifton offered Senate Resolution No. 1099, regarding Kevin D. Frederick, which was adopted.

Senator Sifton offered Senate Resolution No. 1100, regarding Scott Manning, Saint Louis, which was adopted.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 890**—By Riddle.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to child abuse or neglect investigations, with penalty provisions.

**SB 891**—By Kehoe.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to buy Missouri week.

**SB 892**—By Walsh.

An Act to repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, and 56.840, RSMo, and to enact in lieu thereof six new sections relating to the public employee retirement system for prosecuting and circuit attorneys.

**SB 893**—By Sater.

An Act to repeal sections 116.030, 116.040, 116.050, 116.080, 116.090, 116.100, 116.110, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof thirteen new sections relating to the petition process for amending the law, with penalty provisions and a delayed effective date.

**SB 894**—By Libla.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to computer science.



**SB 895**—By Wieland.

An Act to repeal section 408.040, RSMo, and to enact in lieu thereof one new section relating to interest on judgments.

**SB 896**—By Wieland.

An Act to repeal section 172.100, RSMo, and to enact in lieu thereof two new sections relating to state colleges and universities grievance procedures.

**SB 897**—By Hoskins.

An Act to repeal sections 143.401 and 143.601, RSMo, and to enact in lieu thereof three new sections relating to the taxation of partnerships.

**SB 898**—By Hoskins.

An Act to repeal sections 161.670 and 167.121, RSMo, and to enact in lieu thereof three new sections relating to course access in education.

**SB 899**—By Rowden.

An Act to amend chapter 407, RSMo, by adding thereto eight new sections relating to password protection.

**SB 900**—By Rowden and Curls.

An Act to repeal sections 311.660, 313.220, and 313.260, RSMo, and to enact in lieu thereof three new sections relating to activities extended to persons found guilty of certain criminal offenses.

**SB 901**—By Hummel.

An Act to repeal section 191.950, RSMo, and to enact in lieu thereof one new section relating to prostate cancer.

**SB 902**—By Hummel.

An Act to repeal section 87.135, RSMo, and to enact in lieu thereof one new section relating to firefighter retirement systems for certain cities.

### **COMMITTEE APPOINTMENTS**

President Pro Tem Richard appointed Senator Nasheed to replace Senator Walsh on the escort committee pursuant to **HCR 50**.

On motion of Senator Kehoe, the Senate recessed until 3:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee pursuant to **HCR 50**. Representative: Fraker, Lant, Johnson, Cookson, Conway (104), McGee, Carpenter, Franks, Jr., May, and Meredith (71).

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 903**—By Dixon.

An Act to repeal sections 304.012 and 304.820, RSMo, and to enact in lieu thereof one new section relating to the operation of motor vehicles, with penalty provisions.

**SB 904**—By Emery.

An Act to repeal sections 168.104, 168.110, 168.124, 168.128, 168.221, and 168.410, RSMo, and to enact in lieu thereof seven new sections relating to teacher employment.

**SB 905**—By Munzlinger.

An Act to repeal section 164.011, RSMo, and to enact in lieu thereof one new section relating to property tax rates set by school districts.

**SB 906**—By Cunningham.

An Act to repeal sections 197.300, 197.305, 197.310, 197.312, 197.315, 197.316, 197.318, 197.320, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.366, 197.367, and 208.225, RSMo, and to enact in lieu thereof seventeen new sections relating to health care facilities, with existing penalty provisions.

**SB 907**—By Kehoe.

An Act to authorize the conveyance of property owned by the state in the City of Jefferson, Cole County, Missouri.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 645**—Seniors, Families and Children.

**SB 646**—Professional Registration.

**SB 647**—Seniors, Families and Children.

**SB 648**—Education.

**SB 649**—Commerce, Consumer Protection, Energy and the Environment.

**SB 650**—Local Government and Elections.

**SB 651**—Transportation, Infrastructure and Public Safety.

**SB 652**—Transportation, Infrastructure and Public Safety.

**SB 653**—Judiciary and Civil and Criminal Jurisprudence.

- SB 654**—Judiciary and Civil and Criminal Jurisprudence.
- SB 655**—Judiciary and Civil and Criminal Jurisprudence.
- SB 656**—Transportation, Infrastructure and Public Safety.
- SB 657**—Local Government and Elections.
- SB 658**—Local Government and Elections.
- SB 659**—Agriculture, Food Production and Outdoor Resources.
- SB 660**—Health and Pensions.
- SB 661**—Judiciary and Civil and Criminal Jurisprudence.
- SB 662**—Transportation, Infrastructure and Public Safety.
- SB 663**—Economic Development.
- SB 664**—Government Reform.
- SB 665**—Local Government and Elections.
- SB 666**—Government Reform.
- SB 667**—Ways and Means.
- SB 668**—Education.
- SB 669**—Rules, Joint Rules, Resolutions and Ethics.
- SB 670**—Seniors, Families and Children.
- SB 671**—Seniors, Families and Children.
- SB 672**—Seniors, Families and Children.
- SB 673**—Government Reform.
- SB 674**—Ways and Means.
- SB 675**—Economic Development.
- SB 676**—Government Reform.
- SB 677**—Professional Registration.
- SB 678**—Government Reform.
- SB 679**—Ways and Means.
- SB 680**—Small Business and Industry.
- SB 681**—Education.
- SB 682**—Education.

**SB 683**—Transportation, Infrastructure and Public Safety.

**SB 684**—Education.

**SB 685**—Local Government and Elections.

**SB 686**—Insurance and Banking.

**SB 687**—Education.

**SB 688**—General Laws.

**SB 689**—Judiciary and Civil and Criminal Jurisprudence.

**SB 690**—Education.

**SB 691**—Judiciary and Civil and Criminal Jurisprudence.

**SB 692**—Local Government and Elections.

**SB 693**—Seniors, Families and Children.

**SB 694**—Seniors, Families and Children.

### **RE-REFERRALS**

President Pro Tem Richard re-referred **SB 600** to the Committee on Professional Registration.

### **SECOND READING OF CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 32**—Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Kehoe, the Senate recessed until 6:45 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

On motion of Senator Kehoe, the Senate repaired to the House of Representatives to receive the State of the State Address from His Excellency, Governor Eric Greitens.

### **JOINT SESSION**

The Joint Session was called to order by President Parson.

The Color Guard from the Missouri State Highway Patrol, Troop F, presented the colors.

The Pledge of Allegiance to the Flag was recited.

On roll call the following Senators were present:

Present—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton

Wallingford      Walsh      Wasson      Wieland—32

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

On roll call the following Representatives were present:

PRESENT: 145

Adams	Alferman	Anders	Anderson	Andrews	Austin	Bahr
Bangert	Baringer	Barnes 60	Barnes 28	Basye	Beard	Beck
Bernskoetter	Berry	Black	Bondon	Brattin	Brown 27	Brown 57
Burnett	Burns	Butler	Carpenter	Chipman	Christofanelli	Conway 10
Conway 104	Cookson	Corlew	Cornejo	Cross	Curtis	Curtman
Davis	DeGroot	Dogan	Dohrman	Eggleston	Ellington	Engler
Evans	Fitzpatrick	Fitzwater 49	Fraker	Francis	Franklin	Franks Jr
Frederick	Gannon	Green	Gregory	Grier	Haahr	Hannegan
Hansen	Harris	Helms	Henderson	Higdon	Houghton	Houx
Hurst	Johnson	Justus	Kelley 127	Kelly 141	Kendrick	Kidd
Kolkmeyer	Korman	Lant	Lauer	Lavender	Lichtenegger	Love
Lynch	Marshall	Mathews	Matthiesen	May	McCann Beatty	McCreery
McDaniel	McGee	Meredith 71	Merideth 80	Messenger	Miller	Mitten
Moon	Morgan	Morris 140	Morse 151	Mosley	Muntzel	Neely
Nichols	Pfautsch	Phillips	Pierson Jr	Pietzman	Pike	Plocher
Pogue	Quade	Razer	Redmon	Rehder	Reiboldt	Reisch
Rhoads	Roberts	Roden	Roeber	Rone	Ross	Rowland 155
Runions	Ruth	Schroer	Shaul 113	Shull 16	Shumake	Smith 163
Spencer	Stacy	Stephens 128	Swan	Tate	Taylor	Trent
Unsicker	Vescovo	Walker 3	Walker 74	Walsh	Washington	Wessels
White	Wiemann	Wilson	Wood	Mr. Speaker		

ABSENT: 13

Arthur	Brown 94	Ellebracht	Gray	Haefner	Hill	Newman
Peters	Remole	Rowland 29	Smith 85	Sommer	Stevens 46	

VACANCIES: 5

The Joint Committee appointed to wait upon His Excellency, Governor Eric Greitens, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

**2018 State of the State Address  
Governor Eric R. Greitens**

Thank you, Lieutenant Governor Parson; Speaker Richardson and the members of the Missouri House; President Pro Tem Richard and members of the Missouri Senate; Chief Justice Fischer and judges of the Supreme Court; State officials; Members of the Cabinet; Our First Lady, and

my wife, Sheena Greitens.

We have many honored guests here tonight. One who is particularly special to me is my kindergarten teacher, Anne Richardson, who is here.

I was in Mrs. Richardson's Kindergarten class at McKelvey Elementary, and it was at McKelvey Elementary that I first heard the story of a boy from the town of Diamond, Missouri.

He was born over a century ago, and he was born a slave. When he was a baby, he and his mother were kidnapped. He never saw his mother again, but by God's grace, he found a loving home, and a new family that raised him as their own.

Now, at the time, no school in town would admit a black student, so his parents taught him how to read and to write. When he was older, they sent him to Neosho, about 10 miles down the road, where there was a school that opened its doors to him. He worked hard, and he did well. So well, in fact, that he was admitted to an agricultural college.

This was a tough time for American farmers. Their land was losing its richness, and no one could figure out a fix. The young man from Diamond invented new ways to grow crops. He traveled the country fixing farms, sometimes one-by-one, helping rural communities grow strong and feed more people. By some reports, he is the man who rescued American agriculture.

When George Washington Carver was born, he was considered, by many, to be property on a plantation. He became, an American hero, a friend of Presidents, a counselor to everyone from the Secretary of Agriculture to Mahatma Gandhi. His face was on postage stamps, and his name on a Navy submarine. He was, and he remains, one of us: a Missourian. His story is our story.

George Washington Carver passed away 75 years ago this month. As we begin our work, in this time and this place, we should celebrate his life. We should remember where he started and how far he went. We Missourians know that the contributions that have counted most have often come from people who were, at one time, counted out.

I was sent here, and I believe that many of you were sent here, not to work for the connected or the comfortable, but for those who have felt counted out and forgotten. They are strong and proud, and while they may not have pull or power or privilege, they do have enormous potential. To those Missourians, I have a simple message: We have been and we will fight for you every single day.

We promised we'd fight for your jobs, and we are. The most important thing we can do for Missouri families is to make it easier for those without jobs to find them and make sure that those who have jobs keep them. Over the past year, we have devoted the energy and attention of our office to putting Missourians back to work.

Here are the results: Today, Missouri has the lowest unemployment rate it's had in 17 years. Since last March, we have outpaced the nation in job growth, and in the past year, Missouri moved up nine spots in the rankings of the best states in the country to do business. There are more manufacturing jobs in our state than there were a year ago. We're putting a steel mill in Sedalia, Missouri, and we are competing for more steel mills and other plants around the state.

We are bringing good quality jobs back to Missouri. Now, we haven't fixed in one year what was broken over the course of many decades, and many Missourians still struggle. We have a lot of work left to do, but tonight, we can say: there are more jobs in Missouri than ever before, people are going back to work, and we are moving Missouri in a new and better direction.

Some of the people who need us most, who are counting on us, are the children in the Missouri foster care system, all 13,000 of them. We live in a compassionate state: there are thousands of loving families in Missouri who have opened their homes and their hearts to foster children. In fact, some foster and adoptive families are with us in the balconies this evening. Please join me in recognizing them.

A year ago, if a child in foster care needed a copy of their own birth certificate to apply for a driver's license or to get a job, they had to pay for it out of their own pocket. Today, we can proudly say they can get that birth certificate without having to give the government their money.

A year ago, a child entering our foster system may not have known their rights. This is an issue that many of you have cared about for a long time and worked on for a long time. And I was proud to join with you to sign into law a "Foster Care Bill of Rights."

Last month, Missouri officially joined the National Electronic Interstate Compact Enterprise to make adoption easier across state lines. I want to give a special thank you for her hard work on this issue to the First Lady of the State of Missouri, my wife, Sheena Greitens.

Our team has been working with members of this body on twenty legislative initiatives to help children in need. Some of these initiatives will help reform and improve Missouri's adoption system, so we can get children into safe, stable, and loving homes faster. Another would help

foster children get access to bank accounts, so they can save their money. Together, these twenty legislative initiatives will make a meaningful difference in the lives of the children of the state of Missouri.

As many of you know, before I joined the military, I worked with children in some of the world's most difficult places. I worked with children who'd lost their homes. Kids who had lost limbs to landmines. Children who'd lost their parents to violence. That work taught me that the damage done to children, too often, leads people to look at them as only damaged children. People see their problems and pain, but they miss their courage. They see their scars. They don't see their strength.

Every child in the Missouri foster care system has seen more than their fair share of hardship. We need to see in them their God-given potential, and we need to do everything in our power to help them to fulfill it.

Tonight, I want to ask the members of this body to do something straightforward: Put politics on hold. Set any differences you may have with one another, or with me, to the side. These are children. These are kids. There are 13,000 of them. We must love them and care for them as if they were our own, because, in law and spirit, they are. Tonight, let's join together, and pledge to get this work done for the kids who need us most.

One of the most important things we can do for those kids, and for their families, and for families throughout Missouri, is to continue to bring more good jobs back to our state.

For Missouri to prosper, we need to get government off our backs. When we came into office, we looked at the burden of regulations and red tape on our farms, ranches, businesses, homes, neighborhoods, and communities. We had almost 7,000 regulations and 112,000 regulatory requirements on the books, adding up to more than seven million words in total. Here's how bad things got in Missouri: Since 2002, regulatory requirements in our state grew at a faster—yes, a faster—rate than the regulations imposed on us by bureaucrats in Washington, DC.

In Missouri, there was a regulation on the books that forced some small businesses to install and pay for a land line phone, even if they didn't want it and didn't use it. If you haul milk for a living, the government requires you to do a training. Now, it's a training that could be done online, on your own time, but because of outdated regulations, you've got to go to a meeting set up by the government to do it.

Regulations like these that waste money, waste time, are outdated and irrelevant had been building up for too long, like plaque in the arteries of Missouri's economy. These regulations cost Missourians money. They raise the prices of the things we buy. They slow down our mills, our farms, our factories, our shops. And they make government more bloated and more burdensome.

Because of this, we launched the most aggressive, most thorough, most ambitious effort to roll back unnecessary regulations in the United States. By taking a strong, thoughtful, conservative approach to government, we can tell you tonight that we are taking nearly one out of every three regulatory requirements in the state of Missouri—that's 33,000 regulatory requirements—off the books for good.

Missouri has become a leader. In fact, other states have modeled their regulatory reforms on what we are doing to increase liberty and prosperity in the state of Missouri. My team and I will continue to eliminate regulations that are unproductive and unnecessary, and, when we need legislation to roll back regulations, we will work with you.

But there is more we need to do to grow jobs in our state. Some of these we've talked about before: Making sure that we have the right laws on the books to be fair to family businesses, and making strategic investments in education, infrastructure, and workforce development. Yet one of the best investments we can make in Missouri, is also one of the most straightforward: cut taxes and put money back into the pockets of the people of Missouri.

Last year, we faced a choice: we could cut spending or raise taxes. I'm proud to say that we cut spending, and we did not raise taxes on the citizens of Missouri a single nickel.

Early next week, my team and I will lay out a detailed, thoughtful, and thorough plan to cut taxes on the hardest-working families in our state. It is the boldest state tax reform in America. And with your help, we will lower taxes for working families and make it easier for businesses to come to Missouri and create jobs. And we will do it in a way that is fiscally sound, maintains our state's triple-A credit rating, and does not burden our children with debt.

In 2018, I want this body to cut taxes for the people of Missouri, and to cut taxes for businesses that create jobs. Let's get it done.

Today, I'm proud to tell you that we continue to shrink the size of government. In fact, today the government of the state of Missouri is the smallest it's been in two decades. At the same time, we've been improving how government serves our citizens. To do this, we brought in a team of outsiders, with a clear mission: the most effective government at the lowest possible cost.

In the Department of Natural Resources, we discovered a backlog of over 2,000 permit applications that had been submitted by businesses. The backlog was decades old, and in just the last year, the Department sliced it in half. They actually found a permit that a company applied for in 1997. I'm happy to report to you tonight: it's been approved.

Not only that: they got all of this done while cutting the Department's size and spending less money, and even with a smaller and leaner department, they still managed to make sure that Missourians have the safest drinking water they've had in almost 20 years.

This type of change is happening across government. We found four planes that the government didn't need, and we sold them off. That also saved taxpayers almost \$40,000 a year in maintenance, money the government was paying for planes that nobody was using. We found 30 cars the government didn't need, and we're getting rid of them. That's going to save Missourians over \$500,000. Every year, the Governor's office printed thousands of pages of paper for its annual budget. And every year, many of those big books sat on shelves, unopened and collecting dust. So this year, we are putting the budget online and saving \$3,601.50 in printing costs.

We pay attention to dollars, and we pay attention to cents, because we remember: every single dollar this government spends was earned by the hard work of a Missourian, and this is the people's money.

For us to save dollars and serve citizens, we need to reform state workforce laws that are decades old. Today, government can't move people to where they will help the most, can't reward people for good work, and unlike a business, it can't get rid of poor performers who fail our citizens and fail their colleagues. We need your help to build a common sense government.

Speaking of common sense, our task force did a full audit of the Boards and Commissions in Missouri's government. They were in bad shape. For example, the state of Missouri has six Child Abuse and Neglect Review Boards. These Boards do important work to protect children across the state of Missouri. Four of the six of them weren't able to hear cases because they didn't have enough members to meet. We fixed this. Now they'll be able to get to work to protect our kids.

To serve citizens well, government needs to do fewer things and do them better. For years, people have complained that Missouri government is chock full of redundant and unnecessary and wasteful Boards and Commissions. So our task force did a careful review—Board by Board, Commission by Commission—and recommended the elimination of hundreds of unnecessary government positions. Senator Riddle has introduced a bill that reflects these recommendations, and I urge this body to pass that bill.

That's how we make government smaller and better. We must also make sure that our public servants serve in the public's interest. We need to slam shut the door between the legislature and lobbyists, and we need to pass term limits for every state-wide office holder.

In my very first action as Governor, I signed an executive order banning gifts from lobbyists to state employees of the executive branch. A bill that would have done the same thing in the legislature passed the House last year. Thank you to Speaker Richardson and the Representatives who voted for it last year and who already took action on it again this year.

Last year, the bill stalled in the Senate. This year, both bodies need to get together and pass a ban on gifts from lobbyists to the legislature. But in the meantime, I have a simple request: I call on every member of the legislature to join me in a pledge not to accept any gift from lobbyists. Let's get this done for the people of Missouri.

We promised the people of Missouri that we would support our law enforcement officers and first responders, and that's what we've done.

There's an officer who, tonight, will step into the cold to keep Missourians safe. The wife of one police officer told our team that, when he leaves for the night, she can't be sure that he's home safe until she hears the Velcro of his body armor being taken off. This is what our law enforcement families experience every day.

Last year, some of our law enforcement officers gave their lives in the line of duty. Others were wounded. Last month, I visited the bedside of Officer Ryan O'Connor, after a criminal shot him in the back of the head. The day we went to visit him, as he was lying in a hospital bed just a few feet away, Officer O'Connor's 17-year-old son, Aiden, told me, that like his grandfather and his father, he too wanted to be a police officer.

Aiden, we want you and young people across the state of Missouri to know that serving your community as a police officer is a proud and noble profession. We're proud of you.

Last year, together with this body, we passed and signed Blue Alert legislation into law to help bring to justice and strengthen the penalties for anyone who attacks or injures a law enforcement officer. This year, we need to pass legislation that protects the health, safety, and



well-being of our firefighters, police officers, and other first responders.

Some of these issues we've talked about before. One issue I want to raise tonight is the harassment of police officers. Today, in Missouri, radicals can file liens against a police officer's house. They can do this in secret, and it can affect the credit of our police officers and their families, costing them thousands of dollars. It's harassment, and it needs to stop. On behalf of law enforcement officers throughout our state, I'd ask this body to pass a clean version of legislation that protects them from this type of harassment.

Tonight, I want to let the police officers of this state know: your Governor, your fellow citizens, and the vast majority of your elected representatives, we have your back.

We're also working to build the finest National Guard in the country, and I'm proud to say that we were able to add 800 National Guard jobs this past year. We want Missouri to be the best state in the country for veterans and military families.

We have members of the armed forces who get orders to come to Missouri to serve in places like Whiteman Air Force base and Ft. Leonard Wood. Today, what makes it hard for some of them is that, if their spouse is licensed to work in another state, Missouri may not recognize those licenses. That means, if your spouse has a career in dentistry in Tennessee, and your family is moved to Whiteman Air Force base, they may not be able to work here in Missouri. That needs to change. We need to grant full reciprocity of licenses obtained in other states to military members, veterans, and their spouses.

And there is more. Right now, in the state of Missouri, a small business owner who declares that he or she wants to hire veterans can be sued. That's right: if you say that you prefer to hire veterans, you could face a lawsuit. That's wrong. This legislature needs to pass a bill allowing employers to establish a veterans hiring preference. Most states in our country have done this. It's time for Missouri to do the same.

I had the honor of visiting with the men and women of Missouri's National Guard when they were serving overseas with US Central Command. The men and women from 1st Battalion, 138th Infantry Regiment, are home now, and I wanted all of you who are here today to be able to say to them: Welcome home, and we're proud of you. They're with us tonight, and I'd ask them to stand.

We promised the people of Missouri that we would fight for them. We have, and we will. We promised the people of Missouri we would do different. We have, and we will. We promised the people of Missouri that we would fight for the least among us, the counted out, and the forgotten. We have, and we will.

Tonight, we can look back with pride and look forward with confidence. We have come far in a year, and though we have a long way to go, the state of our state today reflects what the state of our people has always been: Missouri is strong, and she is getting stronger.

Thank you very much. God bless you, and God bless the people of Missouri.

On motion of Senator Kehoe, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Wallingford.

### **INTRODUCTION OF GUESTS**

Senator Richard introduced to the Senate, Benji Rosenberg, Joplin.

Senator Walsh introduced to the Senate, Sergeant Grant Rummerfield, his wife, Nancy, and children, Jake and Rachel, Florissant.

Senator Brown introduced to the Senate, Steve and Monica Davis, Rolla.

Senator Schupp introduced to the Senate, Matt Kliethermes, Maryland Heights; Danielle Smith, Chesterfield; and Courtney Kovachevich, St. Louis.

Senator Cunningham introduced to the Senate, Dean and Mary Aye, and their children, Mika Parker, Tiffanie Reed, Jessica and Mason Aye, and Yao Kaigi, China; and Director Laurie Jacobsen, Greenheart Exchange, and exchange students Annamenli Rosymyradova, Turkmenistan; Anna Bilous and Iryna Sobchysyna, Ukraine; Lionel Buck, Switzerland; Matheus de Andrade Colombo, Brazil.

Senator Cunningham introduced to the Senate, Kristen Tuohy Avila, Rogersville.

Senator Hoskins introduced to the Senate, William Atherton, Fayette.

Senator Wallingford introduced to the Senate, Chief of Police James Wes Blair, Cape Girardeau.

Senator Chappelle-Nadal introduced to the Senate, Gary M. Gaddis, MD, PhD, St. Louis.

On motion of Senator Kehoe, the Senate adjourned under the rules.

## SENATE CALENDAR

---

SIXTH DAY—THURSDAY, JANUARY 11, 2018

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 695-Wallingford	SB 725-Emery
SB 696-Romine	SB 726-Emery
SB 697-Romine	SB 727-Emery
SB 698-Nasheed	SB 728-Wallingford
SB 699-Sifton	SB 729-Wallingford
SB 700-Sifton	SB 730-Wallingford
SB 701-Sifton	SB 731-Sifton
SB 702-Hegeman	SB 732-Sifton
SB 703-Hegeman	SB 733-Sifton
SB 704-Hegeman	SB 734-Schatz
SB 705-Riddle	SB 735-Schatz
SB 706-Riddle	SB 736-Schatz
SB 707-Schatz	SB 737-Schupp
SB 708-Schatz	SB 738-Schupp
SB 709-Schatz	SB 739-Schupp
SB 710-Onder	SB 740-Chappelle-Nadal
SB 711-Schupp	SB 741-Chappelle-Nadal
SB 712-Schupp	SB 742-Chappelle-Nadal
SB 713-Schupp	SB 743-Sater
SB 714-Koenig	SB 744-Sater
SB 715-Koenig	SB 745-Sater
SB 716-Eigel	SB 746-Emery
SB 717-Eigel	SB 747-Emery
SB 718-Eigel	SB 748-Emery
SB 719-Chappelle-Nadal	SB 749-Wallingford
SB 720-Chappelle-Nadal	SB 750-Schatz
SB 721-Chappelle-Nadal	SB 751-Schatz
SB 722-Sater	SB 752-Schatz
SB 723-Sater	SB 753-Schupp
SB 724-Sater	SB 754-Schupp

SB 755-Schupp	SB 803-Nasheed
SB 756-Sater	SB 804-Nasheed
SB 757-Schatz	SB 805-Crawford
SB 758-Schatz	SB 806-Crawford
SB 759-Schatz	SB 807-Wasson
SB 760-Schupp	SB 808-Brown
SB 761-Schatz	SB 809-Koenig
SB 762-Schatz	SB 810-Koenig
SB 763-Schatz	SB 811-Munzlinger
SB 764-Schatz	SB 812-Wallingford
SB 765-Riddle	SB 813-Riddle
SB 766-Riddle	SB 814-Riddle
SB 767-Hoskins	SB 815-Schatz
SB 768-Hoskins	SB 816-Schatz
SB 769-Cunningham	SB 817-Munzlinger
SB 770-Hegeman	SB 818-Brown
SB 771-Hoskins	SB 819-Cunningham
SB 772-Hoskins	SB 820-Cunningham
SB 773-Hoskins	SB 821-Cunningham
SB 774-Munzlinger	SB 822-Hegeman
SB 775-Brown	SB 823-Schatz
SB 776-Sater	SB 824-Cunningham
SB 777-Koenig	SB 825-Sater
SB 778-Rowden	SB 826-Sater
SB 779-Curls	SB 827-Sater
SB 780-Curls	SB 828-Nasheed
SB 781-Curls	SB 829-Hoskins
SB 782-Cunningham	SB 830-Riddle
SB 783-Nasheed	SB 831-Rowden
SB 784-Nasheed	SB 832-Rowden
SB 785-Nasheed	SB 833-Rowden
SB 786-Schupp	SB 834-Rowden
SB 787-Curls	SB 835-Rowden
SB 788-Nasheed	SB 836-Rowden
SB 789-Nasheed	SB 837-Rowden
SB 790-Cierpiot	SB 838-Rowden
SB 791-Nasheed	SB 839-Rowden
SB 792-Nasheed	SB 840-Rowden
SB 793-Wallingford	SB 841-Munzlinger
SB 794-Romine, et al	SB 842-Munzlinger
SB 795-Koenig	SB 843-Riddle
SB 796-Koenig	SB 844-Riddle
SB 797-Munzlinger	SB 845-Riddle
SB 798-Wallingford	SB 846-Schupp
SB 799-Wallingford	SB 847-Eigel
SB 800-Libla	SB 848-Riddle
SB 801-Nasheed	SB 849-Kehoe and Schupp
SB 802-Nasheed	SB 850-Wallingford

SB 851-Wallingford	SB 887-Rowden
SB 852-Wallingford	SB 888-Rowden
SB 853-Wallingford	SB 889-Rowden
SB 854-Wallingford	SB 890-Riddle
SB 855-Curls	SB 891-Kehoe
SB 856-Curls	SB 892-Walsh
SB 857-Curls	SB 893-Sater
SB 858-Curls	SB 894-Libla
SB 859-Koenig	SB 895-Wieland
SB 860-Koenig	SB 896-Wieland
SB 861-Hegeman	SB 897-Hoskins
SB 862-Schatz	SB 898-Hoskins
SB 863-Cunningham	SB 899-Rowden
SB 864-Hoskins	SB 900-Rowden and Curls
SB 865-Kehoe	SB 901-Hummel
SB 866-Kehoe	SB 902-Hummel
SB 867-Kehoe	SB 903-Dixon
SB 868-Kehoe	SB 904-Emery
SB 869-Kehoe	SB 905-Munzlinger
SB 870-Hegeman	SB 906-Cunningham
SB 871-Romine	SB 907-Kehoe
SB 872-Schatz	SJR 19-Munzlinger
SB 873-Schupp	SJR 20-Munzlinger
SB 874-Emery	SJR 21-Chappelle-Nadal
SB 875-Nasheed	SJR 22-Emery
SB 876-Sater	SJR 23-Silvey
SB 877-Onder	SJR 24-Silvey
SB 878-Wieland	SJR 25-Romine
SB 879-Wieland	SJR 26-Holsman
SB 880-Wieland	SJR 27-Holsman
SB 881-Eigel	SJR 28-Hegeman
SB 882-Hoskins	SJR 29-Schupp
SB 883-Holsman	SJR 30-Koenig
SB 884-Koenig	SJR 31-Eigel
SB 885-Rowden	SJR 32-Curls
SB 886-Rowden	SJR 33-Eigel



# Journal of the Senate

## SECOND REGULAR SESSION

---

### SIXTH DAY—THURSDAY, JANUARY 11, 2018

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Give thanks to the Lord for he is good; his mercy endures forever...” (Psalm 118:1)

We do give You thanks and praise for the time with loved ones as we head home to be with them. Let us be mindful of what a gift love and family are to us. May we rejoice for the community we live in and for the community of faith we find our center and worship in and for You, for truly You are a gracious God and we are truly thankful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Onder announced photographers from St. Louis Post Dispatch, KOMU-TV, KY3 News and Associated Press were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Kehoe—1

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Rowden offered Senate Resolution No. 1101, regarding the death of Melvin Theodore Christian, Boonville, which was adopted.

Senator Schaaf offered Senate Resolution No. 1102, regarding the One Hundredth Birthday of Virginia Glass, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 1103, regarding the Fiftieth Wedding Anniversary of Charlie and Marty Mears, St. Joseph, which was adopted.

Senator Richard offered Senate Resolution No. 1104, regarding Eagle Scout Reece Christopher Corda, which was adopted.

Senator Richard offered Senate Resolution No. 1105, regarding the Seventieth Birthday of Stephen Walstad, DVM, Joplin, which was adopted.

Senator Rizzo offered Senate Resolution No. 1106, regarding KC Tech Council, which was adopted.

**INTRODUCTION OF GUESTS**

Senator Emery introduced to the Senate, the Physician of the Day, Warren C. Lovinger, Jr., MD, MACP, Nevada.

On motion of Senator Onder, the Senate adjourned until 4:00 p.m., Tuesday, January 16, 2018.

**SENATE CALENDAR**


---

**SEVENTH DAY—TUESDAY, JANUARY 16, 2018**


---

**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 695-Wallingford  
 SB 696-Romine  
 SB 697-Romine  
 SB 698-Nasheed  
 SB 699-Sifton  
 SB 700-Sifton  
 SB 701-Sifton  
 SB 702-Hegeman  
 SB 703-Hegeman  
 SB 704-Hegeman  
 SB 705-Riddle  
 SB 706-Riddle  
 SB 707-Schatz

SB 708-Schatz  
 SB 709-Schatz  
 SB 710-Onder  
 SB 711-Schupp  
 SB 712-Schupp  
 SB 713-Schupp  
 SB 714-Koenig  
 SB 715-Koenig  
 SB 716-Eigel  
 SB 717-Eigel  
 SB 718-Eigel  
 SB 719-Chappelle-Nadal  
 SB 720-Chappelle-Nadal

SB 721-Chappelle-Nadal	SB 765-Riddle
SB 722-Sater	SB 766-Riddle
SB 723-Sater	SB 767-Hoskins
SB 724-Sater	SB 768-Hoskins
SB 725-Emery	SB 769-Cunningham
SB 726-Emery	SB 770-Hegeman
SB 727-Emery	SB 771-Hoskins
SB 728-Wallingford	SB 772-Hoskins
SB 729-Wallingford	SB 773-Hoskins
SB 730-Wallingford	SB 774-Munzlinger
SB 731-Sifton	SB 775-Brown
SB 732-Sifton	SB 776-Sater
SB 733-Sifton	SB 777-Koenig
SB 734-Schatz	SB 778-Rowden
SB 735-Schatz	SB 779-Curls
SB 736-Schatz	SB 780-Curls
SB 737-Schupp	SB 781-Curls
SB 738-Schupp	SB 782-Cunningham
SB 739-Schupp	SB 783-Nasheed
SB 740-Chappelle-Nadal	SB 784-Nasheed
SB 741-Chappelle-Nadal	SB 785-Nasheed
SB 742-Chappelle-Nadal	SB 786-Schupp
SB 743-Sater	SB 787-Curls
SB 744-Sater	SB 788-Nasheed
SB 745-Sater	SB 789-Nasheed
SB 746-Emery	SB 790-Cierpiot
SB 747-Emery	SB 791-Nasheed
SB 748-Emery	SB 792-Nasheed
SB 749-Wallingford	SB 793-Wallingford
SB 750-Schatz	SB 794-Romine, et al
SB 751-Schatz	SB 795-Koenig
SB 752-Schatz	SB 796-Koenig
SB 753-Schupp	SB 797-Munzlinger
SB 754-Schupp	SB 798-Wallingford
SB 755-Schupp	SB 799-Wallingford
SB 756-Sater	SB 800-Libla
SB 757-Schatz	SB 801-Nasheed
SB 758-Schatz	SB 802-Nasheed
SB 759-Schatz	SB 803-Nasheed
SB 760-Schupp	SB 804-Nasheed
SB 761-Schatz	SB 805-Crawford
SB 762-Schatz	SB 806-Crawford
SB 763-Schatz	SB 807-Wasson
SB 764-Schatz	SB 808-Brown

SB 809-Koenig	SB 853-Wallingford
SB 810-Koenig	SB 854-Wallingford
SB 811-Munzlinger	SB 855-Curls
SB 812-Wallingford	SB 856-Curls
SB 813-Riddle	SB 857-Curls
SB 814-Riddle	SB 858-Curls
SB 815-Schatz	SB 859-Koenig
SB 816-Schatz	SB 860-Koenig
SB 817-Munzlinger	SB 861-Hegeman
SB 818-Brown	SB 862-Schatz
SB 819-Cunningham	SB 863-Cunningham
SB 820-Cunningham	SB 864-Hoskins
SB 821-Cunningham	SB 865-Kehoe
SB 822-Hegeman	SB 866-Kehoe
SB 823-Schatz	SB 867-Kehoe
SB 824-Cunningham	SB 868-Kehoe
SB 825-Sater	SB 869-Kehoe
SB 826-Sater	SB 870-Hegeman
SB 827-Sater	SB 871-Romine
SB 828-Nasheed	SB 872-Schatz
SB 829-Hoskins	SB 873-Schupp
SB 830-Riddle	SB 874-Emery
SB 831-Rowden	SB 875-Nasheed
SB 832-Rowden	SB 876-Sater
SB 833-Rowden	SB 877-Onder
SB 834-Rowden	SB 878-Wieland
SB 835-Rowden	SB 879-Wieland
SB 836-Rowden	SB 880-Wieland
SB 837-Rowden	SB 881-Eigel
SB 838-Rowden	SB 882-Hoskins
SB 839-Rowden	SB 883-Holsman
SB 840-Rowden	SB 884-Koenig
SB 841-Munzlinger	SB 885-Rowden
SB 842-Munzlinger	SB 886-Rowden
SB 843-Riddle	SB 887-Rowden
SB 844-Riddle	SB 888-Rowden
SB 845-Riddle	SB 889-Rowden
SB 846-Schupp	SB 890-Riddle
SB 847-Eigel	SB 891-Kehoe
SB 848-Riddle	SB 892-Walsh
SB 849-Kehoe and Schupp	SB 893-Sater
SB 850-Wallingford	SB 894-Libla
SB 851-Wallingford	SB 895-Wieland
SB 852-Wallingford	SB 896-Wieland



SB 897-Hoskins  
SB 898-Hoskins  
SB 899-Rowden  
SB 900-Rowden and Curls  
SB 901-Hummel  
SB 902-Hummel  
SB 903-Dixon  
SB 904-Emery  
SB 905-Munzlinger  
SB 906-Cunningham  
SB 907-Kehoe  
SJR 19-Munzlinger  
SJR 20-Munzlinger

SJR 21-Chappelle-Nadal  
SJR 22-Emery  
SJR 23-Silvey  
SJR 24-Silvey  
SJR 25-Romine  
SJR 26-Holsman  
SJR 27-Holsman  
SJR 28-Hegeman  
SJR 29-Schupp  
SJR 30-Koenig  
SJR 31-Eigel  
SJR 32-Curls  
SJR 33-Eigel

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

### SEVENTH DAY—TUESDAY, JANUARY 16, 2018

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Senator Romine offered the following prayer:

“As we have therefore opportunity, let us do good unto all men.” (Galatians 6:10)

Dear God, we give You thanks that we have had men and women as Martin Luther King Jr. who were willing to say what needed to be said and speak to our heart that better relationships between people should be and can be better. Help us this week and every week do the good we can and find ways to express our concerns and kindness that we might be instruments of Your holy will. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 11, 2018 was read and approved.

Senator Kehoe announced photographers from Vice News Nightly were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Walsh—1

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Hegeman offered Senate Resolution No. 1107, regarding Madelyn Derks, which was adopted.

Senator Sifton offered Senate Resolution No. 1108, regarding Donna Catanzaro, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1109, regarding Steve Schmid, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1110, regarding Karen M. Schuering, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1111, regarding Cor Jesu Academy, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1112, regarding Janet Peistrup, which was adopted.

Senator Riddle offered Senate Resolution No. 1113, regarding Chuck Rentschler, which was adopted.

Senator Kehoe offered Senate Resolution No. 1114, regarding Pamela S. Nations, Eldon, which was adopted.

Senator Rowden offered Senate Resolution No. 1115, regarding Ragtag Film Society, Columbia, which was adopted.

Senator Hummel offered Senate Resolution No. 1116, regarding the Grand-Bates neighborhood, Saint Louis, which was adopted.

Senator Richard offered Senate Resolution No. 1117, regarding the One Hundredth Anniversary of Joplin High School, which was adopted.

Senator Sifton offered Senate Resolution No. 1118, regarding Katy Glass, Valley Park, which was adopted.

Senator Sifton offered Senate Resolution No. 1119, regarding the License Office, Affton, which was adopted.

Senator Sifton offered Senate Resolution No. 1120, regarding Keith D. Brooks, Saint Louis, which was adopted.

Senator Nasheed offered Senate Resolution No. 1121, regarding “The Grove”, St. Louis City, which was adopted.

Senator Sater offered Senate Resolution No. 1122, regarding Murray Bishoff, Monett, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Emery offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 33**

Whereas, under Article IV, Section 3, of the United States Constitution, “The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States”; and

Whereas, the Constitutional Convention intended this provision of the Constitution to maintain the status quo that had been established

to transfer federal territorial lands only to create new states with the same rights of sovereignty, freedom, and independence as the original states; and

Whereas, under these express terms of trust, over time the states claiming federal territorial land ceded their western land to the confederated Union to allow the confederated government to dispose of the lands only to create new states and apply the net proceeds of any sales of the lands only to pay down the public debt; and

Whereas, the United States Constitution contains no expression of intent to authorize the federal government to indefinitely exercise control over western public lands beyond the duty to manage the lands pending the disposal of the lands to create new states, and therefore the lands should be returned to the western states; and

Whereas, in order to promote legitimate federal interests, the western states should upon transfer of the public lands directly to the state where the public land is located agree to affirmatively cede lands for the national park system, the national wilderness preservation system, and lands reserved for federal military use, military parks, and military reservations to the federal government under Article I, Section 8, Clause 17, of the United States Constitution, on condition that the lands permanently remain national park lands, and that they not be sold, transferred, left in substantial disrepair, or conveyed to any party other than to the state where the land is located; and

Whereas, limiting the ability of western states to access and utilize the public lands' natural resources within their borders is having a negative impact upon the economy of the western states and therefore the economy of the entire United States:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, in order to provide a fair, just, and equitable remedy for the federal government's past and continuing breaches of its solemn promises to the western states:

(1) Calls upon the federal government to transfer title to all federal public lands within the western states to the state where the land is located;

(2) Urges the United States Congress to engage in good faith communication, cooperation, and consultation with the western states to coordinate the transfer of the public lands, and supports the western states in these efforts;

(3) Calls upon the western states to agree, upon transfer of the public lands, to affirmatively cede to the federal government all lands currently designated as part of the National Park System under 16 U.S.C. Section 1a-1, the National Wilderness Preservation System under 16 U.S.C. Section 1131, or for military use, military parks, or military reservations;

(4) Urges that if any public land in the western states be sold to private owners, 95% of the net proceeds be paid to the Bureau of the Public Debt to pay down the federal debt; and

(5) Calls upon all other states of the United States to pass a similar resolution in support of the transfer of the federal public lands to the western states; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Secretary of the United States Department of the Interior, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

Senator Emery offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 34

Whereas, the growth and abuse of federal regulatory authority threaten our constitutional liberties, including those guaranteed by the Bill of Rights in the First, Second, Fourth, and Fifth Amendments to our Constitution; and

Whereas, federal regulators must be more accountable to elected representatives of the people, and not immune from such accountability; and

Whereas, the United States House of Representatives has passed with bipartisan support the Regulations from the Executive in Need of Scrutiny (REINS) Act to require that Congress approve major new federal regulations before they can take effect; and

Whereas, even if enacted, a law may be repealed or waived by a future Congress and President:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge that the United States Congress vote to propose the Regulation Freedom Amendment to the United States Constitution as follows:

“Whenever one quarter of the members of the United States House of Representatives or the United States Senate transmits to the President their written declaration of opposition to a proposed federal regulation, it shall require a majority vote of the House of Representatives and the Senate to adopt that regulation.”; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and each member of the Missouri Congressional delegation.

Senator Hegeman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 35

Whereas, diabetes affects more than twenty-nine million Americans and is a chronic condition that occurs when the body does not properly produce or use the hormone insulin that regulates blood sugar; and

Whereas, type 2 diabetes is the most common type of diabetes, representing an estimated ninety to ninety-five percent of all diagnosed adult diabetes cases in the United States; and

Whereas, diabetes is the seventh leading cause of death in the United States with eight million Americans undiagnosed and more than five thousand Americans diagnosed each day; and

Whereas, cardiovascular disease is the leading cause of death associated with diabetes due to complications associated with diabetes, such as high blood sugar, high blood pressure, and obesity; and

Whereas, cardiovascular disease is a term used to define problems with the heart and blood vessels such as heart attacks, heart failure, and strokes; and

Whereas, people with type 2 diabetes are at two to four times greater risk for developing cardiovascular disease and findings from a recent study revealing fifty-two percent of adults living with type 2 diabetes unaware they are at an increased risk; and

Whereas, two out of three deaths in people with type 2 diabetes are attributable to cardiovascular disease in the United States, accounting for sixty-eight percent of deaths in people with type 2 diabetes; and

Whereas, the total health care costs for the treatment of diabetes were reported to be approximately two hundred forty-five billion dollars annually, with direct medical costs accounting for one hundred thirty-six billion dollars of the total costs in 2013, and cardiovascular disease accounting for twenty-eight percent of costs for treating diabetes patients; and

Whereas, in the state of Missouri, the amount paid by Medicare for type 2 diabetes and cardiovascular disease totals eight hundred forty-three million two hundred seven thousand five hundred nine for three hundred ninety-six beneficiaries; and

Whereas, appropriate awareness and education about the cardiovascular risks associated with diabetes can effectively reduce the overall outcome and financial burden of the illness; and

Whereas, the Missouri Department of Health and Senior Services and other relevant partners seek to promote awareness, education, and action related to diabetes and the link to cardiovascular disease:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate the month of November 2018, as Diabetes and Cardiovascular Disease Awareness Month in Missouri and encourage others to promote education and awareness of the connection between diabetes and cardiovascular disease; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to send a properly inscribed copy of this resolution to the Governor.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 908**—By Wieland.

An Act to repeal sections 375.1218, 376.715, 376.717, 376.718, 376.720, 376.722, 376.724, 376.725, 376.726, 376.733, 376.734, 376.735, 376.737, 376.738, 376.742, 376.743, 376.746, 376.747, 376.748, 376.755, 376.756, and 376.758, RSMo, and to enact in lieu thereof twenty-two new sections relating to insurance guaranty associations.

**SB 909**—By Dixon.

An Act to amend chapter 472, RSMo, by adding thereto nineteen new sections relating to fiduciary access to digital assets.

**SB 910**—By Sater.

An Act to repeal sections 209.030 and 209.040, RSMo, and to enact in lieu thereof two new sections relating to the blind pension fund.

**SB 911**—By Munzlinger.

An Act to repeal section 262.008, RSMo, and to enact in lieu thereof one new section relating to immunity from liability for the transmission of animal pathogens on fairgrounds.

**SB 912**—By Rowden.

An Act to repeal section 173.1003, RSMo, and to enact in lieu thereof one new section relating to tuition at public higher education institutions.

**SB 913**—By Rowden.

An Act to repeal sections 191.737, 191.739, and 210.110, RSMo, and to enact in lieu thereof three new sections relating to the duties of the children's division.

**SB 914**—By Crawford.

An Act to repeal section 379.1545, RSMo, and to enact in lieu thereof one new section relating to portable electronics insurance.

**SB 915**—By Crawford.

An Act to repeal section 34.378, RSMo, and to enact in lieu thereof one new section relating to contingency fee contracts.

**SB 916**—By Crawford.

An Act to repeal section 171.031, RSMo, and to enact in lieu thereof one new section relating to the opening date for school terms.

**SB 917**—By Crawford.

An Act to repeal section 260.242, RSMo, and to enact in lieu thereof one new section relating to coal ash.

**SB 918**—By Munzlinger.

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to working animals.

## **REPORTS OF STANDING COMMITTEES**

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

William Atherton, Adrienne D. Atzemis, Nancy E. Birch, James W. Blair, Mary B. Bozarth, Barbara Brown-Johnson, Elaine Buschjost, Jack C. Jensen, Matthew D. Kliethermes, Courtney Kovachevich, DiAnne Mueller, Donna J. Neely, William C. Prince, Grant Rummerfield, Danielle T. Smith, Joy A. Sweigart and Kristen M. Tuohy Avila, as members of the Child Abuse and Neglect Review Board;

Also,

Monica A. Davis, Sharon Faulkner, John Heskett and Cherrisse M. Thibaut, as members of the Children's Trust Fund Board;

Also,

Elizabeth C. Galt, as a member of the Missouri Planning Council for Developmental Disabilities;

Also,

William Gipson, Republican and Benjamin D. Rosenberg, Democrat, as members of the Missouri Southern State University Board of Governors; and

Emily C. Hymer and Thomas J. Frawley, as members of the Missouri State Foster Care and Adoption Board.

Senator Richard requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Richard moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 695**—Education.

**SB 696**—Education.

**SB 697**—Progress and Development.

**SB 698**—Agriculture, Food Production and Outdoor Resources.

**SB 699**—Health and Pensions.

**SB 700**—Small Business and Industry.

**SB 701**—Economic Development.

**SB 702**—Local Government and Elections.

**SB 703**—Government Reform.

**SB 704**—Local Government and Elections.

**SB 705**—Commerce, Consumer Protection, Energy and the Environment.

**SB 706**—Commerce, Consumer Protection, Energy and the Environment.

**SB 707**—Transportation, Infrastructure and Public Safety.

**SB 708**—Transportation, Infrastructure and Public Safety.

**SB 709**—Education.

**SB 710**—Judiciary and Civil and Criminal Jurisprudence.

**SB 711**—Transportation, Infrastructure and Public Safety.

**SB 712**—Education.

**SB 713**—Seniors, Families and Children.

**SB 714**—Seniors, Families and Children.

**SB 715**—Seniors, Families and Children.

**SB 716**—Transportation, Infrastructure and Public Safety.

**SB 717**—General Laws.

**SB 718**—Health and Pensions.

**SB 719**—Seniors, Families and Children.

**SB 720**—Commerce, Consumer Protection, Energy and the Environment.

**SB 721**—Small Business and Industry.

**SB 722**—Seniors, Families and Children.

**SB 723**—Health and Pensions.

**SB 724**—Seniors, Families and Children.

**SB 725**—Government Reform.

**SB 726**—Education.

**SB 727**—Commerce, Consumer Protection, Energy and the Environment.

**SB 728**—Education.

**SB 729**—Local Government and Elections.

**SB 730**—Commerce, Consumer Protection, Energy and the Environment.

**SB 731**—Seniors, Families and Children.

**SB 732**—Government Reform.

**SB 733**—Professional Registration.

**SB 734**—Transportation, Infrastructure and Public Safety.

**SB 735**—Small Business and Industry.

**SB 736**—Government Reform.

**SB 737**—Transportation, Infrastructure and Public Safety.

**SB 738**—Insurance and Banking.

**SB 739**—Seniors, Families and Children.

**SB 740**—Judiciary and Civil and Criminal Jurisprudence.

**SB 741**—Seniors, Families and Children.

**SB 742**—Judiciary and Civil and Criminal Jurisprudence.

**SB 743**—Education.

**SB 744**—Seniors, Families and Children.



**SB 745**—Professional Registration.

**SB 746**—Professional Registration.

**SB 747**—Health and Pensions.

**SB 748**—Judiciary and Civil and Criminal Jurisprudence.

**SB 749**—Transportation, Infrastructure and Public Safety.

**SB 750**—Judiciary and Civil and Criminal Jurisprudence.

**SB 751**—Transportation, Infrastructure and Public Safety.

**SB 752**—Transportation, Infrastructure and Public Safety.

**SB 753**—Judiciary and Civil and Criminal Jurisprudence.

**SB 754**—Small Business and Industry.

**SB 755**—Transportation, Infrastructure and Public Safety.

**SB 756**—Local Government and Elections.

**SB 757**—Local Government and Elections.

**SB 758**—Commerce, Consumer Protection, Energy and the Environment.

**SB 759**—Education.

**SB 760**—Seniors, Families and Children.

**SB 761**—Agriculture, Food Production and Outdoor Resources.

**SB 762**—Transportation, Infrastructure and Public Safety.

**SB 763**—Small Business and Industry.

**SB 764**—Education.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 16, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 2, 2018, while the Senate was not in session.

Sam M. Devinki, 4901 Wornall Road, Kansas City, Jackson County, Missouri 64112, as a member of the Holocaust Education and Awareness Commission, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, RSMo 161.700.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 16, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Matthew W. Potter as a member of the Saint Louis County Board of Election Commissioners submitted to you on January 3, 2018. Lines 3 and 4 should be amended to read:

Matthew W. Potter, Democrat, 233 Sylvester Avenue, Webster Groves, St. Louis County, Missouri 63119, as a member of the Saint Louis County Board of Election Commissioners.

Respectfully submitted,

Eric R. Greitens

Governor

President Pro Tem Richard referred the above appointment and addendum to the Committee on Gubernatorial Appointments.

### INTRODUCTION OF GUESTS

Senator Libla introduced to the Senate, his wife, Elaine, Poplar Bluff; and Allison Mowrer, Kennett.

Senator Dixon introduced to the Senate, Luke Miller.

Senator Rizzo introduced to the Senate, his daughter, Sofia Leona.

Senator Hoskins introduced to the Senate, Alex Haun and Ian Czarnowski.

On motion of Senator Kehoe, the Senate adjourned under the rules.

### SENATE CALENDAR

---

EIGHTH DAY—WEDNESDAY, JANUARY 17, 2018

---

### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 765-Riddle  
SB 766-Riddle  
SB 767-Hoskins  
SB 768-Hoskins  
SB 769-Cunningham  
SB 770-Hegeman  
SB 771-Hoskins  
SB 772-Hoskins  
SB 773-Hoskins

SB 774-Munzlinger  
SB 775-Brown  
SB 776-Sater  
SB 777-Koenig  
SB 778-Rowden  
SB 779-Curls  
SB 780-Curls  
SB 781-Curls  
SB 782-Cunningham

SB 783-Nasheed	SB 827-Sater
SB 784-Nasheed	SB 828-Nasheed
SB 785-Nasheed	SB 829-Hoskins
SB 786-Schupp	SB 830-Riddle
SB 787-Curls	SB 831-Rowden
SB 788-Nasheed	SB 832-Rowden
SB 789-Nasheed	SB 833-Rowden
SB 790-Cierpiot	SB 834-Rowden
SB 791-Nasheed	SB 835-Rowden
SB 792-Nasheed	SB 836-Rowden
SB 793-Wallingford	SB 837-Rowden
SB 794-Romine, et al	SB 838-Rowden
SB 795-Koenig	SB 839-Rowden
SB 796-Koenig	SB 840-Rowden
SB 797-Munzlinger	SB 841-Munzlinger
SB 798-Wallingford	SB 842-Munzlinger
SB 799-Wallingford	SB 843-Riddle
SB 800-Libla	SB 844-Riddle
SB 801-Nasheed	SB 845-Riddle
SB 802-Nasheed	SB 846-Schupp
SB 803-Nasheed	SB 847-Eigel
SB 804-Nasheed	SB 848-Riddle
SB 805-Crawford	SB 849-Kehoe and Schupp
SB 806-Crawford	SB 850-Wallingford
SB 807-Wasson	SB 851-Wallingford
SB 808-Brown	SB 852-Wallingford
SB 809-Koenig	SB 853-Wallingford
SB 810-Koenig	SB 854-Wallingford
SB 811-Munzlinger	SB 855-Curls
SB 812-Wallingford	SB 856-Curls
SB 813-Riddle	SB 857-Curls
SB 814-Riddle	SB 858-Curls
SB 815-Schatz	SB 859-Koenig
SB 816-Schatz	SB 860-Koenig
SB 817-Munzlinger	SB 861-Hegeman
SB 818-Brown	SB 862-Schatz
SB 819-Cunningham	SB 863-Cunningham
SB 820-Cunningham	SB 864-Hoskins
SB 821-Cunningham	SB 865-Kehoe
SB 822-Hegeman	SB 866-Kehoe
SB 823-Schatz	SB 867-Kehoe
SB 824-Cunningham	SB 868-Kehoe
SB 825-Sater	SB 869-Kehoe
SB 826-Sater	SB 870-Hegeman

SB 871-Romine	SB 903-Dixon
SB 872-Schatz	SB 904-Emery
SB 873-Schupp	SB 905-Munzlinger
SB 874-Emery	SB 906-Cunningham
SB 875-Nasheed	SB 907-Kehoe
SB 876-Sater	SB 908-Wieland
SB 877-Onder	SB 909-Dixon
SB 878-Wieland	SB 910-Sater
SB 879-Wieland	SB 911-Munzlinger
SB 880-Wieland	SB 912-Rowden
SB 881-Eigel	SB 913-Rowden
SB 882-Hoskins	SB 914-Crawford
SB 883-Holsman	SB 915-Crawford
SB 884-Koenig	SB 916-Crawford
SB 885-Rowden	SB 917-Crawford
SB 886-Rowden	SB 918-Munzlinger
SB 887-Rowden	SJR 19-Munzlinger
SB 888-Rowden	SJR 20-Munzlinger
SB 889-Rowden	SJR 21-Chappelle-Nadal
SB 890-Riddle	SJR 22-Emery
SB 891-Kehoe	SJR 23-Silvey
SB 892-Walsh	SJR 24-Silvey
SB 893-Sater	SJR 25-Romine
SB 894-Libla	SJR 26-Holsman
SB 895-Wieland	SJR 27-Holsman
SB 896-Wieland	SJR 28-Hegeman
SB 897-Hoskins	SJR 29-Schupp
SB 898-Hoskins	SJR 30-Koenig
SB 899-Rowden	SJR 31-Eigel
SB 900-Rowden and Curls	SJR 32-Curls
SB 901-Hummel	SJR 33-Eigel
SB 902-Hummel	

## INFORMAL CALENDAR

### RESOLUTIONS

#### To be Referred

SCR 33-Emery  
SCR 34-Emery

SCR 35-Hegeman

# Journal of the Senate

## SECOND REGULAR SESSION

---

### EIGHTH DAY—WEDNESDAY, JANUARY 17, 2018

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Get wisdom; get insight; do not forget, nor turn away from the words of my mouth.” (Proverbs 4:5)

Heavenly Father, You provide us opportunities to learn from You, gaining wisdom from our lives so we might be faithful in the course of our day, in what is laid before us and walk an upright path through this world. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford	Wasson	Wieland—32

Absent—Senators—None

Absent with leave—Senator Walsh—1

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Crawford offered Senate Resolution No. 1123, regarding Michael Edwards, Sedalia, which was adopted.

Senator Schaaf offered Senate Resolution No. 1124, regarding Sharon G. Kosek, Ed.D, St. Joseph, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 919**—By Libla.

An Act to repeal sections 302.170, 302.173, and 302.720, RSMo, and to enact in lieu thereof three new sections relating to licensure to operate motor vehicles, with existing penalty provisions.

**SB 920**—By Riddle.

An Act to repeal section 339.190, RSMo, and to enact in lieu thereof one new section relating to real estate licensees.

**SB 921**—By Rizzo.

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to elementary and secondary education.

**SB 922**—By Hegeman.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the Missouri rural broadband development fund.

**SB 923**—By Rowden.

An Act to repeal sections 452.375, 452.377, 589.660, 589.663, 589.664, 589.666, 589.669, 589.672, and 589.678, RSMo, and to enact in lieu thereof nine new sections relating to the address confidentiality program.

**SB 924**—By Rowden.

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating to a visiting scholars certificate.

**SB 925**—By Nasheed.

An Act to repeal sections 137.016, 137.021, and 137.115, RSMo, and to enact in lieu thereof three new sections relating to the classification of property for the purposes of taxation.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1246**, entitled:

An Act to amend chapter 595, RSMo, by adding thereto one new section relating to human trafficking hotline posters, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1303**, entitled:

An Act to repeal section 105.470, RSMo, section 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof two new sections relating solely to lobbyist expenditures, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1500**, entitled:

An Act to repeal sections 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, and 329.130, RSMo, and to enact in lieu thereof twelve new sections relating to the board of cosmetology and barber examiners.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 926**—By Riddle.

An Act to amend chapter 334, RSMo, by adding thereto seven new sections relating to radiologic imaging and radiation therapy licensure, with penalty provisions.

**SB 927**—By Romine.

An Act to repeal sections 290.210, 290.230, 290.240, 290.250, 290.262, and 290.330, RSMo, and to enact in lieu thereof seven new sections relating to public contracts.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 765**—Professional Registration.

**SB 766**—Transportation, Infrastructure and Public Safety.

- SB 767**—Veterans and Military Affairs.
- SB 768**—Ways and Means.
- SB 769**—Insurance and Banking.
- SB 770**—Local Government and Elections.
- SB 771**—General Laws.
- SB 772**—Education.
- SB 773**—Ways and Means.
- SB 774**—Local Government and Elections.
- SB 775**—Appropriations.
- SB 776**—Seniors, Families and Children.
- SB 777**—Judiciary and Civil and Criminal Jurisprudence.
- SB 778**—Government Reform.
- SB 779**—Health and Pensions.
- SB 780**—Judiciary and Civil and Criminal Jurisprudence.
- SB 781**—Professional Registration.
- SB 782**—Agriculture, Food Production and Outdoor Resources.
- SB 783**—Education.
- SB 784**—Transportation, Infrastructure and Public Safety.
- SB 785**—Education.
- SB 786**—Judiciary and Civil and Criminal Jurisprudence.
- SB 787**—Agriculture, Food Production and Outdoor Resources.
- SB 788**—Education.
- SB 789**—Education.
- SB 790**—Professional Registration.
- SB 791**—Judiciary and Civil and Criminal Jurisprudence.
- SB 792**—Judiciary and Civil and Criminal Jurisprudence.
- SB 793**—Judiciary and Civil and Criminal Jurisprudence.
- SB 794**—Government Reform.
- SB 795**—Seniors, Families and Children.
- SB 796**—Professional Registration.



**SB 797**—Transportation, Infrastructure and Public Safety.

**SB 798**—Local Government and Elections.

**SB 799**—Insurance and Banking.

**SB 800**—Judiciary and Civil and Criminal Jurisprudence.

**SB 801**—Small Business and Industry.

**SB 802**—General Laws.

**SB 803**—Transportation, Infrastructure and Public Safety.

**SB 804**—Economic Development.

**SB 805**—Insurance and Banking.

**SB 806**—Seniors, Families and Children.

**SB 807**—Education.

**SB 808**—Government Reform.

**SB 809**—Judiciary and Civil and Criminal Jurisprudence.

**SB 810**—Education.

**SB 811**—Transportation, Infrastructure and Public Safety.

**SB 812**—Veterans and Military Affairs.

**SB 813**—Judiciary and Civil and Criminal Jurisprudence.

**SB 814**—Professional Registration.

**SB 815**—Transportation, Infrastructure and Public Safety.

### **REFERRALS**

President Pro Tem Richard referred **SCR 33**, **SCR 34** and **SCR 35** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **RESOLUTIONS**

Senator Kehoe offered Senate Resolution No. 1125, regarding Teresa M. Shellman, Jefferson City, which was adopted.

### **INTRODUCTION OF GUESTS**

Senator Romine introduced to the Senate, Heather Kopp, Odessa.

Senator Holsman introduced to the Senate, Kevin Childress and his wife, Lory; and Beth Banker, Kansas City.

Senator Onder introduced to the Senate, Tricia Schwartz, Columbia; and Rebecca Friedrichs, San Clemente, California.

Senator Curls introduced to the Senate, Bishop Mark Tolbert, Kansas City.

Senator Rowden introduced to the Senate, the Physician of the Day, Cassidy Leonard-Scott, D.O., Columbia.

Senator Chappelle-Nadal introduced to the Senate, Jeanne Dee, University City; and Leonard Jonas Hughes, Kansas City.

Senator Hoskins introduced to the Senate, Caroline Burnett, Jeanne Dee, Kirk Duncan, Rachel Dwiggin, John Gamble, Molly Hanley, Tom Hilton, Ann Hoy, Pamela Ives Hill, Fred Kostecki, Bob Letterman, Tiffany Letterman, Matt Mercer, Jim Mintert, Tony Muger, Dave Myers, Nick Myers, Brandon Newton, John Oeltjen, Jim O'Hallaron, Pat Reuter, Dave Ruth, Michael Scarbrough, Art Seltzer, Derrick Sims, Phil Slinkard, Jason Vann, Brett Vuagniaux, and David Wasinger, representatives of the Missouri Society of Certified Public Accountants.

Senator Hoskins introduced to the Senate, Dr. Charles Ambrose, Warrensburg.

Senator Schupp introduced to the Senate, Katherine Mathews, St. Louis; and Kathleen Flemming, Creve Coeur.

Senator Munzlinger introduced to the Senate, Baylee Siegel, California.

On motion of Senator Kehoe, the Senate adjourned under the rules.

## SENATE CALENDAR

---

NINTH DAY—THURSDAY, JANUARY 18, 2018

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 816-Schatz  
SB 817-Munzlinger  
SB 818-Brown  
SB 819-Cunningham  
SB 820-Cunningham  
SB 821-Cunningham  
SB 822-Hegeman  
SB 823-Schatz  
SB 824-Cunningham  
SB 825-Sater  
SB 826-Sater

SB 827-Sater  
SB 828-Nasheed  
SB 829-Hoskins  
SB 830-Riddle  
SB 831-Rowden  
SB 832-Rowden  
SB 833-Rowden  
SB 834-Rowden  
SB 835-Rowden  
SB 836-Rowden  
SB 837-Rowden

SB 838-Rowden	SB 879-Wieland
SB 839-Rowden	SB 880-Wieland
SB 840-Rowden	SB 881-Eigel
SB 841-Munzlinger	SB 882-Hoskins
SB 842-Munzlinger	SB 883-Holsman
SB 843-Riddle	SB 884-Koenig
SB 844-Riddle	SB 885-Rowden
SB 845-Riddle	SB 886-Rowden
SB 846-Schupp	SB 887-Rowden
SB 847-Eigel	SB 888-Rowden
SB 848-Riddle	SB 889-Rowden
SB 849-Kehoe and Schupp	SB 890-Riddle
SB 850-Wallingford	SB 891-Kehoe
SB 851-Wallingford	SB 892-Walsh
SB 852-Wallingford	SB 893-Sater
SB 853-Wallingford	SB 894-Libla
SB 854-Wallingford	SB 895-Wieland
SB 855-Curls	SB 896-Wieland
SB 856-Curls	SB 897-Hoskins
SB 857-Curls	SB 898-Hoskins
SB 858-Curls	SB 899-Rowden
SB 859-Koenig	SB 900-Rowden and Curls
SB 860-Koenig	SB 901-Hummel
SB 861-Hegeman	SB 902-Hummel
SB 862-Schatz	SB 903-Dixon
SB 863-Cunningham	SB 904-Emery
SB 864-Hoskins	SB 905-Munzlinger
SB 865-Kehoe	SB 906-Cunningham
SB 866-Kehoe	SB 907-Kehoe
SB 867-Kehoe	SB 908-Wieland
SB 868-Kehoe	SB 909-Dixon
SB 869-Kehoe	SB 910-Sater
SB 870-Hegeman	SB 911-Munzlinger
SB 871-Romine	SB 912-Rowden
SB 872-Schatz	SB 913-Rowden
SB 873-Schupp	SB 914-Crawford
SB 874-Emery	SB 915-Crawford
SB 875-Nasheed	SB 916-Crawford
SB 876-Sater	SB 917-Crawford
SB 877-Onder	SB 918-Munzlinger
SB 878-Wieland	SB 919-Libla

SB 920-Riddle  
SB 921-Rizzo  
SB 922-Hegeman  
SB 923-Rowden  
SB 924-Rowden  
SB 925-Nasheed  
SB 926-Riddle  
SB 927-Romine  
SJR 19-Munzlinger  
SJR 20-Munzlinger  
SJR 21-Chappelle-Nadal  
SJR 22-Emery

SJR 23-Silvey  
SJR 24-Silvey  
SJR 25-Romine  
SJR 26-Holsman  
SJR 27-Holsman  
SJR 28-Hegeman  
SJR 29-Schupp  
SJR 30-Koenig  
SJR 31-Eigel  
SJR 32-Curls  
SJR 33-Eigel

#### HOUSE BILLS ON SECOND READING

HCS for HB 1246  
HB 1303-Alferman

HCS for HB 1500

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**NINTH DAY—THURSDAY, JANUARY 18, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Happy are those who make the Lord their trust.” (Psalm 40:4)

Omniscient God, You have revealed true wisdom for our benefit and as we try to manage our lives as public servants and those who live and maintain a family life, make our will and actions true to You in both spheres. Help us to see how we are missed and needed and be sensitive to those who love us. And help us see the path that brings us wisdom for daily living as we put our trust in You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kehoe announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Wasson	Wieland—31				

Absent—Senators—None

Absent with leave—Senators

Cunningham	Walsh—2
------------	---------

Vacancies—1

The Lieutenant Governor was present.

### **RESOLUTIONS**

Senator Brown offered Senate Resolution No. 1126, regarding Jeff Sandquist, Rolla, which was adopted.

Senator Libla offered Senate Resolution No. 1127, regarding Darrin Davis, East Prairie, which was adopted.

Senator Riddle offered Senate Resolution No. 1128, regarding Teresa DeSmit, Fulton, which was adopted.

Senator Riddle offered Senate Resolution No. 1129, regarding Wear Red Day, which was adopted.

Senator Riddle offered Senate Resolution No. 1130, regarding David Thompson, Troy, which was adopted.

Senator Riddle offered Senate Resolution No. 1131, regarding Mary Sullivan-Thomas, Troy, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 928**—By Onder.

An Act to repeal section 376.1367, RSMo, and to enact in lieu thereof one new section relating to emergency services benefit determinations.

**SB 929**—By Schatz.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to transportation sensors.

**SB 930**—By Curls.

An Act to repeal section 210.160, RSMo, and to enact in lieu thereof three new sections relating to guardians ad litem.

**SB 931**—By Riddle.

An Act to repeal section 190.142, RSMo, and to enact in lieu thereof fifteen new sections relating to emergency medical services personnel.

**SB 932**—By Sater.

An Act to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof six new sections relating to reimbursement allowance taxes.

**SB 933**—By Hegeman.

An Act to repeal sections 67.2800, 67.2810, and 67.2815, RSMo, and to enact in lieu thereof four new sections relating to property assessed clean energy.

**SB 934**—By Hegeman.

An Act to repeal sections 516.120 and 516.130, RSMo, and to enact in lieu thereof two new sections

relating to the statute of limitations for personal injury claims.

**SB 935**—By Hegeman.

An Act to repeal section 247.060, RSMo, and to enact in lieu thereof one new section relating to board members of public water supply districts.

**SB 936**—By Eigel.

An Act to repeal sections 99.848 and 353.110, RSMo, and to enact in lieu thereof two new sections relating to tax increment financing.

**SB 937**—By Hummel.

An Act to repeal sections 208.026, 208.040, 208.067, and 208.244, RSMo, and to enact in lieu thereof one new section relating to public assistance.

### **REPORTS OF STANDING COMMITTEES**

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Paul D. Fitzwater, Republican, as a member of the Board of Probation and Parole;

Also,

Elizabeth A. Banker, Susan A. Fluegel, Terra N. Frazier, Brenda I. Maly, Ryan L. Munro, Alice Chang Ray, Jennifer L. Schoonover and Jeanie M. Thies, as members of the Child Abuse and Neglect Review Board;

Also,

Amy Beechner-McCarthy and Melissa A. Birdsell, as members of the Children's Trust Fund Board;

Also,

Rob Dixon, as Director of the Department of Economic Development;

Also,

Anna Hui, as Director of the Department of Labor and Industrial Relations;

Also,

Steve L. Corsi, as Director of the Department of Social Services;

Also,

Tonya K. Grimm, as a member of the Higher Education Loan Authority of the State of Missouri;

Also,

Kevin C. Childress, Republican, as a member of the Jackson County Sports Complex Authority;

Also,

Charles M. Ambrose, as a member of the Midwestern Higher Education Commission;

Also,

Kathleen K. Flemming, as a member of the Missouri Achieving a Better Life Experience Board;

Also,

Daniel W. O'Neill, as a member of the Missouri Consolidated Health Care Plan Board of Trustees;

Also,

Jean M. Neshek-Dowe, as a member of the Missouri Planning Council for Developmental Disabilities;

Also,

Bonney Kehm, as a member of the Missouri State Board of Nursing;

Also,

Kellie Ann Coats, as Executive Director and Elizabeth K. Miller, Independent, as a member of the Missouri Women's Council;

Also,

Sharon K. Buchanan-McClure, Republican, as a member of the St. Louis County Board of Election Commissioners;

Also,

Robert G. Brinkmann, Republican; and Terry L. Ecker, Republican, as members of the State Highways and Transportation Commission;

Also,

John M. Hannegan, Republican; and Robin A. Simpson, Republican, as members of the State Lottery Commission;

Also,

Katherine J. Mathews, Independent, as a member of the State Board of Registration for the Healing Arts;

Also,

David M. Corley, Independent, as a member of the Tourism Commission; and

Julia G. Brncic, Independent, as a member of the University of Missouri Board of Curators.

Senator Richard requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Richard moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Richard assumed the Chair.



Senator Emery, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 564**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 567**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 561**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 563**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 579**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 626**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden, Chairman of the Committee on Government Reform, submitted the following report:

Mr. President: Your Committee on Government Reform, to which was referred **SB 546**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Parson assumed the Chair.

## **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**SB 816**—Transportation, Infrastructure and Public Safety.

**SB 817**—Agriculture, Food Production and Outdoor Resources.

**SB 818**—Appropriations.

**SB 819**—Seniors, Families and Children.

**SB 820**—Commerce, Consumer Protection, Energy and the Environment.

- SB 821**—Professional Registration.
- SB 822**—Transportation, Infrastructure and Public Safety.
- SB 823**—Agriculture, Food Production and Outdoor Resources.
- SB 824**—Professional Registration.
- SB 825**—Seniors, Families and Children.
- SB 826**—Seniors, Families and Children.
- SB 827**—Local Government and Elections.
- SB 828**—Judiciary and Civil and Criminal Jurisprudence.
- SB 829**—Professional Registration.
- SB 830**—Judiciary and Civil and Criminal Jurisprudence.
- SB 831**—Government Reform.
- SB 832**—Government Reform.
- SB 833**—Commerce, Consumer Protection, Energy and the Environment.
- SB 834**—Government Reform.
- SB 835**—Professional Registration.
- SB 836**—Ways and Means.
- SB 837**—Commerce, Consumer Protection, Energy and the Environment.
- SB 838**—Education.
- SB 839**—Education.
- SB 840**—Professional Registration.
- SB 841**—Government Reform.
- SB 842**—Transportation, Infrastructure and Public Safety.
- SB 843**—Professional Registration.
- SB 844**—Professional Registration.
- SB 845**—Seniors, Families and Children.
- SB 846**—Seniors, Families and Children.
- SB 847**—Transportation, Infrastructure and Public Safety.
- SB 848**—Professional Registration.
- SJR 19**—Agriculture, Food Production and Outdoor Resources.
- SJR 20**—Agriculture, Food Production and Outdoor Resources.
- SJR 21**—Local Government and Elections.

**SJR 22**—Judiciary and Civil and Criminal Jurisprudence.

**SJR 23**—Veterans and Military Affairs.

**SJR 24**—Rules, Joint Rules, Resolutions and Ethics.

**SJR 25**—Progress and Development.

**SJR 26**—Rules, Joint Rules, Resolutions and Ethics.

**SJR 27**—Rules, Joint Rules, Resolutions and Ethics.

**SJR 28**—Government Reform.

**SJR 29**—Rules, Joint Rules, Resolutions and Ethics.

**SJR 30**—Ways and Means.

**SJR 31**—Ways and Means.

**SJR 32**—Rules, Joint Rules, Resolutions and Ethics.

**SJR 33**—Ways and Means.

#### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HB 1246**—Transportation, Infrastructure and Public Safety.

**HB 1303**—Rules, Joint Rules, Resolutions and Ethics.

**HCS for HB 1500**—Professional Registration.

#### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

January 18, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 28, 2017, while the Senate was not in session.

Courtney N. Lauer-Myers, Republican, 4000 Arctic Fox Drive, Columbia, Boone County, Missouri 65202, as the student representative of the University of Missouri Board of Curators, for a term ending January 1, 2018, and until her successor is duly appointed and qualified; vice, Gene Patrick Graham III, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

President Pro Tem Richard referred the above appointment to the Committee on Gubernatorial Appointments.

**INTRODUCTION OF GUESTS**

Senator Riddle introduced to the Senate, the Physician of the Day, Dr. Clark Andelin, Mexico.

Senator Onder introduced to the Senate, Brittnay and Jake Gillette, and their sons, Chase and Jack, Wentzville; and Chase and Jack were made honorary pages.

Senator Munzlinger introduced to the Senate, Emily Hogan, Old Monroe; and Haleigh Karl, Gower.

Senator Hoskins introduced to the Senate, his parents, Barry and Donna Hoskins, Warrensburg.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, January 22, 2018.

**SENATE CALENDAR**


---

TENTH DAY—MONDAY, JANUARY 22, 2018

---

**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 849-Kehoe and Schupp	SB 873-Schupp
SB 850-Wallingford	SB 874-Emery
SB 851-Wallingford	SB 875-Nasheed
SB 852-Wallingford	SB 876-Sater
SB 853-Wallingford	SB 877-Onder
SB 854-Wallingford	SB 878-Wieland
SB 855-Curls	SB 879-Wieland
SB 856-Curls	SB 880-Wieland
SB 857-Curls	SB 881-Eigel
SB 858-Curls	SB 882-Hoskins
SB 859-Koenig	SB 883-Holsman
SB 860-Koenig	SB 884-Koenig
SB 861-Hegeman	SB 885-Rowden
SB 862-Schatz	SB 886-Rowden
SB 863-Cunningham	SB 887-Rowden
SB 864-Hoskins	SB 888-Rowden
SB 865-Kehoe	SB 889-Rowden
SB 866-Kehoe	SB 890-Riddle
SB 867-Kehoe	SB 891-Kehoe
SB 868-Kehoe	SB 892-Walsh
SB 869-Kehoe	SB 893-Sater
SB 870-Hegeman	SB 894-Libla
SB 871-Romine	SB 895-Wieland
SB 872-Schatz	SB 896-Wieland

SB 897-Hoskins	SB 918-Munzlinger
SB 898-Hoskins	SB 919-Libla
SB 899-Rowden	SB 920-Riddle
SB 900-Rowden and Curls	SB 921-Rizzo
SB 901-Hummel	SB 922-Hegeman
SB 902-Hummel	SB 923-Rowden
SB 903-Dixon	SB 924-Rowden
SB 904-Emery	SB 925-Nasheed
SB 905-Munzlinger	SB 926-Riddle
SB 906-Cunningham	SB 927-Romine
SB 907-Kehoe	SB 928-Onder
SB 908-Wieland	SB 929-Schatz
SB 909-Dixon	SB 930-Curls
SB 910-Sater	SB 931-Riddle
SB 911-Munzlinger	SB 932-Sater
SB 912-Rowden	SB 933-Hegeman
SB 913-Rowden	SB 934-Hegeman
SB 914-Crawford	SB 935-Hegeman
SB 915-Crawford	SB 936-Eigel
SB 916-Crawford	SB 937-Hummel
SB 917-Crawford	

## SENATE BILLS FOR PERFECTION

SB 564-Emery, et al	SB 579-Libla
SB 567-Cunningham, with SCS	SB 626-Munzlinger
SB 561-Sater	SB 546-Munzlinger
SB 563-Sater	

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**TENTH DAY—MONDAY, JANUARY 22, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“If we really want to pray, we must have to give time to learning its lessons.” (Mother Mary Clare)

Gracious God, as we spend our time here this week we recognize our need for time with You. May we take time to be in conversation with You and then spend time to learn the lessons of what our prayers mean and what we are asking. Keep us ever close to You that we may see and find our way through these times and be a light for others to know You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 18, 2018 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Nasheed offered Senate Resolution No. 1132, regarding the death of Frankie Muse Freeman, St. Louis, which was adopted.

Senator Schupp offered Senate Resolution No. 1133, regarding Tom and Cathy Sakiyama, Chesterfield, which was adopted.

Senator Kehoe offered Senate Resolution No. 1134, regarding the 2017-2018 Class 3 State Champion Helias Catholic High School lady volleyball Crusaders, which was adopted.

Senator Kehoe offered Senate Resolution No. 1135, regarding the 2017-2018 Class 2 State Champion Fatima High School lady cross country Comets, which was adopted.

Senator Cunningham offered Senate Resolution No. 1136, regarding FMC Transport, Incorporated, Willow Springs, which was adopted.

Senator Walsh offered the following resolution:

**SENATE RESOLUTION NO. 1137****Notice of Proposed Rule Change**

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 25 be amended to read as follows:

“Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, Food Production and Outdoor Resources, 8 members.
3. Committee on Appropriations, 11 members.
4. Committee on Commerce, Consumer Protection, Energy and the Environment, 11 members.
5. Committee on Economic Development, 11 members.
6. Committee on Education, 9 members.
7. Committee on Fiscal Oversight, 7 members.
8. Committee on General Laws, 7 members.
9. Committee on Government Reform, 7 members.
10. Committee on Gubernatorial Appointments, 11 members.
11. Committee on Health and Pensions, 7 members.
12. Committee on Insurance and Banking, 7 members.
13. Committee on the Judiciary and Civil and Criminal Jurisprudence, 7 members.
14. Committee on Local Government and Elections, 7 members.
15. Committee on Professional Registration, 7 members.
16. Committee on Progress and Development, 4 members.
17. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.
18. Committee on Seniors, Families and Children, 7 members.
19. Committee on Small Business and Industry, 8 members.
20. Committee on Transportation, Infrastructure and Public Safety, 7 members.
21. Committee on Veterans and Military Affairs, 7 members.
22. Committee on Ways and Means, 7 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

**It is expected that members of the General Assembly and statewide elected state officials will have the opportunity to address matters that come before any standing or interim committee of the Senate within their respective official capacities. Therefore, the chairs of any such committee shall prohibit members of the General Assembly and statewide elected state officials from offering testimony at**

**any such committee other than the sponsor of legislation pending before the committee. At the discretion of the chair, if there is an excusable absence of the sponsor of a bill pending before a committee, one member of the same house of the General Assembly as the sponsor may serve as a substitute to present the bill to the committee.”**

Senator Brown offered the following resolution:

SENATE RESOLUTION NO. 1138

Whereas, the Medal of Honor is the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the Armed Services of the United States; and

Whereas, only 3,497 recipients in the Army, Navy, Air Force, Marine Corps, and Coast Guard have been awarded this acknowledgment of extraordinary achievement in military service since its creation in 1861; and

Whereas, 473 Americans received the Medal of Honor for their service during World War II; and

Whereas, only four of these recipients are still living today; and

Whereas, a state funeral is a unifying national event in which Americans can join together to honor and commemorate distinguished individuals; and

Whereas, a single state funeral for the last Medal of Honor recipient from World War II would provide national recognition to the over 16 million men and women who served from 1941 to 1945, and demonstrate appreciation for their sacrifice; and

Whereas, only the President of the United States has the authority to issue a proclamation authorizing an official state funeral for designated individuals:

Now Therefore Be it Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, hereby urge President Trump to issue a proclamation designating a single state funeral for the last Medal of Honor recipient from World War II, as a final salute to the Americans who served during World War II; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States and each member of the Missouri Congressional delegation.

Senators Schatz and Nasheed offered Senate Resolution No. 1139, regarding Solomon L. Thurman, St. Louis, which was adopted.

Senator Wallingford offered Senate Resolution No. 1140, regarding Buchheit Logistics, Scott City, which was adopted.

Senator Wallingford offered Senate Resolution No. 1141, regarding Bob Neff, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 1142, regarding Marco Construction Products, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 1143, regarding Brandy McIntire, Cape Girardeau, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Munzlinger offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 36

Relating to Shingles Awareness and Prevention Month in Missouri

Whereas, herpes zoster (shingles) is a disease caused by the same virus (zoster) that causes chickenpox; therefore, any individual who has contracted chickenpox is at risk for shingles, corresponding to approximately ninety-eight percent of U.S. adults; and

Whereas, nearly one in three people in the United States will contract shingles in their lifetime, corresponding to an estimated one million people annually; and

Whereas, the risk of shingles increases with age, with nearly half of those affected being over sixty years old and half of people living until eighty-five years old developing shingles; and

Whereas, shingles is a viral infection that causes a painful rash that can be severe, along with other symptoms, including long-term nerve pain, fever, headache, chills, upset stomach, muscle weakness, skin infection, scarring, and a decrease or loss of vision or hearing; and



Whereas, as many as twenty percent of adults who have contracted shingles will develop postherpetic neuralgia, a debilitating complication of shingles that causes severe pain and that may interfere with sleep and recreational activities and be associated with clinical depression; and

Whereas, vaccines have reduced the burden of widespread and often fatal diseases, enabling individuals to lead longer and healthier lives while reducing health care costs; and

Whereas, much attention has been paid to the importance of childhood vaccinations, but there is a general lack of awareness of adult-recommended vaccines and a misperception that immunizations are unnecessary for healthy adults; and

Whereas, the United States Centers for Disease Control and Prevention (CDC) and the Advisory Committee on Immunization Practices (ACIP) recommend that healthy adults fifty years and older be vaccinated against shingles to prevent shingles and shingles-related complications; and

Whereas, despite the recommendations of CDC officials and other experts that all healthy adults be vaccinated against shingles, as of 2015 only thirty percent of eligible adults had received the shingles vaccine; and

Whereas, the annual economic burden of shingles in American adults is estimated to be between 782 million and 5 billion; and

Whereas, the Institute of Medicine has stated that one of the six causes of excess costs in the U.S. health care system is missed prevention opportunities; and

Whereas, millions of American adults go without routine and recommended vaccinations because medical systems are not designed to ensure that adults receive regular preventive health care; and

Whereas, as the month of August is observed as National Immunization Awareness Month, residents of Missouri should be encouraged to speak with their health care provider to ensure that they have been properly vaccinated against shingles according to current CDC and ACIP recommendations:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate August as “Shingles Awareness and Prevention Month” in Missouri to increase public awareness of the importance of adults receiving vaccines against shingles and to promote outreach and education efforts concerning adult vaccinations; and

Be It Further Resolved that the Department of Health and Senior Services shall take appropriate action to promote Shingles Awareness and Prevention Month, including urging health care practitioners to discuss vaccines for shingles with adult patients and adopting appropriate programs and initiatives to raise public awareness of the importance of adult vaccinations; and

Be It Further Resolved that the Department of Health and Senior Services shall create and disseminate educational resources on shingles and shingles vaccinations to educate the residents of Missouri on vaccine-preventable diseases, including shingles; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to send a properly inscribed copy of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senators Eigel and Onder offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 37

Whereas, the Bangert Island Riverfront Transformational Project will transform the St. Charles Riverfront into a center for economic prosperity; and

Whereas, the Bangert Island Riverfront Transformational Project will provide for a unique Missouri River Island recreational attraction; and

Whereas, the Bangert Island Riverfront Transformational Project will provide Missouri River aquatic habitat restoration; and

Whereas, the Bangert Island Riverfront Transformational Project, according to economic modeling, projects 4,000 new jobs; and

Whereas, the Bangert Island Riverfront Transformational Project, according to economic modeling, will result in a 1.5 billion economic impact; and

Whereas, the Bangert Island project initiative shall:

- (1) Create 4,000 jobs for Missourians;
- (2) Have a 1.5 billion economic impact;
- (3) Provide for a riverfront recreational attraction;
- (4) Provide for Missouri River aquatic habitat restoration; and

Whereas, a Modeling study produced by the Corps for restoration of Bangert Island concluded that navigation is not disturbed by the proposed side channel/chute project; and

Whereas, the City of St. Charles desires to work with the United States Army Corps of Engineers to advance a Section 1135 Project, which would improve aquatic habitat and restore Bangert Island; and

Whereas, the City of St. Charles will cost share toward construction of the Bangert Island project:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby endorse the Bangert Island Riverfront Transformational Project; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, United States Senator Roy Blunt, Congressman Blaine Luetkemeyer, and Congresswoman Ann Wagner.

## **INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 938**—By Munzlinger.

An Act to repeal section 265.300, RSMo, and to enact in lieu thereof one new section relating to meat.

**SB 939**—By Cierpiot.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to taxation.

**SB 940**—By Hegeman.

An Act to repeal sections 65.610 and 65.620, RSMo, and to enact in lieu thereof two new sections relating to the imposition of a tax to fund roads and bridges upon abolishing the township form of county government.

**SB 941**—By Romine.

An Act to amend chapter 44, RSMo, by adding thereto one new section relating to floodplain management.

**SB 942**—By Wieland.

An Act to repeal section 456.4-414, RSMo, and to enact in lieu thereof two new sections relating to trust accounts.

**SB 943**—By Wieland.

An Act to repeal sections 333.330, 436.405, 436.430, 436.450, 436.455, 436.456, 436.457, and 436.460, RSMo, and to enact in lieu thereof eight new sections relating to preneed funeral contracts.

**SB 944**—By Eigel.

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to the purchasing of modernized technology using unexpended state funds saved through a state technology modernization fund.

**SB 945**—By Nasheed.

An Act to amend chapter 213, RSMo, by adding thereto one new section relating to civil rights for homeless persons.

**SJR 34**—By Hoskins.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to property tax exemptions for veterans.

**SENATE BILLS FOR PERFECTION**

Senator Emery moved that **SB 564** be taken up for perfection, which motion prevailed.

Senator Emery offered **SS** for **SB 564**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 564

An Act to repeal section 386.390, RSMo, and to enact in lieu thereof six new sections relating to public utilities.

Senator Emery moved that **SS** for **SB 564** be adopted.

At the request of Senator Emery, **SB 564**, with **SS** (pending) was placed on the Informal Calendar.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Jennifer N. Foster as a member of the Missouri State Foster Care and Adoption Board submitted to you on January 3, 2018. Line 3 should be amended to read:

Jennifer N. Foster, 6197 Fulks Road, Bates City, Lafayette County, Missouri 64011, as a

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Lee R. Keith as Commissioner of the Division of Finance for the Department of Insurance, Financial Institutions, and Professional Registration submitted to you on January 3, 2018. Line 3 should be amended to read:

Lee R. Keith, 2445 Country Club Drive, Jefferson City, Cole County, Missouri 65109, as

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 22, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Christopher L. Slinkard, 14167 Elder Road, Diamond, Newton County, Missouri 64840, as Director of the Division of Employment Security, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 22, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dorothy E. Taylor, 4312 County Road 4014, Tebbetts, Callaway County, Missouri 65080, as State Supervisor of the Division of Alcohol and Tobacco Control, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully submitted,  
Eric R. Greitens  
Governor

President Pro Tem Richard referred the above addendums and appointments to the Committee on Gubernatorial Appointments.

## **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 849**—Government Reform.

**SB 850**—Seniors, Families and Children.

**SB 851**—Judiciary and Civil and Criminal Jurisprudence.

**SB 852**—Insurance and Banking.

**SB 853**—Local Government and Elections.

**SB 854**—Commerce, Consumer Protection, Energy and the Environment.

**SB 855**—Education.

**SB 856**—Health and Pensions.

**SB 857**—Judiciary and Civil and Criminal Jurisprudence.

**SB 858**—Judiciary and Civil and Criminal Jurisprudence.

**SB 859**—Economic Development.

**SB 860**—Insurance and Banking.

**SB 861**—Transportation, Infrastructure and Public Safety.

**SB 862**—Professional Registration.

**SB 863**—Appropriations.

- SB 864**—Veterans and Military Affairs.
- SB 865**—Economic Development.
- SB 866**—Agriculture, Food Production and Outdoor Resources.
- SB 867**—Education.
- SB 868**—Ways and Means.
- SB 869**—Small Business and Industry.
- SB 870**—Local Government and Elections.
- SB 871**—Judiciary and Civil and Criminal Jurisprudence.
- SB 872**—Transportation, Infrastructure and Public Safety.
- SB 873**—Education.
- SB 874**—Judiciary and Civil and Criminal Jurisprudence.
- SB 875**—Transportation, Infrastructure and Public Safety.
- SB 876**—Local Government and Elections.
- SB 877**—Judiciary and Civil and Criminal Jurisprudence.
- SB 878**—Transportation, Infrastructure and Public Safety.
- SB 879**—Insurance and Banking.
- SB 880**—Ways and Means.
- SB 881**—Veterans and Military Affairs.
- SB 882**—Education.
- SB 883**—General Laws.
- SB 884**—Ways and Means.
- SB 885**—Local Government and Elections.
- SB 886**—Progress and Development.
- SB 887**—Ways and Means.
- SB 888**—Judiciary and Civil and Criminal Jurisprudence.
- SB 889**—General Laws.
- SB 890**—Seniors, Families and Children.
- SB 891**—General Laws.
- SB 892**—Health and Pensions.
- SB 893**—Local Government and Elections.

**SB 894**—Economic Development.

**SB 895**—Judiciary and Civil and Criminal Jurisprudence.

**SB 896**—Education.

**SB 897**—Ways and Means.

**SB 898**—Education.

**SB 899**—General Laws.

### **RE-REFERRALS**

President Pro Tem Richard re-referred **SB 603** to the Committee on Education.

On motion of Senator Kehoe, the Senate adjourned under the rules.

### **SENATE CALENDAR**

---

ELEVENTH DAY—TUESDAY, JANUARY 23, 2018

---

### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 900-Rowden and Curls  
SB 901-Hummel  
SB 902-Hummel  
SB 903-Dixon  
SB 904-Emery  
SB 905-Munzlinger  
SB 906-Cunningham  
SB 907-Kehoe  
SB 908-Wieland  
SB 909-Dixon  
SB 910-Sater  
SB 911-Munzlinger  
SB 912-Rowden  
SB 913-Rowden  
SB 914-Crawford  
SB 915-Crawford  
SB 916-Crawford  
SB 917-Crawford  
SB 918-Munzlinger  
SB 919-Libla  
SB 920-Riddle

SB 921-Rizzo  
SB 922-Hegeman  
SB 923-Rowden  
SB 924-Rowden  
SB 925-Nasheed  
SB 926-Riddle  
SB 927-Romine  
SB 928-Onder  
SB 929-Schatz  
SB 930-Curls  
SB 931-Riddle  
SB 932-Sater  
SB 933-Hegeman  
SB 934-Hegeman  
SB 935-Hegeman  
SB 936-Eigel  
SB 937-Hummel  
SB 938-Munzlinger  
SB 939-Cierpiot  
SB 940-Hegeman  
SB 941-Romine

SB 942-Wieland  
SB 943-Wieland  
SB 944-Eigel

SB 945-Nasheed  
SJR 34-Hoskins

#### SENATE BILLS FOR PERFECTION

SB 567-Cunningham, with SCS  
SB 561-Sater  
SB 563-Sater

SB 579-Libla  
SB 626-Munzlinger  
SB 546-Munzlinger

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB 564-Emery, et al, with SS (pending)

#### RESOLUTIONS

##### To be Referred

SCR 36-Munzlinger  
SCR 37-Eigel

SR 1137-Walsh  
SR 1138-Brown

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

### ELEVENTH DAY—TUESDAY, JANUARY 23, 2018

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“I love the Lord, because he has heard the voice of my supplications, because he has inclined his ear to me whenever I called upon him.”  
(Psalm 116:1)

We thank You for this day for what we have been called to do here. We serve with open hearts and minds so that the work we have to accomplish may be touched by Your Spirit. Give to us wisdom to follow the path that will get us to accomplish what is most necessary and needed and most helpful to those we serve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kehoe requested unanimous consent of the Senate to allow the St. Louis City Chief of Police to enter the Chamber with side arms, which request was granted.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Sifton offered Senate Resolution No. 1144, regarding Dino's Logistics, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 946**—By Dixon.

An Act to repeal section 474.150, RSMo, and to enact in lieu thereof one new section relating to gifts in fraud of marital rights.

**SB 947**—By Dixon.

An Act to repeal sections 456.985, 456.1035, 456.1080, 456.1-103, and 456.8-808, RSMo, and to enact in lieu thereof five new sections relating to estate planning.

**SB 948**—By Sater.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to work and community engagement requirements for certain MO HealthNet participants.

**SB 949**—By Emery.

An Act to repeal sections 167.263, 167.268, and 167.645, RSMo, and to enact in lieu thereof two new sections relating to reading intervention in schools.

**SB 950**—By Munzlinger.

An Act to repeal section 332.081, RSMo, and to enact in lieu thereof two new sections relating to dental faculty permits.

**SB 951**—By Crawford.

An Act to repeal sections 197.052 and 536.031, RSMo, and to enact in lieu thereof two new sections relating to hospital regulations.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

**RESOLUTIONS**

Senator Hoskins offered Senate Resolution No. 1145, regarding Debbie Woirhaye, Warrensburg, which was adopted.

Senator Sater offered Senate Resolution No. 1146, regarding Colton James Spencer, Aurora, which was adopted.

Senator Sater offered Senate Resolution No. 1147, regarding Chad Laxton, Miller, which was adopted.

Senator Hoskins offered Senate Resolution No. 1148, regarding Abby Bertz, Mayview, which was adopted.

Senator Hoskins offered Senate Resolution No. 1149, regarding Sydnee Mason, Marshall, which was adopted.

Senator Hoskins offered Senate Resolution No. 1150, regarding Madelyn Elise Warren, Dawn, which was adopted.

Senator Rowden offered Senate Resolution No. 1151, regarding Aaron Mott, Rocheport, which was adopted.

Senator Rowden offered Senate Resolution No. 1152, regarding Justin Belew, Hartsburg, which was adopted.

Senator Eigel offered Senate Resolution No. 1153, regarding the One Hundred and Fourth Birthday of Elaine Ooley, Weldon Springs, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 952**—By Rowden.

An Act to amend chapter 316, RSMo, by adding thereto one new section relating to internet domain names of website operators.

**SB 953**—By Sater.

An Act to repeal sections 195.015 and 195.017, RSMo, and to enact in lieu thereof two new sections relating to schedules of controlled substances.

### **SENATE BILLS FOR PERFECTION**

Senator Cunningham moved that **SB 567**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 567**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 567**

An Act to repeal sections 135.010, 135.025, 135.030, and 208.1050, RSMo, and to enact in lieu thereof six new sections relating to funds for certain vulnerable populations, with an emergency clause.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 567** be adopted.

Senator Cunningham offered **SS** for **SCS** for **SB 567**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 567**

An Act to repeal sections 135.010, 135.025, 135.030, and 208.1050, RSMo, and to enact in lieu thereof six new sections relating to funds for certain vulnerable populations, with an emergency clause.

Senator Cunningham moved that **SS** for **SCS** for **SB 567** be adopted.

Senator Cunningham offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 567, Page 8, Section 135.030, Line 2 of said page, by inserting immediately after the word “hundred” the following: “**eighty-five**”.

Senator Cunningham moved that the above amendment be adopted.

Senator Hoskins assumed the Chair.

Senator Schupp offered **SA 1** to **SA 1**:

**SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 567, Page 1, Line 1, by inserting after the word “page” the following: “7, section 135.025, line 3 of said page, by striking the word “seven” and inserting in lieu thereof the word “**eight**”; and further amend line 4 of said page, by striking the word “eleven” and inserting in lieu thereof the word “**twelve**”; and further amend lines 6-14 of said page, by striking all of said lines and inserting in lieu thereof the following: “credit. The”; and

Further amend said amendment, line 3 by inserting after the word ““eighty-five”” the following: “; and further amend said bill and section and page, line 21 by striking “(1)”; and further amend said bill and section, page 9, line 2 of said page, by striking “\$1,100” and inserting in lieu thereof “**\$1,200**”; and further amend line 5 of said page, by striking “\$750” and inserting in lieu thereof “**\$850**”; and further amend lines 10-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 10, lines 1 to 6 of said page, by striking all of said lines and inserting in lieu thereof the following: “The director of revenue shall prescribe a table based upon the preceding sentences. The property tax shall be in increments”.

Senator Schupp moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Holsman, Nasheed, Rizzo and Schaaf.

At the request of Senator Cunningham, **SB 567**, with **SCS**, **SS** for **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee pursuant to **HCR 51**. Representatives: Andrews, Barnes (60), Franklin, Haahr, Lichtenegger, Marshall, Conway (10), Nichols, Smith (85), Newman, and Anders.

President Parson assumed the Chair.

**MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 23, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment:

Bobby G. Robertson Jr., Republican, 175 Hunters Glen Lane, Kimberling City, Stone County, Missouri 65686, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2018, and until his successor is duly appointed and qualified; vice, Brian Fogle, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Senator Richard moved that the above appointment be returned to the Governor per his request, which motion prevailed.

## **SECOND READING OF CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 36**—Rules, Joint Rules, Resolutions and Ethics.

## **REFERRALS**

President Pro Tem Richard referred **SCR 37** and **SR 1138** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## **COMMUNICATIONS**

Senator Walsh submitted the following:

January 23, 2018


Adriane Crouse – Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, Missouri 65101

Dear Adriane:

Pursuant to Senate Rule 12, I hereby make the following appointments to vacant committee slots:

Veterans and Military Affairs:	Senator Jason Holsman
Seniors, Families and Children:	Senator Jamilah Nasheed
Judiciary and Civil & Criminal Jurisprudence:	Senator Jamilah Nasheed
Health and Pensions:	Senator Jake Hummel
Education:	Senator Scott Sifton

If there are any questions regarding these committee appointments, please do not hesitate to contact my office.

Sincerely,  
  
Gina Walsh

**INTRODUCTION OF GUESTS**

Senators Schupp and Nasheed introduced to the Senate, representatives from the Goldfarb School of Nursing, Barnes Jewish College.

Senator Nasheed introduced to the Senate, Police Chief John Hayden, St. Louis Metropolitan Police Department.

Senator Hummel introduced to the Senate, the Physician of the Day, Matthew J. Casey, M.D., Ballwin.

On motion of Senator Kehoe, the Senate adjourned until 10:30 a.m., Wednesday, January 24, 2018.

**SENATE CALENDAR**


---

TWELFTH DAY—WEDNESDAY, JANUARY 24, 2018

---

**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 900-Rowden and Curls	SB 920-Riddle
SB 901-Hummel	SB 921-Rizzo
SB 902-Hummel	SB 922-Hegeman
SB 903-Dixon	SB 923-Rowden
SB 904-Emery	SB 924-Rowden
SB 905-Munzlinger	SB 925-Nasheed
SB 906-Cunningham	SB 926-Riddle
SB 907-Kehoe	SB 927-Romine
SB 908-Wieland	SB 928-Onder
SB 909-Dixon	SB 929-Schatz
SB 910-Sater	SB 930-Curls
SB 911-Munzlinger	SB 931-Riddle
SB 912-Rowden	SB 932-Sater
SB 913-Rowden	SB 933-Hegeman
SB 914-Crawford	SB 934-Hegeman
SB 915-Crawford	SB 935-Hegeman
SB 916-Crawford	SB 936-Eigel
SB 917-Crawford	SB 937-Hummel
SB 918-Munzlinger	SB 938-Munzlinger
SB 919-Libla	SB 939-Cierpiot

SB 940-Hegeman  
SB 941-Romine  
SB 942-Wieland  
SB 943-Wieland  
SB 944-Eigel  
SB 945-Nasheed  
SB 946-Dixon  
SB 947-Dixon

SB 948-Sater  
SB 949-Emery  
SB 950-Munzlinger  
SB 951-Crawford  
SB 952-Rowden  
SB 953-Sater  
SJR 34-Hoskins

SENATE BILLS FOR PERFECTION

SB 561-Sater  
SB 563-Sater  
SB 579-Libla

SB 626-Munzlinger  
SB 546-Munzlinger

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 564-Emery, et al, with SS (pending)

SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)

RESOLUTIONS

SR 1137-Walsh

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWELFTH DAY—WEDNESDAY, JANUARY 24, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Senator Wallingford offered the following prayer:

“Great peace have those who love your law; nothing can make them stumble.” (Psalm 119:165)

O God, King of the universe, You have given Your law to assist us to live in peace with our neighbor and create harmony within our communities. We fashion laws for our people and are most grateful that Your law provides a guide for what we do here. Help us to hear what is necessary for us to make our laws more helpful and of service to our people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Wallingford offered Senate Resolution No. 1154, regarding Isabel Rose Legg, Perryville, which was adopted.

Senator Kehoe offered Senate Resolution No. 1155, regarding Elizabeth Knipp, Tipton, which was adopted.

Senator Kehoe offered Senate Resolution No. 1156, regarding Ben Luebbering, St. Thomas, which was adopted.

Senators Kehoe and Riddle offered Senate Resolution No. 1157, regarding Dick Preston, Jefferson City, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 954**—By Curls.

An Act to repeal section 610.140, RSMo, and to enact in lieu thereof one new section relating to expungement of records relating to the offense of unlawful use of a weapon.

**SB 955**—By Cunningham.

An Act to repeal sections 379.110 and 379.118, RSMo, and to enact in lieu thereof two new sections relating to reductions in automobile insurance coverage.

**SB 956**—By Cunningham.

An Act to repeal sections 108.120 and 137.555, RSMo, and to enact in lieu thereof two new sections relating to transportation infrastructure.

**SB 957**—By Crawford.

An Act to amend chapter 436, RSMo, by adding thereto eleven new sections relating to consumer legal funding, with penalty provisions.

Senator Kehoe moved that the Senate recess to repair to the House of Representatives to receive the State of the Judiciary Address from the Chief Justice of the Supreme Court, the Honorable Zel M. Fischer, which motion prevailed.

**JOINT SESSION**

The Joint Session was called to order by President Parson.

On roll call the following Senators were present:

Present—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				



Absent—Senators

Chappelle-Nadal      Nasheed—2

Absent with leave—Senators—None

Vacancies—1

On roll call the following Representatives were present:

PRESENT: 142

Adams	Anders	Anderson	Andrews	Arthur	Austin	Bahr
Bangert	Baringer	Barnes 28	Barnes 60	Basye	Beard	Beck
Bernskoetter	Berry	Black	Bondon	Brattin	Brown 27	Brown 57
Burnett	Chipman	Christofanelli	Conway 10	Conway 104	Corlew	Cornejo
Curtman	Davis	DeGroot	Dogan	Dohrman	Ellebracht	Ellington
Engler	Evans	Fitzwater	Fraker	Francis	Franklin	Franks Jr
Frederick	Gannon	Gray	Green	Gregory	Grier	Haahr
Haefner	Hannegan	Hansen	Harris	Helms	Henderson	Higdon
Hill	Houghton	Houx	Hurst	Johnson	Justus	Kelley 127
Kelly 141	Kidd	Kolkmeier	Korman	Lant	Lauer	Lavender
Lichtenegger	Love	Lynch	Marshall	Mathews	Matthiesen	McCann Beatty
McCreery	McDaniel	McGee	Meredith 71	Miller	Mitten	Moon
Morgan	Morris 140	Morse 151	Mosley	Muntzel	Neely	Newman
Nichols	Pfautsch	Phillips	Pierson Jr	Pike	Plocher	Pogue
Quade	Razer	Redmon	Rehder	Reiboldt	Reisch	Remole
Rhoads	Roberts	Roden	Roeber	Rone	Ross	Rowland 155
Rowland 29	Runions	Ruth	Schroer	Shaul 113	Shull 16	Shumake
Smith 85	Smith 163	Sommer	Spencer	Stacy	Stephens 128	Stevens 46
Swan	Tate	Taylor	Trent	Unsicker	Vescovo	Walker 3
Walker 74	Walsh	Washington	Wessels	White	Wiemann	Wilson
Wood	Mr. Speaker					

ABSENT: 16

Alferman	Brown 94	Burns	Butler	Carpenter	Cookson	Cross
Curtis	Eggleston	Fitzpatrick	Kendrick	May	Merideth 80	Messenger
Peters	Pietzman					

VACANCIES: 5

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Zel M. Fischer, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

## 2018 STATE OF THE JUDICIARY

Chief Justice Zel M. Fischer

### Introduction

Thank you, Lieutenant Governor Parson, Secretary of State Ashcroft, President Pro Tem Richard, members of the senate, the executive branch and the judiciary. And a special thanks to Speaker Richardson and members of the house of representatives for hosting me this morning to

deliver *my* first, but more significantly, the 45th State of the Judiciary address on behalf of all of Missouri's state judges.

I would like to begin by introducing my colleagues, who collectively – when you include our trial court and court of appeals tenures – have more than 130 years of judicial experience: Judge Laura Denvir Stith; Judge Mary R. Russell; Judge Patricia Breckenridge; Judge George W. Draper III; Judge Paul C. Wilson; and our newest member – appointed last April by Governor Eric Greitens – Judge W. Brent Powell.

One of my first visits to Jefferson City was in the summer of 1985 on the way back from my honeymoon. I remember asking Julie, of the buildings we had toured – the capitol, the governor's mansion or the Supreme Court building – which one she thought I should aspire to. Luckily for my senator, Dan Hegeman, she liked the big oak doors on the ol' red brick building across the street.

What started as a joke later turned into a dream – and now I'm living the dream. I spent most of my legal career as a small business owner and solo practitioner in Atchison County, where I later served as an associate circuit judge until Governor Matt Blunt appointed me to the Supreme Court of Missouri in October 2008.

I am honored and humbled that, as chief justice of the Supreme Court, my role is to protect and advance the judiciary, and its stature as an essential branch of our state's government.

Our founding fathers foresaw the necessity of governance and the privileges and duties self-governance under our constitution would bring. As John Jay, the first chief justice of the Supreme Court of the United States, told a gathering in 1777, "The Americans are the first people whom Heaven has favored with an opportunity of deliberating upon and choosing the forms of government under which they should live."

Our chosen form of government – consisting of three coequal, co-sovereign branches – is now wellentrenched. And it is up to those of us in this room this morning, whom the citizens of Missouri have entrusted, to carry out its governance.

### ***Core Functions of the Judicial Branch***

Socrates said, only four things belong to a judge: to hear courteously, to answer wisely, to consider soberly and to decide impartially. And so we strive every day, by careful study of the facts and the law, to reach the correct result. Some would say this historical view of judging is not enough for the Supreme Court, because there are the additional obligations to ensure the court system is well-administered and one in which the public has trust and confidence.

### ***A Well-Administered Judiciary***

I am happy to report Missouri's judiciary is in good shape. We are nationally recognized as leaders. Two areas I wish to highlight today are the processes we use to determine who is qualified to practice law and our innovative use of technology.

In 2010, I recommended to my colleagues that Missouri become the first state to adopt the uniform bar examination. This innovative concept recognizes that the same bar examination given on the same date in many states generates a score that is portable to other states administering that same exam.

The uniform bar examination is not a national bar. It simply permits an applicant to transfer a bar exam score to another participating state to pursue a law license in that state without the undue delay, stress, and expense of having to retake the bar exam.

My thought was this process would substantially benefit law students – the consumers of legal education – many of whom take the bar exam before they have a job and, therefore, before they know in what state they will need a license. At the same time, states using the uniform bar examination maintain their ability to protect the public – the consumers of legal services – by retaining local control over the character and fitness investigations and the manner of testing local legal issues as conditions of earning a law license in that state.

The idea that states would accept a portable bar examination score faced resistance when it was first raised. Most innovations do.

But the Supreme Court of Missouri recognized the value of the uniform bar exam to law students, their families and their employers and became the first state to adopt it. We believed other states could be persuaded to follow suit. And we were right – as Missouri begins its eighth year administering the uniform bar examination, I proudly report another 29 jurisdictions have now joined us in using it, and we have every expectation that number will continue to rise.

Missouri courts are also continuing their tradition of innovation in technology. More than a decade ago, we became the first state to offer the public access to information from a statewide case management system using Case.net, and last summer, the Missouri Judiciary was ranked third – not nationally but *internationally*! – for the best use of technology to improve court services and access to the public. The award specifically focused on our new Show-Me Courts system, Track This Case tool in Case.net, Pay by Web services, and the mobile optimization of the Missouri Courts website. In case you are counting, we came in behind Arizona and Dubai.

As evidenced by this award, we remain committed to delivering exceptional services and improving public access to our courts. Each of the technology solutions for which we received accolades was designed with Missouri citizens in mind.

Regulating the practice of law, including who is qualified to begin practicing, and using technology to make our courts more open, transparent and efficient are core functions that fall within the supervisory responsibility of your Supreme Court.

We are proud of these successes and strive to improve how we perform our more familiar core functions, and we stand ready to cooperate with the legislative and executive branches in areas of overlapping concern.

I see four particular areas in which we three branches of government can continue to work together to move this great state of Missouri forward: (1) through the work of the Justice Reinvestment Task Force; (2) through the expanded use of drug treatment courts; (3) through continued emphasis on criminal justice reform; and (4) through cooperative evaluation of the efficient management of our judicial resources.

#### ***Justice Reinvestment Task Force***

As I am sure you are aware, Missouri continues to face challenges in its criminal justice system. While, nationally, violent crimes are decreasing, it is not true for Missouri.

As a result, we are spending more on corrections than ever before. Our total incarceration rate remains well above the national average and is growing. We have joined with you in a call for help.

The Supreme Court joined Speaker Richardson, President Pro Tem Richard and Governor Greitens last May in seeking assistance from the United States Department of Justice's Bureau of Justice Assistance and The Pew Charitable Trust to find new ways to improve our troubled system. They granted our request for help in collecting and analyzing data to assist in developing policy options. Through this public-private partnership, we hope to keep corrections spending in check, reinvest those savings in evidence-based strategies to reduce recidivism and, ultimately, and most importantly, to enhance public safety for all Missourians.

With representatives of all three branches of government working hand-in-hand, members engaged in months of study and finished their recommendations last month. The task force is developing legislative options for you to consider. We are optimistic these changes will produce significant, sensible and meaningful improvements.

#### ***Treatment Courts and the Opioid Crisis***

The second area where our work together can pay off is in the use of treatment courts to help break the cycle of crime, and to respond to the opioid crisis now plaguing Missouri and our entire nation.

Drug overdose is now the leading cause of accidental death in the United States, with the rate of overdose deaths involving opioids continuing to climb. Our state mirrors the national statistics, as opioid use disorder has taken an enormous toll on Missouri. Missouri lost 1,066 people in 2015 and 1,371 people in 2016 to a drug overdose. This is a staggering increase in deaths.

To grapple with this terrible epidemic, Missouri's treatment courts feature multidisciplinary teams offering a two-fold solution. First, they are addressing the crimes that often are due to substance use; and second, they are helping those who are addicted, and their families, improve their lives and break the cycle of addiction. We have already seen a steady increase in the number of participants entering our treatment courts who say their drug of choice is heroin or other opioids.

Like they have shown in other intersections of drugs and crime, we anticipate our treatment courts will be on the front lines of the opioid battle. By continuing to reduce drug use and keeping addicted offenders out of prison, those offenders can continue to work and provide for their families.

The success of our treatment courts has largely depended on the cooperation we have had from our partners in the legislature. If we are to break the cycle of drugs and crime, every Missourian in need should have a treatment court program within reach.

Research demonstrates treatment courts are more cost-effective than *any other* criminal justice strategy. But our treatment courts have been able to serve only a small percentage of individuals facing felony drug charges. Those numbers began to drop even more last July, when the 27-percent core reduction to existing programs took effect. Since then, admission into our various treatment court programs has dropped an average of 23 percent. And right now, there are 15 counties with *no* access to *any* type of treatment court. Individuals addicted to opioids and other substances in these areas are restrained by county lines they can't see.

We will work with you over the coming months to expand the reach of treatment courts in hopes of making this resource-saving, life-saving program available in *every* Missouri jurisdiction.

#### ***Criminal Justice Task Force***

Our work together as three coequal branches of government continues to be essential to improving our criminal justice system. Last June, the Court established a task force focused broadly on criminal justice.

This group is led by Judge Michael Noble of St. Louis, Christian County Prosecutor Amy Fite and defense attorney J.R. Hobbs of Kansas City.

They will recommend evidence-based risk-assessment tools for determining a defendant's suitability for pretrial release; recommend ways to improve how courts impose fines, fees and costs; and identify technological opportunities to improve notice, compliance and public safety.

These efforts are part of broader national movement away from bail release decisions based on financial conditions toward considerations of the risks posed by individual defendants. The national experts suggest there are ways to provide effective screening and supervision to monitor those defendants deemed safe for release during the pretrial period.

It seems obvious and important that – before a trial is held and guilt or innocence is determined – we reserve our jail space for those who pose the most danger to the community or risk of fleeing the jurisdiction, and not those who simply may be too poor to post bail. Studies show even *short* stints in jail increase the likelihood of missing school or losing jobs and housing. And, of course, pretrial *supervision* costs a local community substantially less than pretrial *incarceration*.

I will be leading a team to a pretrial justice reform summit in Indianapolis in May. We will learn about reform efforts nationwide and will have an opportunity to develop an action plan for appropriate responses here in our own state. I am pleased to announce that, in addition to our state courts administrator, Kathy Lloyd, and Montgomery County Associate Circuit Judge Kelly Broniec, joining me at the summit will be Judge Jack Goodman, presiding judge of the 39th Judicial Circuit, and Judge Rob Mayer, presiding judge of the 35th Judicial Circuit.

Both Judge Goodman and Judge Mayer are former members of this General Assembly – serving both in *this* house of representatives and in the senate – and they are with us today. I believe their legal education and judicial experience, coupled with practical legislative know-how, will assist the Court in deciding what reforms are good for Missouri and how to shepherd through the legislative process any changes that may require your attention. This also demonstrates I am not opposed to both my hunting dogs *and* my judges being “House”-trained.

### ***Efficient Management of Court Resources***

Finally, we look forward to continuing to work cooperatively with the legislative and executive branches to improve our service to the state. We have made significant strides in assessing our own internal operations to find ways to be as efficient and effective as possible.

Ten years ago, we created a “judicial partnership program” designed to help our busiest circuits work through backlogs of cases by partnering them with circuits where judges were available to help meet that demand. This, of course, was important for the citizens and businesses who needed the courts to resolve legal matters of great importance to them – and it was important for us to use our available resources as best we could to meet those needs.

This ability to temporarily transfer judges from one jurisdiction to another is an important design of our state constitution. While judges are assigned to particular local courts – by county, circuit or appellate district – article V, section 6 also provides that the Supreme Court of Missouri may assign *any* judge in the state to hear *any* particular case or serve *any* jurisdiction in addition to the jurisdiction that judge serves daily. As a result, whether elected by county or circuit or selected by nonpartisan commission, every associate circuit, circuit, appellate, and Supreme Court judge is an employee of *Missouri* and can be assigned to serve throughout the state.

The primary reason the judicial partnership program was so successful was because it was locally driven, empowering the partnered presiding judges to determine how and when to share judicial resources. I saw how well this worked first-hand. When I was a trial judge in the 4th Judicial Circuit, in the northwest corner of the state, I joined the other five judges of that five-county circuit in regularly traveling to help the 16th Judicial Circuit in Jackson County reduce its backlog of cases.

I am proud to say, last September, the judicial transfer work group dissolved the last two remaining partnerships and, with it, the formal partnership program itself. We managed our own resources *so well*, and the circuit partnerships had been *so successful* over the past decade, the backlog of cases that called for the Supreme Court's intervention has been eliminated. Please join me in thanking the many hard-working judges who participated in the mandatory transfer program for helping to advance the timely, effective administration of justice for the people of Missouri. And because no good deed should go unpunished, I also offer an ongoing thank you to those judges who continue to accept ad hoc assignments throughout the state.

Your confidence in the judiciary by tasking us with redrawing our circuits is both appreciated and deserved. Your statutorily required realignment study and plan present a unique opportunity to pursue a data-driven evaluation of the multiple factors that impact court operations. These factors include changes in workload, population and technology; increased use of treatment and other problem-solving courts; and access to local courts. The evaluation of these factors will be critical in determining what, if any, changes in circuit boundaries and jurisdiction would enhance the efficiency and effectiveness of our courts. This evaluation is also necessary to help us understand the costs associated with any changes.

Given the complexity of this comprehensive evaluation, an order was entered in November creating the “Task Force for the Preparation of a Circuit Realignment Plan.” I will chair this task force, which includes a judge from each district of the Missouri Court of Appeals and a mix of circuit and associate circuit judges representing rural and urban courts from every part of the state.

We will deliver to you in 2020, as required, a fiscally responsible plan that will best serve the citizens and businesses of our state while ensuring

equal access to our courts by those in need.

**Conclusion**

I was raised to believe everything works better when everybody does their own job well, but with a recognition that sometimes the big jobs require us all to work together. I look forward to assisting in this big job of governing our state, where each branch focuses on its distinct core functions first but cooperates and works together when challenges and opportunities arise.

One thing we all share is the support of those back home whom we love and who make it possible for us to come here to Jefferson City. I feel blessed to serve as the chief justice ... and I'm thankful that position is term-limited. But I feel even more blessed to be a grandfather of one, a father of four and a husband to Julie for more than 32 years.

I want to thank my local sheriff, Dennis Martin, for agreeing to drive my parents, Bob and Nancy Fischer, to be here with us today. My mother has always been my loudest and most loyal cheerleader, and so the folks back home are not surprised my mom's first ride in the back seat of a police car was to be here this morning with me. My dad has always been my best friend. He was the best man at my wedding, and the bailiff in my court when I was a trial judge. My only regret in transitioning from the trial bench to the Supreme Court of Missouri is I miss starting each day with his coffee and our conversation.

My parents still live where I grew up, in Watson. It's the farthest north and west town in Missouri, with a stated population of 100 on the welcome sign ... and trust me, that surely must include some livestock.

My parents' only measurable wealth when I was growing up was the love they had in their hearts for their children. That I now humbly stand before you as chief justice is a testament to them ... and proof beyond any reasonable doubt the American Dream is alive and well in Missouri.

It has been a privilege to speak with you today. Thank you.

On motion of Senator Kehoe, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by President Parson.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 958**—By Riddle.

An Act to repeal section 595.220, RSMo, and to enact in lieu thereof one new section relating to forensic examinations.

**SB 959**—By Riddle.

An Act to repeal sections 407.432, 407.433, and 407.436, RSMo, and to enact in lieu thereof four new sections relating to the credit user protection law, with penalty provisions.

**SENATE BILLS FOR PERFECTION**

Senator Sater moved that **SB 561** be taken up for perfection, which motion prevailed.

Senator Sifton offered **SA 1**, entitled:

**SENATE AMENDMENT NO. 1**

Amend Senate Bill No. 561, Page 1, Section 208.246, Line 20, by inserting immediately after the word "household" the following: "**, excluding any children under eighteen years of age,**".

President Pro Tem Richard assumed the Chair.

Senator Sifton moved that the above amendment be adopted.

At the request of Senator Sater, **SB 561**, with **SA 1** (pending), was placed on the Informal Calendar.

### **RESOLUTIONS**

Senator Schupp offered Senate Resolution No. 1158, regarding Marion Elementary School, which was adopted.

Senator Schupp offered Senate Resolution No. 1159, regarding Kratz Elementary School, which was adopted.

Senator Hegeman offered Senate Resolution No. 1160, regarding Mariah Fox, Galt, which was adopted.

Senator Hegeman offered Senate Resolution No. 1161, regarding Rhiannen Schneider, Savannah, which was adopted.

Senator Hegeman offered Senate Resolution No. 1162, regarding Dakota Allen, Fairfax, which was adopted.

Senator Wieland offered Senate Resolution No. 1163, regarding Deputy Marshal Arthur Edwin Ruehl, Imperial, which was adopted.

### **INTRODUCTION OF GUESTS**

Senator Kehoe introduced to the Senate, Joy Sweeney, Council for Drug Free Youth; Mel Richardson; and Katy Allen, Lauren Brenner, Hope Heimsworth, Colbey Boicourt, Caleb Hatfield, Mary Kathryn, Jonathan Shanks and Hanna Koenigsfeld, representatives from ACT Missouri and the Missouri Youth Adult Alliance.

Senator Dixon introduced to the Senate, Circuit Clerk Tom Barr, Greene County.

Senator Schupp introduced to the Senate, former State Representative Rick Stream; and Peggy Barnhart, St. Louis.

Senator Sifton introduced to the Senate, Matt Potter, Webster Groves.

Senator Rowden introduced to the Senate, former State Senator John Cauthorn, Mexico.

Senator Cierpiot introduced to the Senate, Jacqueline Clark, Dr. Dennis Carpenter, Phyllis Balagna, Dennis Smith, Elaine Bluml, Mike Johnson, Steve Hill, Mia Fulson, Cita Trice and Mark Van Blaricum, Lee's Summit R-7 School District.

Senator Holsman introduced to the Senate, representatives of the University of Missouri-Kansas City Dental School.

Senator Kehoe introduced to the Senate, Elijah Mayfield.

Senator Schupp introduced to the Senate, Christina Goedde, Jefferson City; and Christina was made an honorary page.

Senator Nasheed introduced to the Senate, the Physician of the Day, Douglas M. Char, M.D., St. Louis.

Senator Brown introduced to the Senate, former State Senator Mike Lybyer, and his son, Patrick.

Senator Curls introduced to the Senate, Bob Kendrick, Kansas City.

Senator Dixon introduced to the Senate, former State Representative Lincoln Hough, Commissioner, Greene County, Springfield.

On motion of Senator Kehoe, the Senate adjourned under the rules.

## SENATE CALENDAR

---

THIRTEENTH DAY—THURSDAY, JANUARY 25, 2018

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 900-Rowden and Curls	SB 927-Romine
SB 901-Hummel	SB 928-Onder
SB 902-Hummel	SB 929-Schatz
SB 903-Dixon	SB 930-Curls
SB 904-Emery	SB 931-Riddle
SB 905-Munzlinger	SB 932-Sater
SB 906-Cunningham	SB 933-Hegeman
SB 907-Kehoe	SB 934-Hegeman
SB 908-Wieland	SB 935-Hegeman
SB 909-Dixon	SB 936-Eigel
SB 910-Sater	SB 937-Hummel
SB 911-Munzlinger	SB 938-Munzlinger
SB 912-Rowden	SB 939-Cierpiot
SB 913-Rowden	SB 940-Hegeman
SB 914-Crawford	SB 941-Romine
SB 915-Crawford	SB 942-Wieland
SB 916-Crawford	SB 943-Wieland
SB 917-Crawford	SB 944-Eigel
SB 918-Munzlinger	SB 945-Nasheed
SB 919-Libla	SB 946-Dixon
SB 920-Riddle	SB 947-Dixon
SB 921-Rizzo	SB 948-Sater
SB 922-Hegeman	SB 949-Emery
SB 923-Rowden	SB 950-Munzlinger
SB 924-Rowden	SB 951-Crawford
SB 925-Nasheed	SB 952-Rowden
SB 926-Riddle	SB 953-Sater

SB 954-Curls  
SB 955-Cunningham  
SB 956-Cunningham  
SB 957-Crawford

SB 958-Riddle  
SB 959-Riddle  
SJR 34-Hoskins

#### SENATE BILLS FOR PERFECTION

SB 563-Sater  
SB 579-Libla

SB 626-Munzlinger  
SB 546-Munzlinger

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB 561-Sater, with SA 1 (pending)  
SB 564-Emery, et al, with SS (pending)

SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)

#### RESOLUTIONS

SR 1137-Walsh

✓



# Journal of the Senate

SECOND REGULAR SESSION

---

**THIRTEENTH DAY—THURSDAY, JANUARY 25, 2018**

---

The Senate met pursuant to adjournment.

Senator Rowden in the Chair.

Reverend Carl Gauck offered the following prayer:

“Keep your heart with all diligence, for out of it are the issues of life.” (Psalm 4:23)

We acknowledge that the heart is the center of our emotions and it does us well to keep it in proper order for we know what is required of us. So as we complete our work this week and drive to spend time with those we love may we rejoice and give thanks for the gift they are to us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kehoe announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Hummel —1

Vacancies—1

### RESOLUTIONS

Senator Kehoe offered Senate Resolution No. 1164, regarding R. Brent VanConia, which was adopted.

Senator Richard offered Senate Resolution No. 1165, regarding Tri-State Motor Transit, Joplin, which was adopted.

Senator Richard offered Senate Resolution No. 1166, regarding Transport Distribution Company, Joplin, which was adopted.

Senator Brown offered Senate Resolution No. 1167, regarding David Lowe, Esq., Waynesville, which was adopted.

Senator Brown offered Senate Resolution No. 1168, regarding Walmart Transportation, St. James, which was adopted.

Senator Brown offered Senate Resolution No. 1169, regarding Rolla Farmers' Exchange, which was adopted.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 960**—By Emery.

An Act to repeal section 210.070, RSMo, and to enact in lieu thereof one new section relating to eye drops for newborn infants.

**SB 961**—By Cunningham.

An Act to repeal section 319.129, RSMo, and to enact in lieu thereof one new section relating to the expiration of the petroleum storage tank insurance fund.

**SB 962**—By Wieland.

An Act to repeal sections 354.150, 354.495, 374.115, 374.150, and 374.230, RSMo, and to enact in lieu thereof four new sections relating to payments made by insurance companies, with a delayed effective date.

**SB 963**—By Wieland.

An Act to amend chapter 34, RSMo, by adding thereto nine new sections relating to purchasing processes for innovative technology by the office of administration.

**SB 964**—By Eigel.

An Act to repeal section 161.096, RSMo, and to enact in lieu thereof two new sections relating to statewide assessments for elementary and secondary education students.

### REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that

the Senate do give its advice and consent to the following:

Stephen W. Korte and Larry Saxton, Junior, as members of the Advisory Committee for 911 Service Oversight;

Also,

Misty Z. Dobynes, Donna J. Erickson, Joyce Estes, Jamie Kondis and Cynthia L. Vessell as members of the Child Abuse and Neglect Review Board;

Also,

Carl A. Bolm, Republican, Joseph W. Cornelison, Republican and Shawn Saale, Republican as members of the Coordinating Board for Higher Education;

Also,

Lee R. Keith, as Commissioner of the Division of Finance of the Department of Insurance, Financial Institutions and Professional Registration;

Also,

Nathan Garrett, as a member of the Kansas City Board of Police Commissioners;

Also,

Jade Jump, Republican, as a member of the Missouri Commission on Human Rights;

Also,

Kevin D. Wallace, as a member of the Missouri Dental Board;

Also,

Daniel P. Finney, Democrat, as a member of the Missouri Gaming Commission;

Also,

Cynthia M. Circo, Democrat, as a member of the Missouri Health Facilities Review Committee;

Also,

Jason A. Klindt, Republican and George R. Speckman, Independent, as members of the Northwest Missouri State University Board of Regents;

Also,

Steve C. Cookson, as a member of the Organ Donation Advisory Committee;

Also,

Beth A. Knes, as a member of the Public School Retirement System of Missouri Board of Trustees;

Also,

Peggy Barnhart, Republican and Matthew W. Potter, Democrat as members of the St. Louis County Board of Election Commissioners;

Also,

Gary A. Fraker, Republican, Scott M. Meierhoffer, Republican and James K. Reinhard, Democrat as members of the State Board of Embalmers and Funeral Directors;

Also,

Gregory E. Hoberock, Republican and Steven G. Sellenriek, Republican, as members of the State Technical College of Missouri Board of Regents; and

Courtney Lauer-Myers, Republican, as the Student Representative and Jon T. Sundvold, Republican, as a member of the University of Missouri Board of Curators.

Senator Richard requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Richard moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Richard assumed the Chair.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 547**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 659**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Brown, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 775**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 574**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Emery, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, Senator Kehoe submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 649**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 730**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 807** and **SB 577**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 593**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 594**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 586**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 598**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 751**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 708**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HCS for HB 1246**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 602**, begs leave to report

that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hoskins, Chairman of the Committee on Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **SB 573**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden, Chairman of the Committee on Government Reform, submitted the following report:

Mr. President: Your Committee on Government Reform, to which was referred **SB 612**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **SENATE BILLS FOR PERFECTION**

Senator Sater moved that **SB 563** be taken up for perfection, which motion prevailed.

Senator Rowden assumed the Chair.

On motion of Senator Sater, **SB 563** was declared perfected and ordered printed.

### **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**SB 900**—Judiciary and Civil and Criminal Jurisprudence.

**SB 901**—Health and Pensions.

**SB 902**—Health and Pensions.

**SB 903**—Transportation, Infrastructure and Public Safety.

**SB 904**—Education.

**SB 905**—Education.

**SB 906**—Health and Pensions.

**SB 907**—General Laws.

**SB 908**—Insurance and Banking.

**SB 909**—Judiciary and Civil and Criminal Jurisprudence.

**SB 910**—Health and Pensions.

**SB 911**—Agriculture, Food Production and Outdoor Resources.

**SB 912**—Appropriations.

**SB 913**—Seniors, Families and Children.

**SB 914**—Insurance and Banking.

**SB 915**—Government Reform.

**SB 916**—Education.

**SB 917**—Commerce, Consumer Protection, Energy and the Environment.

**SB 918**—Agriculture, Food Production and Outdoor Resources.

**SB 919**—Transportation, Infrastructure and Public Safety.

**SB 920**—Professional Registration.

**SB 921**—Economic Development.

**SB 922**—Commerce, Consumer Protection, Energy and the Environment.

**SB 923**—Seniors, Families and Children.

**SB 924**—Education.

**SB 925**—Agriculture, Food Production and Outdoor Resources.

**SB 926**—Professional Registration.

**SB 927**—General Laws.

**SB 928**—Health and Pensions.

**SB 929**—Transportation, Infrastructure and Public Safety.

**SB 930**—Seniors, Families and Children.

**SB 931**—Professional Registration.

**SB 932**—Appropriations.

**SB 933**—Local Government and Elections.

**SB 934**—Government Reform.

**SB 935**—Local Government and Elections.

**SB 936**—Economic Development.

**SB 937**—Seniors, Families and Children.

**SB 938**—Agriculture, Food Production and Outdoor Resources.

**SB 939**—Ways and Means.

**SB 940**—Local Government and Elections.

**SB 941**—Commerce, Consumer Protection, Energy and the Environment.

**SB 942**—Insurance and Banking.

**SB 943**—Insurance and Banking.

**SB 944**—Government Reform.

**SB 945**—Seniors, Families and Children.

**SB 946**—Judiciary and Civil and Criminal Jurisprudence.

**SB 947**—Judiciary and Civil and Criminal Jurisprudence.

**SB 948**—Seniors, Families and Children.

**SB 949**—Education.

**SB 950**—Professional Registration.

**SB 951**—Health and Pensions.

**SB 952**—General Laws.

**SB 953**—Seniors, Families and Children.

**SB 954**—Judiciary and Civil and Criminal Jurisprudence.

**SB 955**—Insurance and Banking.

**SB 956**—Transportation, Infrastructure and Public Safety.

**SB 957**—Government Reform.

**SB 958**—Judiciary and Civil and Criminal Jurisprudence.

**SB 959**—Insurance and Banking.

**SJR 34**—Veterans and Military Affairs.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1465**, entitled:

An Act to repeal sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof nine new sections relating to higher education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1287**, entitled:

An Act to repeal section 379.321, RSMo, and to enact in lieu thereof one new section relating to insurance markets for commercial insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,



Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB** for **1381**, entitled:

An Act to repeal sections 375.1025, 375.1052, 375.1053, 375.1056, and 382.278, RSMo, and to enact in lieu thereof fourteen new sections relating to financial accreditation standards for insurance companies, with a delayed effective date and a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **COMMUNICATIONS**

Senator Walsh submitted the following:

January 25, 2018

Adriane Crouse - Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, Missouri 65101

Dear Adriane:

Pursuant to my authority regarding appointment of minority members to Senate standing committees under Senate Rule 12, please remove Senator Jamilah Nasheed from the Seniors, Families and Children Committee and from the Judiciary and Civil & Criminal Jurisprudence Committee.

Further, pursuant to Senate Rule 12, I hereby appoint Senator Jason Holsman to the Judiciary and Civil & Criminal Jurisprudence Committee. I also hereby appoint myself to the Seniors, Families and Children Committee.

Sincerely,



Gina Walsh

### **INTRODUCTION OF GUESTS**

Senator Dixon introduced to the Senate, Bill Smillie, Josh Klein, Karen Dowdy, Mary Ann Rojas and Sally Payne, Department of Workforce Development Missouri Job Center.

Senator Schupp introduced to the Senate, Professor John Ammann, and students from St. Louis University School of Law.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, January 29, 2018.

### **SENATE CALENDAR**

---

FOURTEENTH DAY—MONDAY, JANUARY 29, 2018

---

### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 960-Emery

SB 961-Cunningham

SB 962-Wieland  
SB 963-Wieland

SB 964-Eigel

#### HOUSE BILLS ON SECOND READING

HB 1465-Cookson  
HB 1287-Engler

HCS for HB 1381

#### SENATE BILLS FOR PERFECTION

1. SB 579-Libla
2. SB 626-Munzlinger
3. SB 546-Munzlinger
4. SB 547-Munzlinger, with SCS
5. SB 659-Hegeman
6. SB 775-Brown, with SCS
7. SB 649-Romine
8. SB 730-Wallingford, with SCS
9. SBs 807 & 577-Wasson, with SCS

10. SB 593-Wieland, with SCS
11. SB 594-Wieland
12. SB 586-Holsman, with SCS
13. SB 598-Riddle, with SCS
14. SB 751-Schatz
15. SB 708-Schatz
16. SB 602-Onder, with SCS
17. SB 573-Wallingford
18. SB 612-Koenig, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HB 1246 (Onder)

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB 561-Sater, with SA 1 (pending)  
SB 564-Emery, et al, with SS (pending)

SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)

#### CONSENT CALENDAR

Senate Bills

Reported 1/25

SB 574-Wallingford, with SCS

RESOLUTIONS

SR 1137-Walsh

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

### FOURTEENTH DAY—MONDAY, JANUARY 29, 2018

---

The Senate met pursuant to adjournment.

President Pro Tem Richard in the Chair.

Reverend Carl Gauck offered the following prayer:

“Be glad and rejoice forever in what I am creating.” (Isaiah 65:18)

Heavenly Father, we thank You for bringing us to this new day and watching over us to safely travel to this place. We pray that Your spirit of wisdom, kindness and justice may abide in us so that we deal well with each other and the people we serve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 25, 2018 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators —None

Vacancies—1

## RESOLUTIONS

Senator Riddle offered Senate Resolution No. 1170, regarding the Fourth Annual Physician

Anesthesiologists Week, which was adopted.

Senator Riddle offered Senate Resolution No. 1171, regarding Emily Blaue, Wellsville, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1172, regarding Elise Bailey, Curryville, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1173, regarding Abby Turner, Brookfield, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 1174, regarding the 2018 Greater Saint Louis Lunar New Year Gala, which was adopted.

Senator Kehoe offered Senate Resolution No. 1175, regarding Tomell Harbison, Denver, Colorado, which was adopted.

Senator Kehoe offered Senate Resolution No. 1176, regarding Nicholas Hedgpeth, Taboro, North Carolina, which was adopted.

Senator Kehoe offered Senate Resolution No. 1177, regarding Mark W. Barber, Oklahoma City, Oklahoma, which was adopted.

Senator Kehoe offered Senate Resolution No. 1178, regarding Kyle L. Jones, Cheverly, Maryland, which was adopted.

Senator Kehoe offered Senate Resolution No. 1179, regarding Kwanderious M. Baker, Decatur, Georgia, which was adopted.

Senator Kehoe offered Senate Resolution No. 1180, regarding Johann K. Conway Jr., New Orleans, Louisiana, which was adopted.

Senator Kehoe offered Senate Resolution No. 1181, regarding Joshua A. Cox, Fort Lauderdale, Florida, which was adopted.

Senator Kehoe offered Senate Resolution No. 1182, regarding Jamez D. Kinnard, St. Louis, which was adopted.

Senator Kehoe offered Senate Resolution No. 1183, regarding Isaiah Q. Reed, Wayne, New Jersey, which was adopted.

Senator Kehoe offered Senate Resolution No. 1184, regarding Dwayne P. Mitchell II, Atlanta, Georgia, which was adopted.

Senator Kehoe offered Senate Resolution No. 1185, regarding Jerel T. Smith, Lexington, North Carolina, which was adopted.

Senator Kehoe offered Senate Resolution No. 1186, regarding Jaylon J. Denkins, Houston, Texas, which was adopted.

Senator Kehoe offered Senate Resolution No. 1187, regarding Javien B. Carter, Greensboro, North Carolina, which was adopted.

Senator Kehoe offered Senate Resolution No. 1188, regarding Krishun J. Lovelace, Jackson,

Mississippi, which was adopted.

Senator Kehoe offered Senate Resolution No. 1189, regarding Kendall X. Joyner, Baltimore, Maryland, which was adopted.

Senators Hummel and Chappelle-Nadal offered Senate Resolution No. 1190, regarding the Delmar Loop, St. Louis, which was adopted.

Senator Dixon offered Senate Resolution No. 1191, regarding Commercial Street, Springfield, which was adopted.

Senator Kehoe offered Senate Resolution No. 1192, regarding John Scott, Jefferson City, which was adopted.

Senator Wasson offered Senate Resolution No. 1193, regarding Phil Amtower, Clever, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Sater offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 38**

Whereas, on April 19, 1775, the Continental Army engaged in the first battles of the Revolutionary War, known as the Battles of Lexington and Concord. The battles marked the outbreak of open armed conflict between the Kingdom of Great Britain and thirteen of its colonies on the mainland of British America to establish American independence; and

Whereas, the first Militia units, transforming into today's National Guard, were established in the Massachusetts Bay Colonies on December 13, 1636, armed to protect American citizens; and

Whereas, between 1775 and today over 41 million Americans have served in the Armed Forces of the United States, in addition to countless Militiamen between 1636 and 1775; and

Whereas, the United States has suffered casualties of over 1.4 million men and women, including scores of Missouri citizens, who have made the ultimate sacrifice defending democracy and freedom; and

Whereas, the families who have lost immediate relatives in the support of military operations, known as Gold Star Families, are also tragedies of war and armed conflict; and

Whereas, the people of Missouri wish to properly honor our military men and women who gave their lives in the service of our country, and thank their families for their sacrifice and bravery, recognizing that no one has given more for the nation than the families of the fallen; and

Whereas, war memorials perpetuate the appreciation and legacy of our fallen hero warriors and their families present and past and educate communities about the price paid for our way of life; and

Whereas, the purpose of the Gold Star Families Memorial Monument is to honor Gold Star families, relatives, and Gold Star children who have sacrificed and lost loved ones in the service of their country, and who stand as a stark reminder that freedom is not free; and

Whereas, it is appropriate to honor the fallen warriors and their families from the state of Missouri by recognizing the Gold Star Families Memorial Monument, which has been constructed and dedicated on the College of the Ozarks campus, as the official Gold Star Families Memorial Monument of the state of Missouri:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby recognize the Gold Star Families Memorial Monument, at the College of the Ozarks campus in Point Lookout, Missouri, as the official Gold Star Families Memorial Monument of Missouri; and

Be It Further Resolved that the Missouri Department of Transportation is urged to prepare and establish appropriate highway signage to recognize the location and direction to the Missouri Gold Star Families Memorial Monument and the Missouri Vietnam Veterans Memorial; such highway signage and any additional signs shall be paid for by the College of the Ozarks; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the president of the College of the Ozarks, the Veterans and Military Coalition of the Ozarks in Branson, Missouri, and the Missouri Department of Transportation.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 965**—By Curls.

An Act to repeal section 208.053, RSMo, and to enact in lieu thereof one new section relating to child care subsidies.

**SB 966**—By Rowden.

An Act to repeal sections 43.507, 217.015, 217.030, 217.075, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.105, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, and 595.220, RSMo, and to enact in lieu thereof thirty-two new sections relating to administration of the criminal justice system, with existing penalty provisions.

**SB 967**—By Wieland.

An Act to amend chapter 436, RSMo, by adding thereto ten new sections relating to litigation financing.

**SB 968**—By Wieland.

An Act to amend chapter 386, RSMo, by adding thereto eighteen new sections relating to financing for electrical corporations.

**SB 969**—By Sater.

An Act to repeal sections 208.909 and 208.918, RSMo, and to enact in lieu thereof two new sections relating to vendors of consumer-directed services.

**SB 970**—By Emery.

An Act to amend chapter 577, RSMo, by adding thereto one new section relating to victim impact programs for persons found guilty of driving while intoxicated.

**SB 971**—By Crawford.

An Act to repeal section 211.447, RSMo, and to enact in lieu thereof two new sections relating to termination of parental rights.

**CONCURRENT RESOLUTIONS**

Senator Hegeman offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 39**

Whereas, the United States of America has a longstanding history of promoting free trade throughout the continent and throughout the world; and

Whereas, the people and industries of Missouri have a strong belief and interest in sustaining and advancing free market principles; and

Whereas, international trade has played a significant role in the Missouri economy, particularly with Canada and Mexico, which together accounted for over \$7 billion in exported goods during 2016; and

Whereas, in 2016, exports to free trade agreement markets accounted for 64% of all Missouri exports, totaling \$8.9 billion; and

Whereas, since 2006, exports from Missouri have grown in several new free trade agreement markets, specifically growing by \$1.7 billion in North American Free Trade Agreement markets; and

Whereas, soybeans have consistently been the largest export from Missouri and Mexico has historically been the second largest market for that commodity; and

Whereas, the North American Free Trade Agreement has greatly benefitted Missouri and the United States as a whole through strong job growth, higher wages, low consumer prices, and has particularly enabled a booming agricultural and energy export economy; and

Whereas, there are more than 250,000 Missouri jobs that critically depend upon free trade agreements with both Canada and Mexico:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the President of the United States and the Congress of the United States to continue, strengthen, and preserve the North American Free Trade Agreement; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

### **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 563**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **SENATE BILLS FOR PERFECTION**

Senator Emery moved that **SB 564**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SB 564** was again taken up.

At the request of Senator Emery, **SS** for **SB 564** was withdrawn.

Senator Emery offered **SS No. 2** for **SB 564**, entitled:

#### **SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 564**

An Act to repeal section 386.390, RSMo, and to enact in lieu thereof six new sections relating to public utilities.

Senator Emery moved that **SS No. 2** for **SB 564** be adopted.

At the request of Senator Emery, **SB 564**, with **SS No. 2** (pending), was placed on the Informal Calendar.

Senator Rowden assumed the Chair.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1531**, entitled:

An Act to repeal section 507.060, RSMo, and to enact in lieu thereof one new section relating to interpleading in civil proceedings.



In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1408**, entitled:

An Act to repeal sections 161.670 and 167.121, RSMo, and to enact in lieu thereof three new sections relating to the Missouri course access program, with a delayed effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REFERRALS**

President Pro Tem Richard referred **SB 563** to the Committee on Fiscal Oversight.

### **INTRODUCTION OF GUESTS**

Senator Cierpiot introduced to the Senate, his wife, Connie, Lee's Summit; and Christy Sheppard, Odessa.

Senator Romine introduced to the Senate, Larry Isaac, Jennifer Dahlquist, and Tim Flakoll, representatives of the Midwestern Higher Education Compact.

On motion of Senator Kehoe, the Senate adjourned under the rules.

### **SENATE CALENDAR**

—————

FIFTEENTH DAY—TUESDAY, JANUARY 30, 2018

—————

### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SB 960-Emery  
SB 961-Cunningham  
SB 962-Wieland  
SB 963-Wieland  
SB 964-Eigel  
SB 965-Curls

SB 966-Rowden  
SB 967-Wieland  
SB 968-Wieland  
SB 969-Sater  
SB 970-Emery  
SB 971-Crawford

HOUSE BILLS ON SECOND READING

HB 1465-Cookson  
HB 1287-Engler  
HCS for HB 1381

HB 1531-DeGroot  
HCS for HB 1408

THIRD READING OF SENATE BILLS

SB 563-Sater (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 579-Libla
2. SB 626-Munzlinger
3. SB 546-Munzlinger
4. SB 547-Munzlinger, with SCS
5. SB 659-Hegeman
6. SB 775-Brown, with SCS
7. SB 649-Romine
8. SB 730-Wallingford, with SCS
9. SBs 807 & 577-Wasson, with SCS

10. SB 593-Wieland, with SCS
11. SB 594-Wieland
12. SB 586-Holsman, with SCS
13. SB 598-Riddle, with SCS
14. SB 751-Schatz
15. SB 708-Schatz
16. SB 602-Onder, with SCS
17. SB 573-Wallingford
18. SB 612-Koenig, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1246 (Onder)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 561-Sater, with SA 1 (pending)  
SB 564-Emery, et al, with SS#2 (pending)

SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 1/25

SB 574-Wallingford, with SCS

RESOLUTIONS

SR 1137-Walsh

To be Referred

SCR 38-Sater

SCR 39-Hegeman

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTEENTH DAY—TUESDAY, JANUARY 30, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let the wise also hear and gain in learning and the discerning acquire skill.” (Proverbs 1:5)

Bless us O Lord, with Your presence and guide our hearts and minds as we discern the calling You have given to each of us. May You guide us and help us to do and say that which reflects Your presence in our lives and in our actions our love for You and Your people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators —None

Vacancies—1

The Lieutenant Governor was present.

**INTRODUCTION OF BILLS**

The following Bill was read the 1st time and ordered printed:

**SB 972**—By Romine.

An Act to amend chapters 386 and 393, RSMo, by adding thereto sixteen new sections relating to energy.

**REFERRALS**

President Pro Tem Richard referred **SCR 38** and **SCR 39** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 973**—By Rizzo.

An Act to repeal section 84.510, RSMo, and to enact in lieu thereof one new section relating to the base annual compensation of certain police officers.

**SB 974**—By Dixon.

An Act to repeal section 556.046, RSMo, and to enact in lieu thereof one new section relating to convictions of included offenses.

**SRB 975**—By Dixon.

An Act to repeal sections 8.800, 8.805, 8.830, 8.843, 33.295, 33.700, 33.710, 33.720, 33.730, 42.300, 44.105, 51.165, 61.081, 67.5016, 71.005, 100.710, 104.342, 104.1024, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.380, 105.385, 105.390, 105.400, 105.420, 105.430, 105.440, 105.445, 135.210, 135.311, 135.575, 135.900, 135.903, 135.906, 135.909, 135.950, 137.106, 141.540, 143.105, 143.106, 143.107, 143.811, 143.1007, 144.030, 144.810, 147.020, 147.050, 160.459, 161.215, 165.011, 167.194, 168.700, 168.702, 170.051, 170.055, 170.061, 170.071, 170.081, 170.091, 170.101, 170.111, 170.131, 170.141, 170.151, 170.161, 173.197, 178.930, 196.973, 205.580, 205.590, 205.600, 205.610, 205.620, 205.630, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 208.156, 208.178, 208.630, 208.975, 208.993, 209.015, 210.027, 210.105, 210.114, 211.447, 226.805, 251.650, 261.295, 288.121, 288.128, 288.131, 301.562, 302.700, 324.028, 324.159, 324.406, 327.451, 329.025, 330.190, 332.041, 334.100, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 376.1192, 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485, 414.350, 414.353, 414.356, 414.359, 414.400, 414.406, 414.412, 414.417, 414.510, 442.018, 620.050, 620.511, 620.512, 620.513, 640.150, 640.153, 640.155, 640.157, 640.160, 640.219, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, and to enact in lieu thereof ninety-six new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions.

**SENATE BILLS FOR PERFECTION**

Senator Libla moved that **SB 579** be taken up for perfection, which motion prevailed.

Senator Libla offered **SS** for **SB 579**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE BILL NO. 579**

An Act to repeal sections 544.671, 565.050, 565.052, 565.054, 565.056, and 575.150, RSMo, and to enact in lieu thereof six new sections relating to certain crimes against emergency service providers, with penalty provisions.

Senator Libla moved that **SS** for **SB 579** be adopted.

Senator Nasheed offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 579, Pages 6-7, Section 575.150, by striking said section in its entirety and further amend the title and enacting clause accordingly.

Senator Libla moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Brown, Schaaf, Wasson and Wieland.

Senator Rowden assumed the Chair.

Senator Libla offered **SSA 1** for **SA 1**:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 579, Page 7, Section 575.150, Lines 23-24, by striking all of said lines and inserting in lieu thereof the following:

**“6. Persons found guilty under this section of a class A misdemeanor may, in the discretion of the court, be determined to be ineligible for probation and parole.”.**

Senator Libla moved that the above substitute amendment be adopted, which motion prevailed on a standing division vote.

Senator Libla moved that **SS** for **SB 579**, as amended, be adopted, which motion prevailed.

On motion of Senator Libla, **SS** for **SB 579**, as amended, was declared perfected and ordered printed.

President Pro Tem Richard assumed the Chair.

Senator Munzlinger moved that **SB 626** be taken up for perfection, which motion prevailed.

On motion of Senator Munzlinger, **SB 626**, was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 546** be taken up for perfection, which motion prevailed.

Senator Munzlinger offered **SS** for **SB 546**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 546

An Act to repeal sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, and to enact in lieu thereof five new sections relating to civil procedure.

Senator Munzlinger moved that **SS** for **SB 546** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 546, Pages 1-3, Section 507.040, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted.

At the request of Senator Munzlinger, **SB 546**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

At the request of Senator Munzlinger, **SB 547**, with **SCS**, was placed on the Informal Calendar.

Senator Hegeman moved that **SB 659** be taken up for perfection, which motion prevailed.

On motion of Senator Hegeman, **SB 659**, was declared perfected and ordered printed.

**REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 626** and **SS** for **SB 579**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

January 30, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Lisa M. Schlottach as a member of the Missouri 911 Service Board submitted to you on January 3, 2018. Lines 3 and 4 should be amended to read:

Lisa M. Schlottach, 2945 County Line Road, Gerald, Gasconade County, Missouri 63037, as a member of the Missouri 911 Service Board, for a term ending April 9, 2021, and until

Respectfully submitted,  
Eric R. Greitens  
Governor

President Parson assumed the Chair.

President Pro Tem Richard referred the above addendum to the Committee on Gubernatorial Appointments.

### **RESOLUTIONS**

Senator Wieland offered Senate Resolution No. 1194, regarding Margie Batson, Herculaneum, which was adopted.

Senator Dixon offered Senate Resolution No. 1195, regarding Wilson Logistics, Springfield, which was adopted.

Senator Schupp offered Senate Resolution No. 1196, regarding the Fifty-fifth Wedding Anniversary of Milton and Helaine Goldenberg, St. Louis, which was adopted.

Senator Kehoe offered Senate Resolution No. 1197, regarding Cole County Extension Council, which was adopted.

Senator Kehoe offered Senate Resolution No. 1198, regarding Ronald Lee Otto, Jefferson City, which was adopted.

### **COMMUNICATIONS**

Senator Chappelle-Nadal submitted the following:

January 30, 2018

Adriane Crouse, Secretary of Senate  
Missouri State Senate  
State Capitol Building, Room 325  
Jefferson City, MO 65101

Dear Secretary Crouse:

Pursuant to Senate Rule 45, please remove the SCS/SB 574 from the Consent Calendar and return such to the Seniors, Families and Children committee. While I take no issue with the underlying public policy of the legislation, (in fact, I wholeheartedly support increasing reporting requirements for sexual assault victims in long-term care facilities) I do take issue with the sponsor, who elected to interject himself into a public health matter situated wholly within my Senatorial District.

Specifically, the bill's sponsor, despite living 126.2 miles away from the radioactive West Lake Landfill, signed a letter, dated October 1, 2017, to the Environmental Protection Agency that stated, in part, that there is "no evidence of health risks to individuals living or working in the vicinity of the (West Lake) landfill." Further, the letter expressed opposition to properly remedying this public health disaster that has killed, is killing, and, unless properly alleviated, will continue to kill my constituents. For this reason, I choose to inject myself into this Senator's business, which includes the consent status of the SCS/SB 574.

Sincerely,



MARIA CHAPPELLE-NADAL  
State Senator, District 14

### **INTRODUCTION OF GUESTS**

Senator Kehoe introduced to the Senate, the Physician of the Day, Dr. Joanne Loethen, Kansas City.

Senator Kehoe introduced to the Senate, Coach David Harris, and athletes Erin Wyrick, Bradi Berhorst, Callie Henson, Hannah Borchelt, Krystal Brauner, Meagan Engelbrecht, Regan Bruns, Ellie Rockers, Riley Bernskoetter, Grace Millard, Kelsey Brester, Olivia Farrow, Jada Oldham, Korie Otto, Grace Stieferman



and Katie Wilson, members of the 2017 Class 3 State Champion Helias Lady Crusader volleyball team.

Senator Schupp introduced to the Senate, Eric Endsley, Jamie McCannon and Teresa Shane, Warrensburg.

Senator Rowden introduced to the Senate, representatives of the Missouri Society of Anesthesiologists.

Senator Holsman introduced to the Senate, Don Wagner, Tibor Mohusci, Jack Erkmann, Ty Townsend and Jim Kelly, Kansas City.

Senator Cunningham introduced to the Senate, Oliver Amick, Cabool.

Senator Libla introduced to the Senate, Pastor Jamie Jones, Amaud Bates and George Qualls, Caruthersville.

On motion of Senator Kehoe, the Senate adjourned under the rules.

## SENATE CALENDAR

---

SIXTEENTH DAY—WEDNESDAY, JANUARY 31, 2018

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 960-Emery	SB 968-Wieland
SB 961-Cunningham	SB 969-Sater
SB 962-Wieland	SB 970-Emery
SB 963-Wieland	SB 971-Crawford
SB 964-Eigel	SB 972-Romine
SB 965-Curls	SB 973-Rizzo
SB 966-Rowden	SB 974-Dixon
SB 967-Wieland	SRB 975-Dixon

### HOUSE BILLS ON SECOND READING

HB 1465-Cookson	HB 1531-DeGroot
HB 1287-Engler	HCS for HB 1408
HCS for HB 1381	

### THIRD READING OF SENATE BILLS

SB 563-Sater (In Fiscal Oversight)	SS for SB 579-Libla
SB 626-Munzlinger	

SENATE BILLS FOR PERFECTION

- |                                   |                             |
|-----------------------------------|-----------------------------|
| 1. SB 775-Brown, with SCS         | 8. SB 598-Riddle, with SCS  |
| 2. SB 649-Romine                  | 9. SB 751-Schatz            |
| 3. SB 730-Wallingford, with SCS   | 10. SB 708-Schatz           |
| 4. SBs 807 & 577-Wasson, with SCS | 11. SB 602-Onder, with SCS  |
| 5. SB 593-Wieland, with SCS       | 12. SB 573-Wallingford      |
| 6. SB 594-Wieland                 | 13. SB 612-Koenig, with SCS |
| 7. SB 586-Holsman, with SCS       |                             |

HOUSE BILLS ON THIRD READING

HCS for HB 1246 (Onder)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 546-Munzlinger, with SS & SA 1<br>(pending) | SB 564-Emery, et al, with SS#2 (pending)                                  |
| SB 547-Munzlinger, with SCS                    | SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending) |
| SB 561-Sater, with SA 1 (pending)              |   |

RESOLUTIONS

SR 1137-Walsh

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTEENTH DAY—WEDNESDAY, JANUARY 31, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“My days are swifter than a runner; they flee away...” (Job 9:25)

Lord God, it seems difficult to believe that we have reached the end of our first month here this day. Help us to use our time the best way possible to think through all that challenges us and then to do those things that are most important. Guide our steps keeping us on the path we must walk. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kehoe announced photographers from the Associated Press were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators —None

Vacancies—1

The Lieutenant Governor was present.

**CONCURRENT RESOLUTIONS**

Senator Hoskins submitted the following:

**SENATE CONCURRENT RESOLUTION NO. 40**

Relating to an application to Congress for the calling of an Article V convention of states to propose an amendment to the United States Constitution regarding term limits for members of Congress.

Whereas, Article V of the Constitution of the United States requires a Convention to be called by the Congress of the United States for the purpose of proposing an amendment to the Constitution upon application of two-thirds of the Legislatures of the several states; and

Whereas, the Legislature of the State of Missouri favors a proposal and ratification of an amendment to said Constitution, which shall set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and as a member of the United States Senate:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby make an application to Congress, as provided by Article V of the Constitution of the United States of America, to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and to set a limit on the number of terms that a person may be elected as a member of the United States Senate; and

Be It Further Resolved that this application shall be considered as covering the same subject matter as the applications from other states to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States; and this application shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject; and

Be It Further Resolved that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States of America until the legislatures of at least two-thirds of the several states have made applications on the same subject; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President and Secretary of the Senate of the United States and to the Speaker, Clerk, and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and copies to each member of the Missouri Congressional delegation, and the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Read 1st time.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 976**—By Sifton.

An Act to amend chapter 455, RSMo, by adding thereto one new section relating to domestic violence fatality review panels.

**SB 977**—By Crawford.

An Act to repeal sections 265.490 and 265.494, RSMo, and to enact in lieu thereof two new sections relating to meat.

**REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 659**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**REFERRALS**

President Pro Tem Richard referred **SB 626** and **SS** for **SB 579** to the Committee on Fiscal Oversight.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

## **RESOLUTIONS**

Senator Walsh moved that **SR 1137** be taken up for adoption, which motion prevailed.

Senator Walsh offered **SS** for **SR 1137**, entitled:

SENATE SUBSTITUTE FOR  
SENATE RESOLUTION NO. 1137  
Notice of Proposed Rule Change

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 25 be amended to read as follows:

“Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, Food Production and Outdoor Resources, 8 members.
3. Committee on Appropriations, 11 members.
4. Committee on Commerce, Consumer Protection, Energy and the Environment, 11 members.
5. Committee on Economic Development, 11 members.
6. Committee on Education, 9 members.
7. Committee on Fiscal Oversight, 7 members.
8. Committee on General Laws, 7 members.
9. Committee on Government Reform, 7 members.
10. Committee on Gubernatorial Appointments, 11 members.
11. Committee on Health and Pensions, 7 members.
12. Committee on Insurance and Banking, 7 members.
13. Committee on the Judiciary and Civil and Criminal Jurisprudence, 7 members.
14. Committee on Local Government and Elections, 7 members.
15. Committee on Professional Registration, 7 members.
16. Committee on Progress and Development, 4 members.
17. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.
18. Committee on Seniors, Families and Children, 7 members.
19. Committee on Small Business and Industry, 8 members.
20. Committee on Transportation, Infrastructure and Public Safety, 7 members.
21. Committee on Veterans and Military Affairs, 7 members.
22. Committee on Ways and Means, 7 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

**It is expected that members of the General Assembly and statewide elected state officials will have the opportunity to address matters that come before any standing or interim committee of the Senate within their respective official capacities. Therefore, the chairs of any such committee shall prohibit members of the General Assembly and statewide elected state officials from offering testimony at any such committee other than the sponsor of legislation pending before the committee. At the discretion of the chair and the sponsor, if there is an excusable absence of the sponsor of a bill pending before a committee, one member of the same house of the General Assembly as the sponsor may serve as a substitute to present the bill to the committee.”**

Senator Walsh moved that **SS** for **SR 1137** be adopted.

Senator Walsh offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Resolution No. 1137, Page 2, Rule 25, Line 18, by striking the word “state”; and further amend line 22 by striking the word “state”; and further amend line 24 by inserting after the word “committee” the following:

**“or a statewide elected official offering testimony before the committee on appropriations or testimony of a technical nature related to the duties or functions of the official’s office”.**

Senator Walsh moved that the above amendment be adopted.

Senator Hegeman offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Resolution No. 1137, Page 1, Line 8, by inserting after the word “office” the following: **“in support or opposition of the matter before the committee”.**

Senator Hegeman moved that the above amendment be adopted.

At the request of Senator Hegeman, the above amendment was withdrawn.

**SA 1** was again taken up.

Senator Walsh moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Resolution No. 1137, Page 2, Rule 25, Line 28, by inserting after all of said line the following:

“Rule 96. 1. Laptop computers may be used by [the press at the press table and by the research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. Beginning March 29, 2016, laptop computers may be used by] **Senators at their desks**, Senators’ staff and senate staff at the staff table and by the research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, the Kirchoff Gallery, the Pershing Gallery, the Bingham Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.”; and

Further amend the title accordingly.

Senator Schaaf moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Chappelle-Nadal, Holsman, Romine and Schupp.

**SA 2** failed of adoption by the following vote:

YEAS—Senators

Chappelle-Nadal	Holsman	Koenig	Schaaf	Schatz	Schupp	Sifton—7
-----------------	---------	--------	--------	--------	--------	----------

NAYS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Hoskins	Hummel	Kehoe	Libla	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Walsh	Wasson	Wieland—25			

Absent—Senator Wallingford—1

Absent with leave—Senators—None

Vacancies—1

Senator Schatz offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Resolution No. 1137, Page 2, Rule 25, Lines 21-24, by striking all of said lines and inserting in lieu thereof the following:

**“a member of the General Assembly or a statewide elected official offering testimony at any such committee shall receive permission from the chair of the committee prior to offering such testimony. At the discretion”.**

Senator Schatz moved that the above amendment be adopted.

At the request of Senator Schatz, the above amendment was withdrawn.

Senator Schatz offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Resolution No. 1137, Page 2, Rule 25, Line 21, by striking the word “shall” and inserting in lieu thereof the following: **“may”**.

Senator Schatz moved that the above amendment be adopted.

Senator Walsh requested a roll call vote be taken on the adoption of **SA 4**. She was joined in his request by Senators Holsman, Kehoe, Schaaf and Schupp.

**SA 4** was adopted by the following vote:

YEAS—Senators

Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Eigel	Emery	Hegeman
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Romine
Rowden	Sater	Schaaf	Schatz	Wallingford	Wasson	Wieland—21

## NAYS—Senators

Brown	Curls	Dixon	Holsman	Hoskins	Hummel	Kehoe
Nasheed	Rizzo	Schupp	Sifton	Walsh—12		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

At the request of Senator Walsh, the motion to adopt SS for **SR 1137**, as amended, was withdrawn, which placed the resolution back on the Calendar.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 31, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments:

John P. Scariot, Republican, 22 Webster Acres, Saint Louis, Saint Louis County, Missouri 63119, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2021, and until his successor is duly appointed and qualified; vice, Claudia Oñate Greim, term expired.

Alan T. Simpson, Republican, 4010 Northeast Woodridge Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2020, and until his successor is duly appointed and qualified; vice Troy L. Nash, term expired.

Kurt L. Killen, Republican, 5607 Northwest Oakridge Court, Platte Woods, Platte County, Missouri 64151, as a member of the Platte County Election Board, for a term ending January 11, 2019, and until his successor is duly appointed and qualified; vice, James Dallas Everett, term expired.

Nicole E. Wood, Republican, 583 East Capri Drive, Bonne Terre, Saint Francois County, Missouri 63628, as a member of the Conservation Commission, for a term ending June 30, 2023, and until her successor is duly appointed and qualified; vice, James T. Blair IV, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
January 31, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments:



Craig A. Porter, Republican, 11306 Plattsburg Road, Kearney, Clay County, Missouri 64060, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2019, and until his successor is duly appointed and qualified; vice, Stephen C. Bradford, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Senator Richard moved that the above appointments be returned to the Governor, per his request.

Senator Nasheed offered a substitute motion that the appointments of Kurt L. Killen and Nicole E. Wood be returned to the Governor, per his request.

Senator Hegeman requested a roll call vote be taken on the above substitute motion. He was joined in his request by Senators Brown, Kehoe, Nasheed and Onder.

Senator Onder assumed the Chair.

At the request of Senator Richard, the underlying motion was withdrawn, rendering the substitute motion moot.

Senator Richard moved that the appointments of Kurt L. Killen and Nicole E. Wood be returned to the Governor, per his request, which motion prevailed.

Senator Richard moved that the appointments of Craig A. Porter, John P. Scariot and Alan T. Simpson be returned to the Governor, per his request.

Senator Nasheed moved that the Senate stand adjourned, which motion failed on a standing division vote.

Senator Nasheed offered a substitute motion that the appointments of Craig A. Porter, John P. Scariot and Alan T. Simpson be returned to the Governor at 12:01 a.m., Saturday, February 3, 2018.

President Pro Tem Richard assumed the Chair.

Senator Onder assumed the Chair.

At the request of Senator Richard, the underlying motion was withdrawn, rendering the substitute motion moot.

### **REPORTS OF STANDING COMMITTEES**

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Lisa M. Schlottach, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Kevin L. Rosenbohm, Republican, as a member of the Air Conservation Commission;

Also,

Stan Coday, Republican; John B. Hurst, Independent and Patricia N. Thomas, Republican as members of the Clean Water Commission of the State of Missouri;

Also,

Carol M. Hallquist, as a member of the Coordinating Board for Early Childhood;

Also,

Sam M. Devinki, as a member of the Holocaust Education and Awareness Commission;

Also,

Mark C. Tolbert and Don W. Wagner as members of the Kansas City Board of Police Commissioners;

Also,

Michael J. Burbank, Republican; Brandon C. Garber, Independent and Darryl L. Winegar, Republican as members of the Missouri Health Facilities Review Committee;

Also,

Terri J. Stone, as a member of the Missouri State Board of Nursing;

Also,

Jennifer N. Foster; Sarah White and Robin R. Vannoy, as members of the Missouri State Foster Care and Adoption Board;

Also,

Amelia A. Counts, Independent, as a member of the Missouri State University Board of Governors;

Also,

John W. Buckner; Jose M. Dominguez; Meredith Knopp, Timothy R. Noonan and Timothy J. Smith, as members of the Missouri Veterans' Commission;

Also,

Kathy R. Lambert, as a member of the Missouri Workforce Development Board;

Also,

Janay N. Orange, as a Student Representative and Roxanna R. Swaney, Republican, as a member of the Northwest Missouri State University Board of Regents;

Also,

Edward P. Davis, Republican and Stephen L. Foster, Democrat as members of the Platte County Election Board;

Also,

Fred W. Schmidt, as a member of the Safe Drinking Water Commission;

Also,

Geraldine M. Kraemer, Democrat and Eugene R. Todd, Republican, as members of the St. Louis City Board of Election Commissioners;

Also,

Michael P. Rother, as a member and Todd P. Smith, as Chairman of the State Board of Mediation; and

Nikki D. Whitehead, Republican, as a member of the State Fair Commission.

Senator Richard requested unanimous consent of the Senate to vote on the above reports in one motion with the exception of the appointments of John B. Hurst and Timothy R. Noonan, which request was granted.

Senator Richard moved that the remaining committee reports be adopted and the Senate do give its advice and consent to said appointments, which motion prevailed.

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments to which was referred the appointment of John B. Hurst, Independent, as a member of the Clean Water Commission of the State of Missouri, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Richard moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment.

Senator Schaaf requested a roll call vote be taken on the committee report of John B. Hurst. He was joined in his request by Senators Emery, Holsman, Hummel and Sifton.

The committee report on John B. Hurst was adopted by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Munzlinger	Onder	Richard
Riddle	Rowden	Sater	Schatz	Wallingford	Walsh	Wasson

Wieland—22

NAYS—Senators

Curls	Holsman	Hummel	Libla	Nasheed	Rizzo	Romine
Schaaf	Schupp	Sifton—10				

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following

report:

Mr. President: Your Committee on Gubernatorial Appointments to which was referred the appointment of Timothy R. Noonan, as a member of the Missouri Veterans' Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Hummel moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1484**, entitled:

An Act to repeal section 313.040, RSMo, and to enact in lieu thereof one new section relating to bingo, with a contingent effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### RESOLUTIONS

Senator Libla offered Senate Resolution No. 1199, regarding Michael R. Pulliam, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 1200, regarding Jackson's Florist and Gifts, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 1201, regarding Relay for Life, Stoddard County, which was adopted.

Senator Libla offered Senate Resolution No. 1202, regarding Nicole Guethle, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 1203, regarding BA Promotions and Marketing, LLC, Dexter, which was adopted.

Senator Libla offered Senate Resolution No. 1204, regarding Joe Weber, Dexter, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1205, regarding the 2017-2018 Class Two state champion Bowling Green High School Lady Softball Bobcats, which was adopted.

Senator Richard offered Senate Resolution No. 1206, regarding Chance Wallace, Seneca, which was adopted.

Senator Sater offered Senate Resolution No. 1207, regarding the Seventy-fifth Wedding Anniversary of Joe and Catherine Smith, Aurora, which was adopted.

### INTRODUCTION OF GUESTS

Senator Richard introduced to the Senate, Ashley Allgood, Joplin.

Senator Holsman introduced to the Senate, Carol Hallquist, Sam Devinki and Don Wagner, Kansas City; and MacKenzie Scott, Grandview.

Senator Schupp introduced to the Senate, Sarah White, St. Louis.

Senator Riddle introduced to the Senate, Abygail Ruether, Hawk Point.

Senator Romine introduced to the Senate, Corry Coopmans, Vicki Coopmans, Jerrid Morris, Ryan Weeks, Ryan Rozycki and Megan Chambers, representatives of the Missouri Association of Nurse Anesthetists.

Senator Crawford introduced to the Senate, Preston and Kenzie Knapp, Laclede County.

Senator Hummel introduced to the Senate, Ryan Barnes, Robert Myers, Andrew Wanko, Jeet Chadma, Thomas Craig Burfield, Gerre Kraemer and Grand Bates.

Senator Hummel introduced to the Senate, the Physician of the Day, Dr. Matt Linsenbardt, Brentwood.

Senator Walsh introduced to the Senate, Jerrid Morris, Florissant.

Senator Munzlinger introduced to the Senate, Hannah Grimpo, Salisbury.

Senator Hegeman introduced to the Senate, members of the Regional Planning Commission.

Senator Libla introduced to the Senate, Gabriel Roso, Holcomb.

Senator Cunningham introduced to the Senate, Jason Ray, Bailey DeJonge, Krishna Kunapareddy, Adam Olinger, Cyndee Schmidt and Ashley Swartz, representatives of the American Planning Association, Missouri Chapter.

Senator Cunningham introduced to the Senate, Stan Coday, Seymour.

Senator Cunningham introduced to the Senate, Noah Collins, West Plains; and Savannah Hornback, Koshkonong.

Senator Wallingford introduced to the Senate, Brookelyn Lord, Fredericktown.

Senator Hoskins introduced to the Senate, Margaret Anne Dice, Cameron.

The President introduced to the Senate, Angelina Hein, Boonville.

Senator Rowden introduced to the Senate, Tom Mendenhall, Columbia; and Chuck Greenlee, and his son, Colton, Houston, Texas.

On motion of Senator Kehoe, the Senate adjourned under the rules.

## SENATE CALENDAR

---

SEVENTEENTH DAY—THURSDAY, FEBRUARY 1, 2018

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 960-Emery  
SB 961-Cunningham

SB 962-Wieland  
SB 963-Wieland

SB 964-Eigel	SB 971-Crawford
SB 965-Curls	SB 972-Romine
SB 966-Rowden	SB 973-Rizzo
SB 967-Wieland	SB 974-Dixon
SB 968-Wieland	SRB 975-Dixon
SB 969-Sater	SB 976-Sifton
SB 970-Emery	SB 977-Crawford

## HOUSE BILLS ON SECOND READING

HB 1465-Cookson	HB 1531-DeGroot
HB 1287-Engler	HCS for HB 1408
HCS for HB 1381	HB 1484-Brown (57)

## THIRD READING OF SENATE BILLS

SB 563-Sater (In Fiscal Oversight)	SS for SB 579-Libla (In Fiscal Oversight)
SB 626-Munzlinger (In Fiscal Oversight)	SB 659-Hegeman

## SENATE BILLS FOR PERFECTION

- |                                   |                             |
|-----------------------------------|-----------------------------|
| 1. SB 775-Brown, with SCS         | 8. SB 598-Riddle, with SCS  |
| 2. SB 649-Romine                  | 9. SB 751-Schatz            |
| 3. SB 730-Wallingford, with SCS   | 10. SB 708-Schatz           |
| 4. SBs 807 & 577-Wasson, with SCS | 11. SB 602-Onder, with SCS  |
| 5. SB 593-Wieland, with SCS       | 12. SB 573-Wallingford      |
| 6. SB 594-Wieland                 | 13. SB 612-Koenig, with SCS |
| 7. SB 586-Holsman, with SCS       |                             |

## HOUSE BILLS ON THIRD READING

HCS for HB 1246 (Onder)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS & SA 1 (pending)	SB 561-Sater, with SA 1 (pending)
SB 547-Munzlinger, with SCS	SB 564-Emery, et al, with SS#2 (pending)

SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

To be Referred

SCR 40-Hoskins

✓

# Journal of the Senate

SECOND REGULAR SESSION

---

**SEVENTEENTH DAY—THURSDAY, FEBRUARY 1, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“I declare that your steadfast love is established forever, your faithfulness is as firm as the heavens.” (Psalm 89:2)

Heavenly Father, it is good to begin this day in prayer and share the joy of Your presence. We pray that we have made good use of this week and have done those things that are pleasing to You. May we spend the rest of this day sharing the fruits of the spirit with those we love and those You have placed in our lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Hummel—1

Vacancies—1

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Wieland offered Senate Resolution No. 1208, regarding Our Lady Catholic School, Festus, which was adopted.

**INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 978**—By Romine.

An Act to amend chapter 260, RSMo, by adding thereto one new section relating to environmental restoration corporations.

**SB 979**—By Walsh.

An Act to amend chapter 701, RSMo, by adding thereto one new section relating to lead testing in certain elementary school buildings.

**SB 980**—By Riddle.

An Act to repeal section 475.075, RSMo, and to enact in lieu thereof one new section relating to the payment of court costs in certain probate proceedings when the state is the petitioner.

**SB 981**—By Wieland.

An Act to repeal sections 287.690 and 287.715, RSMo, and to enact in lieu thereof two new sections relating to methods of self-insurance under workers' compensation laws.

**SB 982**—By Wieland.

An Act to repeal section 376.1350, RSMo, and to enact in lieu thereof one new section relating to the protection of persons with emergency medical conditions.

**SB 983**—By Dixon.

An Act to repeal sections 303.025, 488.029, 556.061, 565.252, 577.001, 577.010, 577.013, 577.014, 579.065, 579.068, and 595.045, RSMo, and to enact in lieu thereof eleven new sections relating to criminal offenses, with penalty provisions.

**SB 984**—By Wallingford.

An Act to repeal section 226.150, RSMo, and to enact in lieu thereof one new section relating to highway construction by disadvantaged business enterprises.

President Pro Tem Richard assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Brown, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 818**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Emery, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to

which was referred **SB 705**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wasson, Chairman of the Committee on Economic Development, submitted the following reports:

Mr. President: Your Committee on Economic Development, to which was referred **SB 549**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **SB 550**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **SB 629**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **SB 663**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 552**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schaaf, Chairman of the Committee on Health and Pensions, submitted the following reports:

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 699**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 718**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Libla, Chairman of the Committee on Small Business and Industry, submitted the following reports:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 581**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 608**, begs

leave to report that it has considered the same and recommends that the bill do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 623**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 569**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hegeman, Chairman of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 590**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following report:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 597**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 826**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wallingford, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 625**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 599**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which were referred **SB 555** and **SB 609**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SB 563**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Parson assumed the Chair.

## SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 960**—Seniors, Families and Children.

**SB 961**—Commerce, Consumer Protection, Energy and the Environment.

**SB 962**—Insurance and Banking.

**SB 963**—General Laws.

**SB 964**—Education.

**SB 965**—Seniors, Families and Children.

**SB 966**—Judiciary and Civil and Criminal Jurisprudence.

**SB 967**—Government Reform.

**SB 968**—Insurance and Banking.

**SB 969**—Appropriations.

**SB 970**—Judiciary and Civil and Criminal Jurisprudence.

**SB 971**—Seniors, Families and Children.

**SB 972**—Commerce, Consumer Protection, Energy and the Environment.

**SB 973**—Local Government and Elections.

**SB 974**—Judiciary and Civil and Criminal Jurisprudence.

## SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 40**—Rules, Joint Rules, Resolutions and Ethics.

## THIRD READING OF SENATE BILLS

**SB 563**, introduced by Senator Sater, entitled:

An Act to repeal section 208.790, RSMo, and to enact in lieu thereof one new section relating to the Missouri RX plan.

Was taken up.

On motion of Senator Sater, **SB 563** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curles	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Koenig—1

Absent—Senators—None

Absent with leave—Senator Hummel—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 659**, introduced by Senator Hegeman, entitled:

An Act to repeal section 640.620, RSMo, and to enact in lieu thereof one new section relating to grants to assist in financing certain utility projects.

Was taken up.

On motion of Senator Hegeman, **SB 659** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curles	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Hummel—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HCS for HB 1246**, entitled:

An Act to amend chapter 595, RSMo, by adding thereto one new section relating to human trafficking hotline posters, with penalty provisions.

Was taken up by Senator Onder.

On motion of Senator Onder, **HCS** for **HB 1246** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senator Eigel—1

Absent with leave—Senator Hummel—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Onder, title to the bill was agreed to.

Senator Onder moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1769**, entitled:

An Act to repeal section 400.9-501, RSMo, and to enact in lieu thereof three new sections relating to the offense of filing false documents, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1504**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to zoning around National Guard training centers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1617**, entitled:

An Act to repeal sections 191.1145, 208.670, 208.671, 208.673, and 208.677, RSMo, and to enact in lieu thereof three new sections relating to telehealth.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1665**, entitled:

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating to a visiting scholars certificate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 59**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 39(a) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bingo.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **RESOLUTIONS**

Senator Sater offered Senate Resolution No. 1209, regarding Ken Ackley, Verona, which was adopted.

Senator Sater offered Senate Resolution No. 1210, regarding Fred Baum, Aurora, which was adopted.

Senator Sater offered Senate Resolution No. 1211, regarding Mount Vernon High School football program, which was adopted.

## **INTRODUCTION OF GUESTS**

Senator Kehoe introduced to the Senate, Joshua Cox, Bethune-Cookman University; Kyle Jones, Bowie State University; Dwayne Mitchell, II, Fisk University; Jamez Kinard, Harris-Stowe State University; Isaiah Reed, Howard University; Jaylon Denkins, Huston-Taltson University; Mark Barber, Langston University; Krishun Lovelace, LeMoyne-Owen College; Lorenzo Beach, Lincoln University of Missouri; Tommell Harbison, Lincoln University of Pennsylvania; Javien Carter, Livingstone College; Kendall Joyner, Morgan State University; Nicholas Hedgpeth, North Carolina Central University; Johann Conway, Jr., Prairie View A&M University; Kwan Baker, Talladega College; Jerel Smith, Winston Salem State University; and Rakeeb Akande, Mister HBCU 2017, Kings of Historically Black Colleges and Universities.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, February 5, 2018.

SENATE CALENDAR

---

EIGHTEENTH DAY—MONDAY, FEBRUARY 5, 2018

---

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SRB 975-Dixon	SB 980-Riddle
SB 976-Sifton	SB 981-Wieland
SB 977-Crawford	SB 982-Wieland
SB 978-Romine	SB 983-Dixon
SB 979-Walsh	SB 984-Wallingford

HOUSE BILLS ON SECOND READING

HB 1465-Cookson	HB 1769-Mathews
HB 1287-Engler	HB 1504-Reiboldt
HCS for HB 1381	HCS for HB 1617
HB 1531-DeGroot	HB 1665-Swan
HCS for HB 1408	HJR 59-Brown (57)
HB 1484-Brown (57)	

THIRD READING OF SENATE BILLS

SB 626-Munzlinger (In Fiscal Oversight)	SS for SB 579-Libla (In Fiscal Oversight)
---	---

SENATE BILLS FOR PERFECTION

- |                                   |                             |
|-----------------------------------|-----------------------------|
| 1. SB 775-Brown, with SCS         | 8. SB 598-Riddle, with SCS  |
| 2. SB 649-Romine                  | 9. SB 751-Schatz            |
| 3. SB 730-Wallingford, with SCS   | 10. SB 708-Schatz           |
| 4. SBs 807 & 577-Wasson, with SCS | 11. SB 602-Onder, with SCS  |
| 5. SB 593-Wieland, with SCS       | 12. SB 573-Wallingford      |
| 6. SB 594-Wieland                 | 13. SB 612-Koenig, with SCS |
| 7. SB 586-Holsman, with SCS       | 14. SB 818-Brown            |



- |                             |                                   |
|-----------------------------|-----------------------------------|
| 15. SB 705-Riddle           | 24. SB 608-Hoskins                |
| 16. SB 549-Wasson, with SCS | 25. SB 623-Crawford, with SCS     |
| 17. SB 550-Wasson, with SCS | 26. SB 569-Cunningham             |
| 18. SB 629-Wasson, with SCS | 27. SB 590-Hegeman, with SCS      |
| 19. SB 663-Schatz, with SCS | 28. SB 597-Riddle                 |
| 20. SB 552-Dixon            | 29. SB 826-Sater, with SCS        |
| 21. SB 699-Sifton           | 30. SB 625-Cierpiot               |
| 22. SB 718-Eigel, with SCS  | 31. SB 599-Schatz                 |
| 23. SB 581-Libla            | 32. SBs 555 & 609-Brown, with SCS |

### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 546-Munzlinger, with SS & SA 1<br>(pending) | SB 564-Emery, et al, with SS#2 (pending)                                  |
| SB 547-Munzlinger, with SCS                    | SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending) |
| SB 561-Sater, with SA 1 (pending)              |   |

#### RESOLUTIONS

- SR 1137-Walsh, with SS (pending)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

### EIGHTEENTH DAY—MONDAY, FEBRUARY 5, 2018

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Senator Cunningham offered the following prayer:

“For (God) is good, his steadfast love endures forever.” (Chronicles 7:3b)

We give you thanks for the clear and sunny day we have to travel here and we are so grateful for those who have cleared our roads and provided us with safe travel. We thank You for all the rescue workers who have come to the aid of those who were in serious accidents yesterday, for the doctors and nurses and all those who have treated the more than a hundred injured and we pray for complete healing and Your comfort to sustain them. We pray for the person who died and ask that Your presence and mercy comfort them. Continue to watch over all those who travel this day and this week, give them wisdom in their driving and common sense where travel may remain difficult this week and bring each safely to their journey’s end. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 1, 2018 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Sater offered Senate Resolution No. 1212, regarding Sherry Whitmarsh, which was adopted.

Senator Sater offered Senate Resolution No. 1213, regarding the Fiftieth Wedding Anniversary of Bob and Rita Housman, Kirbyville, which was adopted.

Senator Sater offered Senate Resolution No. 1214, regarding Ed Cook, which was adopted.

Senator Sater offered Senate Resolution No. 1215, regarding Eugene “Poss” Jackson, Aurora, which was adopted.

Senator Emery offered Senate Resolution No. 1216, regarding Eagle Scout Patrick Michael Swartz, Clinton, which was adopted.

Senator Emery offered Senate Resolution No. 1217, regarding Eagle Scout Gage Daniel Sublette, Clinton, which was adopted.

Senator Emery offered Senate Resolution No. 1218, regarding Eagle Scout Wesley Kent Willings, Clinton, which was adopted.

Senator Emery offered Senate Resolution No. 1219, regarding Eagle Scout Drayden Scott Russell, Clinton, which was adopted.

Senator Emery offered Senate Resolution No. 1220, regarding Eagle Scout Connor McCandless, Clinton, which was adopted.

Senator Emery offered Senate Resolution No. 1221, regarding Eagle Scout Mason Allen Huff, Clinton, which was adopted.

Senator Emery offered Senate Resolution No. 1222, regarding Eagle Scout Kyle Wesley Henson, Jr., Clinton, which was adopted.

Senator Emery offered Senate Resolution No. 1223, regarding Eagle Scout Brady Douglas Carr, Clinton, which was adopted.

Senator Emery offered Senate Resolution No. 1224, regarding Eagle Scout Blake Robert Stark, Clinton, which was adopted.

Senator Rizzo offered Senate Resolution No. 1225, regarding Sydney Yates, Buckner, which was adopted.

Senator Rizzo offered Senate Resolution No. 1226, regarding Mia McAlister, Independence, which was adopted.

Senator Rizzo offered Senate Resolution No. 1227, regarding Josie Edelman, Independence, which was adopted.

Senator Rizzo offered Senate Resolution No. 1228, regarding Stephanie Hibbs, Independence, which was adopted.

Senator Rizzo offered Senate Resolution No. 1229, regarding Skyler Murphy, Independence, which was adopted.

Senator Emery offered Senate Resolution No. 1230, regarding Eagle Scout Garrett James Hugo Hilte, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1231, regarding the Rotary Club, Kirksville, which was adopted.

Senator Kehoe offered Senate Resolution No. 1232, regarding Starla D. Duncan, Jefferson City, which was adopted.

Senator Nasheed offered Senate Resolution No. 1233, regarding Saint Louis Crisis Nursery, which was adopted.

Senator Rowden offered Senate Resolution No. 1234, regarding Southern Boone Primary School, which was adopted.

Senator Rowden offered Senate Resolution No. 1235, regarding Shruti Gautam, Columbia, which was adopted.

Senator Rowden offered Senate Resolution No. 1236, regarding Abigail Mayhan, Columbia, which was adopted.

Senator Rowden offered Senate Resolution No. 1237, regarding Gianna Durante, Columbia, which was adopted.

Senator Koenig offered Senate Resolution No. 1238, regarding Eagle Scout Callum R. Cunningham, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1239, regarding the Seventieth birthday of Fredrick Walter Eck, III, St. Louis, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1240, regarding Western Governors University Missouri, which was adopted.

Senator Richard offered Senate Resolution No. 1241, regarding Kayln Jordan, Joplin, which was adopted.

## **CONCURRENT RESOLUTIONS**

Senator Schupp submitted the following:

### **SENATE CONCURRENT RESOLUTION NO. 41**

Relating to the ratification of the Equal Rights Amendment to the United States Constitution.

Whereas, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

Whereas, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

Whereas, the Equal Rights Amendment to the United States Constitution states:

“Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.”; and

Whereas, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment

before the deadline; and

Whereas, Congress may not have the constitutional authority to place a deadline on the ratification process; and

Whereas, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

Whereas, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

Now, Therefore, Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby ratify the Equal Rights Amendment to the United States Constitution; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; Vice President of the United States; Speaker of the United States House of Representatives; and each member of the Missouri Congressional delegation with request that it be printed in the Congressional Record.

Read 1st time.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 985**—By Riddle.

An Act to repeal sections 210.025, 210.254, and 210.258, RSMo, and to enact in lieu thereof four new sections relating to background checks for child care providers.

**SB 986**—By Riddle.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to information about influenza.

**SB 987**—By Nasheed.

An Act to repeal section 34.048, RSMo, and to enact in lieu thereof one new section relating to public contracts for purchasing supplies.

**SB 988**—By Rowden.

An Act to amend chapter 324, RSMo, by adding thereto two new sections relating to professional registration.

### SENATE BILLS FOR PERFECTION

Senator Brown moved that **SB 775**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 775**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 775

An Act to repeal sections 190.839, 198.439, 208.437, 208.471, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof seven new sections relating to reimbursement allowance taxes.

Was taken up.

Senator Brown moved that **SCS** for **SB 775** be adopted.

Senator Brown offered **SS** for **SCS** for **SB 775**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 775

An Act to repeal sections 190.839, 198.439, 208.437, 208.471, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof seven new sections relating to reimbursement allowance taxes.

Senator Brown moved that **SS** for **SCS** for **SB 775** be adopted.

Senator Sater offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 775, Page 1, Section 190.839, Line 7 of said page, by striking “2021” and inserting in lieu thereof “**2020**”; and

Further amend said bill and page, section 198.439, line 9 of said page, by striking “2021” and inserting in lieu thereof “**2020**”; and

Further amend said bill, page 3, section 208.437, line 4 of said page, by striking “2021” and inserting in lieu thereof “**2020**”; and

Further amend said bill, page 5, section 208.480, line 18 of said page, by striking “2021” and inserting in lieu thereof “**2020**”; and

Further amend said bill, page 6, section 338.550, line 2 of said page, by striking “2021” and inserting in lieu thereof “**2020**”; and further amend line 12, by striking “2021” and inserting in lieu thereof “**2020**”; and

Further amend said bill, page 11, section 633.401, line 15 of said page, by striking “2021” and inserting in lieu thereof “**2020**”.

Senator Sater moved that the above amendment be adopted, which motion prevailed.

Senator Brown moved that **SS** for **SCS** for **SB 775**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown, **SS** for **SCS** for **SB 775**, as amended, was declared perfected and ordered printed.

Senator Romine moved that **SB 649** be taken up for perfection, which motion prevailed.

On motion of Senator Romine, **SB 649**, was declared perfected and ordered printed.

Senator Wallingford moved that **SB 730**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 730**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 730

An Act to repeal section 393.1012, RSMo, and to enact in lieu thereof twelve new sections relating to ratemaking for gas corporations.

Was taken up.

Senator Wallingford moved that **SCS** for **SB 730** be adopted.

Senator Libla offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 730, Section 393.1012, Pages 1-3, by deleting said section from the bill.

Senator Hegeman assumed the Chair.

President Parson assumed the Chair.

Senator Libla moved that the above amendment be adopted.

At the request of Senator Wallingford, **SB 730**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1744**, entitled:

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to higher education financial aid eligibility, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1880**, entitled:

An Act to amend chapter 394, RSMo, by adding thereto one new section relating to broadband communications services provided by rural electric cooperatives.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1492**, entitled:

An Act to repeal section 620.515, RSMo, and to enact in lieu thereof one new section relating to the show-me heroes program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HCS** for **HB 1286**, entitled:

An Act to repeal section 319.318, RSMo, and to enact in lieu thereof one new section relating to natural resources.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **RESOLUTIONS**

Senator Romine offered Senate Resolution No. 1242, regarding the Sixty-fifth Anniversary of the Valley R-VI School District, Caledonia, which was adopted.

Senator Hoskins offered Senate Resolution No. 1243, regarding Hannah R. Scott, Odessa, which was adopted.

Senator Hegeman offered Senate Resolution No. 1244, regarding Vivian King, Fillmore, which was adopted.

Senator Hegeman offered Senate Resolution No. 1245, regarding Lillian Smith, Bolckow, which was adopted.

Senator Hegeman offered Senate Resolution No. 1246, regarding Skyla Lee, Fillmore, which was adopted.

Senator Hegeman offered Senate Resolution No. 1247, regarding Madison Curran, Fillmore, which was adopted.

Senator Hegeman offered Senate Resolution No. 1248, regarding Michaela Sybert, Rosendale, which was adopted.

Senator Hegeman offered Senate Resolution No. 1249, regarding Maverick McFarland, Oregon, which was adopted.

Senator Hegeman offered Senate Resolution No. 1250, regarding the Fiftieth Wedding Anniversary of Gerald and Jane Meadows, Mound City, which was adopted.

### **COMMUNICATIONS**

Senator Walsh submitted the following:

February 5, 2018

Adriane Crouse – Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, Missouri 65101

Dear Adriane:

Pursuant to my authority regarding appointment of minority members to Senate standing committees under Senate Rule 12, I hereby remove Senator Jason Holsman from the Committee on Veterans and Military Affairs and replace him with Senator Jake Hummel.

In addition, pursuant to the same rule, I hereby remove Senator Jake Hummel from the Committee on Health and Pensions and replace him with Senator Jason Holsman.

Sincerely,



Gina Walsh



**INTRODUCTION OF GUESTS**

Senator Holsman introduced to the Senate, Gary Sage and Cathleen Flourney, Kansas City.

Senator Kehoe introduced to the Senate, former State Representative Tom Loehner, Koeltztown.

Senator Cunningham introduced to the Senate, City Administrator Tona Bowen, Houston.

On motion of Senator Onder, the Senate adjourned until 2:00 p.m., Tuesday, February 6, 2018.

**SENATE CALENDAR**  

---

NINETEENTH DAY—TUESDAY, FEBRUARY 6, 2018

---

**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SRB 975-Dixon  
SB 976-Sifton  
SB 977-Crawford  
SB 978-Romine  
SB 979-Walsh  
SB 980-Riddle  
SB 981-Wieland

SB 982-Wieland  
SB 983-Dixon  
SB 984-Wallingford  
SB 985-Riddle  
SB 986-Riddle  
SB 987-Nasheed  
SB 988-Rowden

**HOUSE BILLS ON SECOND READING**

HB 1465-Cookson  
HB 1287-Engler  
HCS for HB 1381  
HB 1531-DeGroot  
HCS for HB 1408  
HB 1484-Brown (57)  
HB 1769-Mathews  
HB 1504-Reiboldt

HCS for HB 1617  
HB 1665-Swan  
HJR 59-Brown (57)  
HB 1744-Hansen  
HB 1880-Trent  
HB 1492-Lynch  
HCS for HB 1286

**THIRD READING OF SENATE BILLS**

SB 626-Munzlinger (In Fiscal Oversight)

SS for SB 579-Libla (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| 1. SBs 807 & 577-Wasson, with SCS | 16. SB 663-Schatz, with SCS       |
| 2. SB 593-Wieland, with SCS       | 17. SB 552-Dixon                  |
| 3. SB 594-Wieland                 | 18. SB 699-Sifton                 |
| 4. SB 586-Holsman, with SCS       | 19. SB 718-Eigel, with SCS        |
| 5. SB 598-Riddle, with SCS        | 20. SB 581-Libla                  |
| 6. SB 751-Schatz                  | 21. SB 608-Hoskins                |
| 7. SB 708-Schatz                  | 22. SB 623-Crawford, with SCS     |
| 8. SB 602-Onder, with SCS         | 23. SB 569-Cunningham             |
| 9. SB 573-Wallingford             | 24. SB 590-Hegeman, with SCS      |
| 10. SB 612-Koenig, with SCS       | 25. SB 597-Riddle                 |
| 11. SB 818-Brown                  | 26. SB 826-Sater, with SCS        |
| 12. SB 705-Riddle                 | 27. SB 625-Cierpiot               |
| 13. SB 549-Wasson, with SCS       | 28. SB 599-Schatz                 |
| 14. SB 550-Wasson, with SCS       | 29. SBs 555 & 609-Brown, with SCS |
| 15. SB 629-Wasson, with SCS       |                                   |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 546-Munzlinger, with SS & SA 1<br>(pending) | SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending) |
| SB 547-Munzlinger, with SCS                    | SB 730-Wallingford, with SCS & SA 1<br>(pending)                          |
| SB 561-Sater, with SA 1 (pending)              |   |
| SB 564-Emery, et al, with SS#2 (pending)       |   |

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

To be Referred

SCR 41-Schupp

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**NINETEENTH DAY—TUESDAY, FEBRUARY 6, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Senator Onder offered the following prayer:

“Be strong and bold; have no fear or dread of them, because it is the Lord your God who goes with you;” (Deuteronomy 31:6)

Almighty God, teach us to grow in faith and spiritual maturity for we seek Your help and strength. Help us experience Your guiding presence as we encounter the challenges that each of us face here this day so we may know what we are to do. Bless us and watch over us so our words and action befit being Your servant. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kehoe announced photographers from Fox26 News were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Riddle—1

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Wieland offered Senate Resolution No. 1251, regarding the Ninetieth Birthday of Ethel B. Martin, Arnold, which was adopted.

Senator Eigel offered Senate Resolution No. 1252, regarding Leon Joseph Olinger, St. Peters, which was adopted.

Senator Eigel offered Senate Resolution No. 1253, regarding Archie Lee Counts, Saint Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 1254, regarding Robert Glennon “Bob” Lanigan, St. Charles, which was adopted.

Senator Walsh offered Senate Resolution No. 1255, regarding Donald Carl “Don” Baker, Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 1256, regarding Robert Reed “Bob” Dimmitt, St. Louis, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 1257, regarding Mariano Anthony “Don” Costello Sr., which was adopted.

Senator Richard offered Senate Resolution No. 1258, regarding Jorge Leyva, Joplin, which was adopted.

Senator Sater offered Senate Resolution No. 1259, regarding Aspen Sophia Fern Mareth, Stotts City, which was adopted.

Senator Sater offered Senate Resolution No. 1260, regarding Janell Brattin, Exeter, which was adopted.

Senators Richard and Sater offered Senate Resolution No. 1261, regarding Bob Williams, Neosho, which was adopted.

Senator Sater offered Senate Resolution No. 1262, regarding Mid-Tec, Anderson, which was adopted.

Senator Sater offered Senate Resolution No. 1263, regarding the Fiftieth Anniversary of Pat and Sharee Woods, Aurora, which was adopted.

Senator Curls offered Senate Resolution No. 1264, regarding the One Hundred Thirty-fifth Anniversary of Saint Augustine’s Episcopal Church, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 1265, regarding Erin Lowe, Kansas City, which was adopted.

Senator Kehoe offered the following resolution:

**SENATE RESOLUTION NO. 1266**

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June, 2018, the American Legion Auxiliary, Department of Missouri, is conducting the annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, hereby grant the adult leaders and participants of the Seventy-eighth Session of Missouri Girls State permission to use the Senate Chamber for the purpose of conducting a mock legislative session on Wednesday, June 27, 2018 from 8:00 am to 5:00 pm.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1266** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 1266** was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 1267

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the 2018 Missouri Youth Leadership Forum for Students with Disabilities, sponsored by the Governor's Council on Disability and the Missouri Planning Council for Developmental Disabilities, is an educational experience in state government for high school juniors and seniors with disabilities by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-ninth General Assembly, hereby grant the 2018 Missouri Youth Leadership Forum for Students with Disabilities permission to use the Senate Chamber on Thursday, July 12, 2018 from 1:45 p.m. to 3:45 p.m. for the purpose of holding a mock legislative session.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1267** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 1267** was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 1268

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate Chamber for the purpose of their regular session from 8:00 a.m. to 5:00 p.m., Wednesday, October 17, 2018 and 8:00 am to 12:00 pm, Thursday, October 18, 2018.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1268** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 1268** was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 1269

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber and Hearing Rooms for the purposes of its Youth in Government program November 9, 2018, November 10, 2018 and November 29, 2018 through December 1, 2018.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1269** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 1269** was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 1270

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-Ninth General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 5:00 p.m. on Saturday, October 6, 2018, for the purpose of a citizens assembly and workshops.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1270** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 1270** was adopted.

Senator Kehoe offered the following resolution:

SENATE RESOLUTION NO. 1271

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective in January.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and seven division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

MONTHLY

<u>NO.</u>	<u>CLASSIFICATION</u>	<u>SALARY RANGE</u>
5	Staff Attorney	\$4,042 - \$6,561
1	Research Analyst	\$3,432 - \$5,007
2	Assistant Director General Research	\$4,042 - \$6,561
4	Research Staff Secretary	\$2,868 - \$4,710
2	Budget Research Analyst II	\$3,432 - \$5,007
2	Budget Research Analyst III	\$4,071 - \$5,917
1	Assistant Director Budget Research	\$4,042 - \$6,561

1	Budget Staff Secretary	\$2,868 - \$4,710
1	Assistant Secretary of Senate	\$3,432 - \$5,950
1.5	Deputy Secretary of Senate	\$2,548 - \$3,565
1	Enrolling & Engrossing Supervisor	\$3,432 - \$5,556
3	Enrolling & Engrossing Clerk	\$2,548 - \$4,500
1	Legislative Clerk	\$2,000 - \$4,000
1	Billroom Supervisor	\$2,548 - \$3,565
1	Billroom Clerk	\$2,195 - \$3,500
1	Assistant Director - Communications	\$4,250 - \$6,888
4	Public Information Specialist I	\$2,548 - \$3,565
2	Resolution Writer	\$2,868 - \$4,071
1	Multimedia Specialist	\$2,250 - \$4,523
1	Photographer	\$2,868 - \$5,250
1	Administrative Assistant	\$3,432 - \$5,556
1	Accounting Specialist	\$2,970 - \$4,176
1	Human Resources Specialist	\$3,432 - \$5,556
6	Administrative/Office Support	\$3,432 - \$5,556
3	Computer Information Technologist II	\$3,000 - \$4,710
4	Computer Information Technology Specialist I	\$2,500 - \$5,917
3	Computer Information Technology Specialist II	\$4,200 - \$6,200
1	Computer Information Technology Specialist III	\$4,908 - \$6,888
1	Network/Communications Specialist	\$4,071 - \$6,500
2	Journal Production Clerks	\$2,548 - \$4,176
2	Mailroom/Print Shop Technician	\$2,548 - \$3,565
1	Mailroom Technician II	\$2,195 - \$3,015
1	Printing Services Technician III	\$2,389 - \$3,309
2	Printing Services Technician IV	\$2,679 - \$3,696
1	Library Administrator	\$3,696 - \$5,440
1	Library Clerk	\$2,465 - \$3,432
1	Maintenance Supervisor	\$2,868 - \$4,071
.5	Carpenter II	\$2,500 - \$3,500
2.5	Maintenance Worker II	\$2,679 - \$3,696
0.5	Sergeant-at-Arms (Elected)	\$2,679 - \$3,696
6	Assistant Doorkeeper	\$1,807 - \$2,338
0.5	Reading Clerk	\$1,713 - \$2,159
0.25	Chaplain	\$1,150 - \$2,542
0.5	Investigator	\$3,432 - \$5,007
0.5	Security Specialist	\$3,696 - \$5,440

BE IT FURTHER RESOLVED the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and The Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' and caucus administrative and clerical assistants shall be within the limits of the categories set forth hereinabove.

BE IT FURTHER RESOLVED the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the

categories set out above.

BE IT FURTHER RESOLVED the Senate Administrator, on behalf of the Committee on Administration, has the authority to reduce, increase, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and the Committee on Administration may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED the Senate Administration Committee is authorized to adjust the foregoing pay ranges to reflect implementation of the state pay plan.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1271** up for adoption, which request was granted.

On motion of Senator Kehoe, **SR 1271** was adopted.

Senator Walsh offered the following resolution:

#### SENATE RESOLUTION NO. 1272

WHEREAS, the Missouri Senate recognizes the importance of programs designed to provide college students the opportunity to enhance their leadership qualities; and

WHEREAS, the 21<sup>st</sup> Century Leadership Academy hosted by the University of Missouri-St. Louis is an intense program designed to encourage women's public sector leadership; and

WHEREAS, the Leadership Academy curriculum includes interactive panel discussions and skill-building workshops, as well as the opportunity to participate in a mock legislative session; and

WHEREAS, the Missouri Senate has a long tradition of assisting those seeking insight into the Legislative Branch of state government by granting use of the Senate Chamber.

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the 21<sup>st</sup> Century Leadership Academy use of the Senate Chamber for the purpose of conducting a mock legislative session from 10:00 am to 12:00 pm on Wednesday, May 23, 2018.

Senator Walsh requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1272** up for adoption, which request was granted.

On motion of Senator Walsh, **SR 1272** was adopted.

### CONCURRENT RESOLUTIONS

Senator Hoskins offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 42

Whereas, more than 82,000 American service members remain unaccounted for from World War II, the Korean War, the Vietnam War, and the Cold War, of which 2,311 are Missourians; and

Whereas, for over seventy years the families of those missing have been deprived of the peace that comes with laying to rest the remains of a loved one or at least knowing that loved one's fate; and

Whereas, the basic principle of national honor in America's Armed Forces is that the United States leaves no one behind; and

Whereas, The United States has an obligation to the missing and to their families to enforce this principle and provide information and answers; and

Whereas, in 1993 a Senate Select Committee on POW/MIA Affairs noted in its final report that declassifying the records related to POWs and MIAs could have eliminated much of the controversy and unnecessary secrecy surrounding the United States Government's handling of the POW/MIA issues, which bred suspicion and distrust; and

Whereas, federal statutes and multiple presidential executive orders have called for the declassification of records relating to POWs and



MIAs, but such mandates have been limited in scope, lacked enforcement mechanisms, and included broad exceptions that have been routinely cited by federal agencies as justification for continued classification of documents; and

Whereas, all government agencies should be directed by Congress and the Executive Branch to identify, locate, review, and declassify this vital information, subject to reasonable standards and limitations; and

Whereas, declassification and availability of these records would allow families of the missing and others in the private sector to conduct research, gain relevant information, and, thereby, hold the federal government accountable; and

Whereas, the government of Vietnam is now offering unprecedented support to the United States POW/MIA recovery efforts, and diplomatic efforts with other involved countries continue; and

Whereas, the “Bring Our Heroes Home Act”, S. 120, 115th Cong. (2017), which has been introduced in the United States Senate, sets forth an integrated process for comprehensive declassification of records pertaining to missing Armed Forces personnel records, subject to legitimate limitations and exceptions:

Now Therefore Be it Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby call on the Missouri members of the United States Senate to support and contribute to the early consideration and passage of S. 120; and

Be It Further Resolved that the members of the Missouri General Assembly, hereby call on all members of the Missouri Congressional delegation to lend their influence to the cause of resolving the cases of all Missourians who remain unaccounted for from past conflicts; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 989**—By Hoskins.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to taxation of utilities used in food preparation.

**SB 990**—By Hegeman.

An Act to repeal section 162.441, RSMo, and to enact in lieu thereof one new section relating to the attachment of school districts to community college districts.

**SB 991**—By Sifton.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to patient-designated caregivers.

**SB 992**—By Sater.

An Act to repeal sections 211.444, 453.015, 453.030, and 453.080, RSMo, and to enact in lieu thereof four new sections relating to adoption.

### REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 775** and **SB 649**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**SENATE BILLS FOR PERFECTION**

Senator Wasson moved that **SB 807** and **SB 577**, with SCS, be taken up for perfection, which motion prevailed.

SCS for **SBs 807** and **577**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 807 and 577

An Act to repeal sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof nine new sections relating to higher education, with an existing penalty provision.

Was taken up.

Senator Wasson moved that SCS for **SBs 807** and **577** be adopted.

Senator Romine offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 807 & 577, Page 6, Section 173.005, Line 67, by inserting immediately after “needs,” the following: “**and**”.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 807 & 577, Page 4, Section 172.280, Line 9, by striking the word “chiropractic,”; and further amend said line by striking the words “osteopathic medicine,”; and

further amend said bill and section, page 5, line 10 by striking the word “podiatry,”.

Senator Schaaf moved that the above amendment be adopted.

Senator Rowden offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 807 & 577, Page 6, Section 173.005, Line 48, by inserting after said line the following:

**“(2) The board of regents of each public institution of higher education in the state shall have the power and authority to confer degrees in chiropractic, osteopathic medicine, and podiatry only in collaboration with the University of Missouri, provided that such collaborative agreements are approved by the governing board of each institution and that in these instances the University of Missouri will be the degree-granting institution. Should the University of Missouri decline to collaborate in the offering of such programs, any of these institutions may seek approval of the**

**program through the coordinating board for higher education's comprehensive review process when doing so would not unnecessarily duplicate an existing program, collaboration is not feasible or a viable means of meeting the needs of students and employers, and the institution has the academic and financial capacity to offer the program in a high-quality manner.”; and**

Further renumber the remaining subdivisions accordingly.

Senator Rowden moved that the above substitute amendment be adopted, which motion prevailed.

Senator Hoskins assumed the Chair.

President Parson assumed the Chair.

Senator Nasheed offered SA 3:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for Senate Bills Nos. 807 & 577, Page 11, Section 173.005, Line 238, by inserting after all of said line the following:

**“173.2530. 1. For the purposes of this section, the term “student counseling facility” means any entity that provides confidential mental health counseling, psychiatric services, or developmental counseling to college students that is located on campus or is associated with the institution of higher education and operates in accordance with state and federal law pertaining to mental health professions as well as applicable professional and ethical codes.**

**2. Prior to January 1, 2020, the coordinating board for higher education shall promulgate rules setting forth reasonable standards and regulations for student counseling facilities at public institutions of higher education in this state relating to average wait time to see a mental health professional for an initial appointment, the average number of sessions available to students, when appropriate, before an off-campus referral, prevention services and any other factors the coordinating board for higher education determines are contributing factors leading to the prevalence of mental health problems within the academic community. After establishing such standards and regulations, the coordinating board for higher education shall develop a process for measuring an institution’s ability to adequately meet student mental health needs using assessment criteria developed in validated studies of well-being and student mental health in order to ensure that the effectiveness of the student counseling programs are objectively evaluated.**

**3. Beginning in the 2020-2021 school year, and continuing on an annual basis thereafter, each public institution of higher education shall publish a report measuring compliance with the standards established in subsection 2 of this section. If an institution does not meet these standards, it shall include in the report a plan to meet these standards within three academic years. Additionally, the report shall include a measure of the institution’s ability to adequately meet student mental health needs, using the process established in subsection 2 of this section. All reports required by this section shall be made available to the public.**

**4. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are**

**nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and**

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 807 & 577, Page 6, Section 173.005, Line 48, by inserting after all of said line the following:

**“(3) For purposes of subdivision (2) of this subsection, the term “board of regents” shall include a board of governors.”; and**

Further renumber the remaining subdivisions accordingly.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Wasson moved that **SCS** for **SBs 807** and **577**, as amended, be adopted, which motion prevailed.

On motion of Senator Wasson **SCS** for **SBs 807** and **577**, as amended, was declared perfected and ordered printed.

Senator Wieland moved that **SB 593**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 593**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 593

An Act to repeal sections 375.1025, 375.1052, 375.1053, 375.1056, and 382.278, RSMo, and to enact in lieu thereof fourteen new sections relating to financial solvency of insurance companies, with penalty provisions and a delayed effective date.

Was taken up.

Senator Wieland moved that **SCS** for **SB 593** be adopted.

Senator Wieland offered **SS** for **SCS** for **SB 593**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 593

An Act to repeal sections 375.1025, 375.1052, 375.1053, 375.1056, and 382.278, RSMo, and to enact in lieu thereof fourteen new sections relating to financial solvency of insurance companies, with penalty provisions and a delayed effective date.

Senator Wieland moved that **SS** for **SCS** for **SB 593** be adopted.

Senator Sifton offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 593, Page 20, Section 382.620, Line 24 of said page, by inserting immediately after the word “action” the following: “, **except that such information may be discoverable directly from the insurer or insurance group**”.

Senator Sifton moved that the above amendment be adopted, which motion failed.

Senator Wieland moved that **SS for SCS for SB 593** be adopted, which motion prevailed.

On motion of Senator Wieland, **SS for SCS for SB 593** was declared perfected and ordered printed.

**SECOND READING OF CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 41**—Rules, Joint Rules, Resolutions and Ethics.

**REFERRALS**

President Pro Tem Richard referred **SB 649** to the Committee on Fiscal Oversight.

**RESOLUTIONS**

Senator Sater offered Senate Resolution No. 1273, regarding Judith Haefeker, which was adopted.

Senator Sater offered Senate Resolution No. 1274, regarding David Miller, Branson, which was adopted.

Senator Richard offered Senate Resolution No. 1275, regarding Richard W. Massa, Joplin, which was adopted.

Senator Richard offered Senate Resolution No. 1276, regarding John Cochran, which was adopted.

Senator Richard offered Senate Resolution No. 1277, regarding Lorraine Whittington, which was adopted.

**INTRODUCTION OF GUESTS**

Senator Kehoe introduced to the Senate, Vickie Calmese, American Heart Association.

Senator Holsman introduced to the Senate, Eric Jones and Rachel Gonzalez, Kansas City.

Senator Wasson introduced to the Senate, his wife, Retha, Nixa.

Senator Libla introduced to the Senate, Dr. Wesley Payne, Ann Matthews and nine students from Three Rivers College, Poplar Bluff.

Senator Hegeman introduced to the Senate, representatives of Great Northwest Day at the Capitol.

On behalf of Senators Hegeman, Hoskins, Kehoe, Riddle, Richard, Rowden, Sater, Wallingford and himself, Senator Munzlinger introduced to the Senate, Dakota Allen, Mariah Fox, Rhiannen Schneider, Abby Bertz, Sydnee Mason, Madelyn Warren, Elizabeth Knipp, Benjamin Luebbering, Elise Bailey, Abby Turner, Emily Blaue, Chance Wallace, Justin Belew, Aaron Mott, Chad Laxton, Colton Spencer and Isabel

Legg, 2018 Missouri State FFA Officers.

Senator Rizzo introduced to the Senate, the Physician of the Day, Dr. Donald Potts, Independence.

Senator Curls introduced to the Senate, Eric Jones and Camille Stephenson, Kansas City.

On behalf of Senator Riddle, Senator Kehoe introduced to the Senate, Chloe Shoemaker, Macon.

Senator Hegeman introduced to the Senate, his son, Joe, Cosby; and Matt Berry and Chad Higdon, St. Joseph.

On motion of Senator Kehoe, the Senate adjourned until 2:00 p.m., Wednesday, February 7, 2018.

## SENATE CALENDAR

---

TWENTIETH DAY—WEDNESDAY, FEBRUARY 6, 2018

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SRB 975-Dixon	SB 984-Wallingford
SB 976-Sifton	SB 985-Riddle
SB 977-Crawford	SB 986-Riddle
SB 978-Romine	SB 987-Nasheed
SB 979-Walsh	SB 988-Rowden
SB 980-Riddle	SB 989-Hoskins
SB 981-Wieland	SB 990-Hegeman
SB 982-Wieland	SB 991-Sifton
SB 983-Dixon	SB 992-Sater

### HOUSE BILLS ON SECOND READING

HB 1465-Cookson	HCS for HB 1617
HB 1287-Engler	HB 1665-Swan
HCS for HB 1381	HJR 59-Brown (57)
HB 1531-DeGroot	HB 1744-Hansen
HCS for HB 1408	HB 1880-Trent
HB 1484-Brown (57)	HB 1492-Lynch
HB 1769-Mathews	HCS for HB 1286
HB 1504-Reiboldt	

THIRD READING OF SENATE BILLS

SB 626-Munzlinger (In Fiscal Oversight)  
SS for SB 579-Libla (In Fiscal Oversight)

SS for SCS for SB 775-Brown  
SB 649-Romine (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- |                             |                                   |
|-----------------------------|-----------------------------------|
| 1. SB 594-Wieland           | 15. SB 552-Dixon                  |
| 2. SB 586-Holsman, with SCS | 16. SB 699-Sifton                 |
| 3. SB 598-Riddle, with SCS  | 17. SB 718-Eigel, with SCS        |
| 4. SB 751-Schatz            | 18. SB 581-Libla                  |
| 5. SB 708-Schatz            | 19. SB 608-Hoskins                |
| 6. SB 602-Onder, with SCS   | 20. SB 623-Crawford, with SCS     |
| 7. SB 573-Wallingford       | 21. SB 569-Cunningham             |
| 8. SB 612-Koenig, with SCS  | 22. SB 590-Hegeman, with SCS      |
| 9. SB 818-Brown             | 23. SB 597-Riddle                 |
| 10. SB 705-Riddle           | 24. SB 826-Sater, with SCS        |
| 11. SB 549-Wasson, with SCS | 25. SB 625-Cierpiot               |
| 12. SB 550-Wasson, with SCS | 26. SB 599-Schatz                 |
| 13. SB 629-Wasson, with SCS | 27. SBs 555 & 609-Brown, with SCS |
| 14. SB 663-Schatz, with SCS |                                   |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS & SA 1 (pending)	SB 567-Cunningham, with SCS, SS for SCS,
SB 547-Munzlinger, with SCS	SA 1 & SA 1 to SA 1 (pending)
SB 561-Sater, with SA 1 (pending)	SB 730-Wallingford, with SCS & SA 1 (pending)
SB 564-Emery, et al, with SS#2 (pending)	

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

To be Referred

SCR 42-Hoskins

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWENTIETH DAY—WEDNESDAY, FEBRUARY 7, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Senator Rowden offered the following prayer:

Joshua 10:25 says “Do not be afraid; do not be discouraged. Be strong and courageous.”

Father, as we embark on another day of service to the people of our great state, we do so with thanks and admiration for Your many blessings. Today, we pray for wisdom as King Solomon did. The wisdom to discern truth and to apply it to our understanding of the things we will discuss here in the Missouri Senate. We pray for courage to do what’s right, no matter the political consequence. And we pray for strength. Both for those in service here and for our families back home across every corner of this state. May we serve today and every day with civility and humility. In Your name we pray — AMEN.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Kehoe offered Senate Resolution No. 1278, regarding Chris Wyrick, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1279, regarding the 2016-2017 Class 5 State Champion Jefferson City High School Boys baseball Jays, which was adopted.

Senator Onder offered Senate Resolution No. 1280, regarding Melvin Albert “Mel” Berthold, O’Fallon, which was adopted.

Senator Onder offered Senate Resolution No. 1281, regarding Jerry Knight, Dardenne Prairie, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Munzlinger submitted the following:

**SENATE CONCURRENT RESOLUTION NO. 43**

Whereas, Missouri statutes and regulations recognize that consumers of electricity benefit when electrical corporations can work in the financial markets and physical commodity markets to manage overall costs and price volatility through the established business practice of hedging; and

Whereas, the Missouri Public Service Commission has overseen electrical corporations serving Missouri for over a decade to ensure that fuels used to generate electricity are hedged appropriately and in consumers’ best interest; and

Whereas, due to numerous factors, including federal environmental policy shifts, consumer preferences for lower emission energy sources, and market dynamics, electric power generation is increasingly dependent on natural gas and will be for decades to come; and

Whereas, while natural gas commodity prices and futures estimates are relatively low today, market forces outside of Missouri and the United States could cause declines in natural gas supplies, increased global competition for natural gas supplies, and unpredictable price hikes, or extended periods of price volatility; and

Whereas, both financial investment strategies and ownership of natural gas fuel reserves are viable options for providing insurance against unexpended reductions in available natural gas supplies and unpredictable price rises and volatility:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Missouri Public Service Commission to reaffirm the state’s policy of encouraging electrical corporations to act in consumers’ best interests through prudent hedging of natural gas and other fuel inputs; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Chair of the Public Service Commission and each electrical corporation regulated by the Public Service Commission.

**REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred SCS for SBs 807 and 577 and SS for SCS for SB 593, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**SENATE BILLS FOR PERFECTION**

Senator Wieland moved that **SB 594** be taken up for perfection, which motion prevailed.

On motion of Senator Wieland, **SB 594**, was declared perfected and ordered printed.

Senator Holsman moved that **SB 586**, with SCS, be taken up for perfection, which motion prevailed.

SCS for **SB 586**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 586

An Act to repeal sections 210.1014 and 320.094, RSMo, and to enact in lieu thereof two new sections relating to oversight committees on public safety.

Was taken up.

Senator Holsman moved that **SCS** for **SB 586** be adopted.

Senator Holsman offered **SS** for **SCS** for **SB 586**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 586

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the establishment of the joint committee on disaster preparedness and awareness.

Senator Holsman moved that **SS** for **SCS** for **SB 586** be adopted.

Senator Hegeman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 586, Page 3, Section 21.851, Line 8 of said page, by inserting after all of said line the following:

**“7. This section shall expire on December 31, 2022.”.**

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill 586, Page 2, Section 21.051, Line 20, by inserting after the word “constitution” the following:

“;

**(7) The protection of vulnerable populations in intermediate care facilities and skilled nursing facilities as those terms are defined in section 198.006; and**

**(8) Premises that have been previously contaminated with radioactive material”**

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Holsman moved that **SS** for **SCS** for **SB 586**, as amended, be adopted, which motion prevailed.

On motion of Senator Holsman, **SS** for **SCS** for **SB 586**, as amended, was declared perfected and ordered printed.

**SB 598** was placed on the Informal Calendar.

Senator Schatz moved that **SB 751** be taken up for perfection, which motion prevailed.

At the request of Senator Schatz, **SB 751** was placed on the Informal Calendar.

Senator Schatz moved that **SB 708** be taken up for perfection, which motion prevailed.

Senator Cunningham offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 708, Page 1, In the Title, Line 4, by inserting immediately after the word “date” the following: “for certain sections”; and

Further amend said bill, page 8, section 303.240, line 18, by inserting immediately after said line the following:

“379.110. As used in sections 379.110 to 379.120 the following words and terms mean:

(1) “Insurer”, any insurance company, association or exchange authorized to issue policies of automobile insurance in the state of Missouri;

(2) “Nonpayment of premium”, failure of the named insured to discharge when due any of his or her obligations in connection with the payment of premiums on a policy, or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit;

(3) “Policy”, an automobile policy providing automobile liability coverage, uninsured motorists coverage, automobile medical payments coverage, or automobile physical damage coverage insuring a private passenger automobile owned by an individual or partnership which has been in effect for more than sixty days or has been renewed. “Policy” does not mean:

(a) Any policy issued under an automobile assigned risk plan or automobile insurance plan;

(b) Any policy insuring more than four motor vehicles;

(c) Any policy covering the operation of a garage, automobile sales agency, repair shop, service station or public parking place;

(d) Any policy providing insurance only on an excess basis, or to any contract principally providing insurance to such named insured with respect to other than automobile hazards or losses even though such contract may incidentally provide insurance with respect to such motor vehicles;

(4) **“Reduction in coverage”, a change made at renewal by the insurer to a policy form which is effective to all insureds with that policy form, which results in a removal of coverage, diminution in scope or less coverage, or the addition of an exclusion. Reduction in coverage does not include any change, reduction, or elimination of coverage made at the request of the insured. The correction of typographical or scrivener's errors or the application of mandated legislative changes is not a reduction in coverage. A reduction in coverage mandated by the insurer which does not apply to all insureds with the same policy form shall be treated as a nonrenewal.**

(5) “Renewal” or “to renew”, the issuance and delivery by an insurer of a policy superseding at the end of the policy period a policy previously issued and delivered by the same insurer, [such renewal policy to

provide types and limits of coverage at least equal to those contained in the policy being superseded,] or the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term [with types and limits of coverage at least equal to those contained in the policy being extended]; provided, however, that any policy with a policy period or term of less than six months or any period with no fixed expiration date shall for the purpose of this section be considered as if written for successive policy periods or terms of six months. Nothing in this subdivision shall be construed as superseding the provisions of subsection 9 of section 375.918, and the term “third anniversary date of the initial contract” as used in subsection 9 of section 375.918, means three years after the date of the initial contract.

379.118. 1. If any insurer proposes to cancel or to refuse to renew a policy of automobile insurance delivered or issued for delivery in this state except at the request of the named insured or for nonpayment of premium, it shall, on or before thirty days prior to the proposed effective date of the action, send written notice of its intended action to the named insured at his last known address. Notice shall be sent by United States Postal Service certificate of mailing, first class mail using Intelligent Mail barcode (IMb), or another mail tracking method used, approved, or accepted by the United States Postal Service. Where cancellation is for nonpayment of premium at least ten days' notice of cancellation shall be given and such notice shall contain the following notice or substantially similar in bold conspicuous type: “THIS POLICY IS CANCELLED EFFECTIVE AT THE DATE AND TIME INDICATED IN THIS NOTICE. THIS IS THE FINAL NOTICE OF CANCELLATION WE WILL SEND PRIOR TO THE EFFECTIVE DATE AND TIME OF CANCELLATION INDICATED IN THIS NOTICE.”. The notice shall state:

(1) The action taken;

(2) The effective date of the action;

(3) The insurer's actual reason for taking such action, the statement of reason to be sufficiently clear and specific so that a person of average intelligence can identify the basis for the insurer's decision without further inquiry. Generalized terms such as “personal habits”, “living conditions”, “poor morals”, or “violation or accident record” shall not suffice to meet the requirements of this subdivision;

(4) That the insured may be eligible for insurance through the assigned risk plan if his insurance is to be cancelled.

2. Issuance of a notice of cancellation under subsection 1 of this section constitutes a present and unequivocal act of cancellation of the policy.

3. An insurer may reinstate a policy cancelled under subsection 1 of this section at any time after the notice of cancellation is issued if the reason for the cancellation is remedied. An insurer may send communications to the insured, including but not limited to billing notices for past-due premium, offers to reinstate the policy if past-due premium is paid, notices confirming cancellation of the policy, or billing notices for payment of earned but unpaid premium. The fact that a policy may be so reinstated or any such communication may be made does not invalidate or void any cancellation effectuated under subsection 1 of this section or defeat the present and unequivocal nature of acts of cancellation as described under subsection 2 of this section.

4. (1) An insurer shall send an insured written notice of an automobile policy renewal at least fifteen days prior to the effective date of the new policy. The notice shall be sent by first class mail or may be sent electronically if requested by the policyholder, and shall contain the insured's name, the vehicle covered,

the total premium amount, and the effective date of the new policy. Any request for electronic delivery of renewal notices shall be designated on the application form signed by the applicant, made in writing by the policyholder, or made in accordance with sections 432.200 to 432.295. The insurer shall comply with any subsequent request by a policyholder to rescind authorization for electronic delivery and to elect to receive renewal notices by first class mail. Any delivery of a renewal notice by electronic means shall not constitute notice of cancellation of a policy even if such notice is included with the renewal notice.

**(2) An insurer shall provide a written notice of a reduction in coverage to the named insured no less than fifteen days prior to the effective date of the proposed reduction in coverage or shall send such notice of reduction in coverage with the written notice of renewal described in subdivision (1) of this subsection. Written notice of a reduction in coverage may be satisfied by providing the named insured a copy of or access to the updated policy form or the policy form language that will be changed. The notice shall be sent by first class mail or may be sent electronically if agreed to or requested by the policyholder.**

5. An insurer shall be exempt from the requirements of this section regarding notice of nonrenewal if:

(1) The insurer assigns or transfers the insured's policy to an affiliate or subsidiary within the same insurance holding company system;

(2) The assignment or transfer is effective upon the expiration of the existing policy; and

(3) Prior to providing coverage for a subsequent policy term, an insurer accepting an assignment or transfer of the policy shall provide notice of such assignment or transfer to the named insured.

However, if the assignment or transfer of a policy does not result in coverage substantially equivalent to the coverage that was contained in the policy being assigned or transferred, the insurer shall, in lieu of providing the notice in subdivision (3) of this subsection, at least fifteen days in advance of the effective date of the assignment or transfer, notify the policyholder that some coverage provisions will change due to the assignment or transfer, advise the policyholder to refer to the new policy for coverage details, and provide a copy of or access to the replacement policy form or the executed replacement policy.”; and

Further amend said bill and page, section B, line 1, by striking “Section A” and inserting in lieu thereof the following: “The repeal and reenactment of sections 105.1073, 303.020, 303.030, 303.120, 303.190, and 303.240 and the enactment of section 303.022”; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Schatz, **SB 708**, as amended, was declared perfected and ordered printed.

At the request of Senator Onder, **SB 602**, with SCS, was placed on the Informal Calendar.

Senator Wallingford moved that **SB 573** be taken up for perfection, which motion prevailed.

On motion of Senator Wallingford, **SB 573** was declared perfected and ordered printed.

**SB 612**, with SCS, was placed on the Informal Calendar.

At the request of Senator Brown, **SB 818** was placed on the Informal Calendar.

**SB 705** was placed on the Informal Calendar.

### **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 594**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **REFERRALS**

President Pro Tem Richard referred **SCR 42** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Richard referred **SB 594** to the Committee on Fiscal Oversight.

### **RESOLUTIONS**

Senator Cierpiot offered Senate Resolution No. 1282, regarding Eagle Scout Ethan William Lee Hill, Lone Jack, which was adopted.

Senator Wallingford offered Senate Resolution No. 1283, regarding Charlie Holt, Cape Girardeau, which was adopted.

Senator Sater offered Senate Resolution No. 1284, regarding Earlene Moulton, Cassville, which was adopted.

Senator Sater offered Senate Resolution No. 1285, regarding Linda Petty, Washburn, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1286, regarding the Class 1 State Champion Canton High School softball program, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1287, regarding the Canton High School baseball program, which was adopted.

Senator Koenig offered Senate Resolution No. 1288, regarding George Anthony Jost, Sunset Hills, which was adopted.

On motion of Senator Kehoe, the Senate recessed until 7:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Richard.

Photographers from Gasconade County Republican, KOMU 8, KRCG-TV and The Missouri Times were given permission to take pictures in the Senate Chamber.

### **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred

**SS** for **SCS** for **SB 586**, **SB 708** and **SB 573**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **SENATE BILLS FOR PERFECTION**

Senator Emery moved that **SB 564**, with **SS No. 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS No. 2** for **SB 564** was again taken up.

At the request of Senator Emery, **SS No. 2** for **SB 564** was withdrawn.

Senator Emery offered **SS No. 3** for **SB 564**, entitled:

#### **SENATE SUBSTITUTE NO. 3 FOR SENATE BILL NO. 564**

An Act to repeal sections 386.390 and 393.170, RSMo, and to enact in lieu thereof eleven new sections relating to public utilities, with an emergency clause for a certain section.

Senator Emery moved that **SS No. 3** for **SB 564** be adopted.

President Parson assumed the Chair.

Under the provisions of Senate Rule 91, Senator Hegeman requested to be excused from voting on the adoption of **SS No. 3**, perfection of the bill and all amendments, which request was granted.

President Pro Tem Richard assumed the Chair.

Senator Schaaf offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 3 for Senate Bill No. 564, Page 5, Section 393.1275, by deleting all of said section from the bill.

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted.

At the request of Senator Schaaf, the above amendment was withdrawn.

Senator Schaaf offered **SA 2**, which was read:

#### **SENATE AMENDMENT NO. 2**

Amend Senate Substitute No. 3 for Senate Bill No. 564, Section 386.390, Page 1, by removing the section from the bill.

Senator Schaaf moved that the above amendment be adopted.

Senator Onder assumed the Chair.

President Pro Tem Richard assumed the Chair.

Senator Onder assumed the Chair.

At the request of Senator Schaaf, the above amendment was withdrawn.

Senator Schaaf offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 3 for Senate Bill No. 564, Section 393.137, Page 3, by striking the section from the bill.

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted.

President Pro Tem Richard assumed the Chair.

Senator Onder assumed the Chair.

At the request of Senator Schaaf, the above amendment was withdrawn.

Senator Schaaf offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 3 for Senate Bill No. 564, Section 393.170, Page 4, by striking the section from the bill.

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted.

At the request of Senator Emery, **SS No. 3** for **SB 564** was withdrawn, rendering **SA 4** moot.

Senator Emery offered **SS No. 4** for **SB 564**, entitled:

SENATE SUBSTITUTE NO. 4 FOR  
SENATE BILL NO. 564

An Act to repeal sections 386.390, 393.170, and 393.1012, RSMo, and to enact in lieu thereof twenty-three new sections relating to public utilities, with an emergency clause for a certain section.

Senator Emery requested a waiver of the reading as the substitute was being distributed.

Senator Schaaf rose to object.

Senator Emery moved that the reading be waived as the substitute was being distributed.

Senator Schaaf raised the point of order that any senator has the right to request a bill to be read. The point of order was referred to the President Pro Tem, who ruled it not well taken.

The motion that the reading of **SS No. 4** for **SB 564** be waived was adopted.

Senator Emery moved that **SS No. 4** for **SB 564** be adopted.

President Pro Tem Richard assumed the Chair.

Senator Onder assumed the Chair.

President Parson assumed the Chair.



Senator Schaaf offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 4 for Senate Bill No. 564, Page 1, Section 386.390, by striking said section from the bill.

Senator Schaaf moved that the above amendment be adopted.

President Parson assumed the Chair.

President Pro Tem Richard assumed the Chair.

Senator Onder assumed the Chair.

Senator Rowden assumed the Chair.

Senator Wallingford assumed the Chair.

President Parson assumed the Chair.

Senator Onder assumed the Chair.

At the request of Senator Schaaf, **SA 1** was withdrawn.

Senator Schaaf offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 4 for Senate Bill No. 564, Section 393.137, Page 3, by striking said section from the bill.

Senator Schaaf moved that the above amendment be adopted.

On motion of Senator Kehoe, the Senate recessed until 5:45 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by Senator Rowden.

**SA 2** to **SS No. 4** for **SB 564** was again taken up.

At the request of Senator Emery, **SS No. 4** for **SB 564** was withdrawn, rendering **SA 2** moot.

Senator Emery offered **SS No. 5** for **SB 564**, entitled:

SENATE SUBSTITUTE NO. 5 FOR  
SENATE BILL NO. 564

An Act to repeal sections 386.266, 386.390, and 393.170, RSMo, and to enact in lieu thereof twelve new sections relating to public utilities, with an emergency clause for a certain section.

Senator Emery moved that **SS No. 5** for **SB 564** be adopted.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 5 for Senate Bill No. 564, Page 3, Section 386.266, Line 5 of said page, by striking “purpose” and inserting in lieu thereof the following: “**purposes**”; and further amend said line

by striking the word “electric” and inserting in lieu thereof the following: “**electrical**”; and further amend line 14, by striking “2018” and inserting in lieu thereof the following: “**2019**”; and

Further amend said bill and section, page 5, line 20 of said page, by striking the opening and closing brackets and the underlined language; and

Further amend said bill and section, page 6, line 14, by striking “subsections 3 and 4” and inserting in lieu thereof the following: “**subsection 3**”; and further amend line 21 by striking the word “report.”; and

Further amend said bill, page 14, section 393.1400, line 14 of said page, by striking “ninety” and inserting in lieu thereof the following: “**eighty-five**”; and

Further amend said bill and section, page 16, line 19 of said page, by striking “thirty” and inserting in lieu thereof the following: “**six**”; and further amend line 21, by striking “thirty” and inserting in lieu thereof the following: “**twenty-five**”; and

Further amend said bill and section, page 17, line 25 of said page, by striking “shall” and inserting in lieu thereof the following: “**need**”; and

Further amend said bill, page 29, section 393.1655, line 1 of said page, by striking “three” and inserting in lieu thereof the following: “**two and eighty-five hundredths**”; and further amend line 3, by striking “three” and inserting in lieu thereof the following: “**two and eighty-five hundredths**”; and further amend line 19 by striking “subsection 6”; and further amend line 20 by striking all of said line and inserting in lieu thereof the following: “**section 393.1400, and**”; and

Further amend said bill and section, page 30, lines 2-3, by striking “either subsection 4 of section 393.1275 or”; and

Further amend said bill and section, page 31, lines 23-24 of said page, by striking “or terrorism” and inserting in lieu thereof the following: “**terrorism, or other event which threatens the financial integrity of the electrical corporation**”.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator Emery moved that **SS No. 5** for **SB 564**, as amended, be adopted, which motion prevailed.

On motion of Senator Emery, **SS No. 5** for **SB 564**, as amended, was declared perfected and ordered printed.

## RESOLUTIONS

Senator Wieland offered Senate Resolution No. 1289, regarding Eagle Scout William M. Jefferis, Arnold, which was adopted.

Senator Riddle offered Senate Resolution No. 1290, regarding Jerome Krampe, Williamsburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 1291, regarding Eagle Scout Russell Wilkens, which was adopted.

Senator Walsh offered Senate Resolution No. 1292, regarding the death of Dennis Edwards, Jr., Florissant, which was adopted.

Senator Kehoe offered Senate Resolution No. 1293, regarding Lorenzo Beach, Wichita, Kansas, which

was adopted.

Senator Romine offered Senate Resolution No. 1294, regarding John David “Dave” Ottomeyer, Hillsboro, which was adopted.

Senator Schatz offered Senate Resolution No. 1295, regarding Richard Davies “Dick” Juenger, Chesterfield, which was adopted.

Senator Schatz offered Senate Resolution No. 1296, regarding Richard Anthony “Rich” Guempel, Chesterfield, which was adopted.

### INTRODUCTION OF GUESTS

Senator Richard introduced to the Senate, Hannah Scott, Erin Lowe, Shruti Gautam, Gianna Durante and Abigail Mayhan, representatives of National History Day in Missouri.

Senator Kehoe introduced to the Senate, President Dr. Michael Middleton, Lincoln University and Laura Bennett Smith, Jefferson City.

Senator Walsh introduced to the Senate, her cousin, Michael Lucido, St. Charles.

Senators Brown and Rowden introduced to the Senate, the Physicians of the Day, Dr. Daniel M. Schmidt, Richland and Dr. Daniel Jackson, Columbia.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, February 12, 2018.

### SENATE CALENDAR

---

TWENTY-FIRST DAY—MONDAY, FEBRUARY 12, 2018

---

### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SRB 975-Dixon  
SB 976-Sifton  
SB 977-Crawford  
SB 978-Romine  
SB 979-Walsh  
SB 980-Riddle  
SB 981-Wieland  
SB 982-Wieland  
SB 983-Dixon

SB 984-Wallingford  
SB 985-Riddle  
SB 986-Riddle  
SB 987-Nasheed  
SB 988-Rowden  
SB 989-Hoskins  
SB 990-Hegeman  
SB 991-Sifton  
SB 992-Sater

HOUSE BILLS ON SECOND READING

HB 1465-Cookson	HCS for HB 1617
HB 1287-Engler	HB 1665-Swan
HCS for HB 1381	HJR 59-Brown (57)
HB 1531-DeGroot	HB 1744-Hansen
HCS for HB 1408	HB 1880-Trent
HB 1484-Brown (57)	HB 1492-Lynch
HB 1769-Mathews	HCS for HB 1286
HB 1504-Reiboldt	

THIRD READING OF SENATE BILLS

- |  |   |
|--|---|
| 1. SB 626-Munzlinger (In Fiscal Oversight)   | 6. SS for SCS for SB 593-Wieland        |
| 2. SS for SB 579-Libla (In Fiscal Oversight) | 7. SB 594-Wieland (In Fiscal Oversight) |
| 3. SS for SCS for SB 775-Brown               | 8. SS for SCS for SB 586-Holsman        |
| 4. SB 649-Romine (In Fiscal Oversight)       | 9. SB 708-Schatz                        |
| 5. SCS for SBs 807 & 577-Wasson              | 10. SB 573-Wallingford                  |

SENATE BILLS FOR PERFECTION

- |                            |                                   |
|----------------------------|-----------------------------------|
| 1. SB 549-Wasson, with SCS | 10. SB 623-Crawford, with SCS     |
| 2. SB 550-Wasson, with SCS | 11. SB 569-Cunningham             |
| 3. SB 629-Wasson, with SCS | 12. SB 590-Hegeman, with SCS      |
| 4. SB 663-Schatz, with SCS | 13. SB 597-Riddle                 |
| 5. SB 552-Dixon            | 14. SB 826-Sater, with SCS        |
| 6. SB 699-Sifton           | 15. SB 625-Cierpiot               |
| 7. SB 718-Eigel, with SCS  | 16. SB 599-Schatz                 |
| 8. SB 581-Libla            | 17. SBs 555 & 609-Brown, with SCS |
| 9. SB 608-Hoskins          |                                   |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS & SA 1 (pending)	SB 567-Cunningham, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)
SB 547-Munzlinger, with SCS	SB 598-Riddle, with SCS
SB 561-Sater, with SA 1 (pending)	SB 602-Onder, with SCS

SB 612-Koenig, with SCS

SB 751-Schatz

SB 705-Riddle

SB 818-Brown

SB 730-Wallingford, with SCS &amp; SA 1 (pending)

## RESOLUTIONS

SR 1137-Walsh, with SS (pending)

To be Referred

SCR 43-Munzlinger

✓

# Journal of the Senate

SECOND REGULAR SESSION

---

**TWENTY-FIRST DAY—MONDAY, FEBRUARY 12, 2018**

---

The Senate met pursuant to adjournment.

President Pro Tem Richard in the Chair.

Reverend Carl Gauck offered the following prayer:

“Show me Lord, your way, so that I may walk in your truth. Guide my heart to fear your name.” (Psalm 86:6)

O Lord, once again we are so grateful for those who have cleared our roads and provided us with safe travel. And as we begin a new week we know our need of You and ask that You help us reach out and call upon You to be the servants we are called to be. So we ask You to bless us and the work we do here this week so that it may convey our concern for our people and provide the assistance they may need and to do what they are required to do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Wednesday, February 7, 2018 was read in part.

Senator Kehoe moved that further reading of the Journal be dispensed with and the same be approved as though having been fully read.

Senator Schaaf offered **SA 1**, which was read:

## SENATE AMENDMENT NO. 1

Amend the Journal, front page 267, by inserting after the date the following in bold type: “The reader is cautioned that what is written herein does not adequately reflect what actually occurred.”

Senator Schaaf moved that the above amendment be adopted, which motion failed.

Senator Kehoe renewed his motion that the Journal be approved, which motion prevailed.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown

Chappelle-Nadal

Cierpiot

Crawford

Cunningham

Curls

Dixon

Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

Absent—Senators—None

Absent with leave—Senators—2

Munzlinger      Schupp

Vacancies—1

## RESOLUTIONS

Senator Sifton offered Senate Resolution No. 1297, regarding Donald Arthur “Don” Erhardt, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1298, regarding Robert Henry “Bob” Meurer, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1299, regarding Roger Allen Splean, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1300, regarding Detective Brian Boedicker, which was adopted.

Senator Sifton offered Senate Resolution No. 1301, regarding Officer Paul Moritz, which was adopted.

Senator Rizzo offered Senate Resolution No. 1302, regarding Steven Fields, Independence, which was adopted.

Senator Rowden offered Senate Resolution No. 1303, regarding Susan Perkins, Columbia, which was adopted.

Senator Rowden offered Senate Resolution No. 1304, regarding Carolyn Roof, Columbia, which was adopted.

Senator Romine offered Senate Resolution No. 1305, regarding Teresa Moore, Farmington, which was adopted.

On motion of Senator Kehoe, the Senate adjourned until 4:45 p.m., Monday, February 12, 2018.

## SENATE CALENDAR

---

TWENTY-SECOND DAY—MONDAY, FEBRUARY 12, 2018

---

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SRB 975-Dixon

SB 976-Sifton

SB 977-Crawford  
SB 978-Romine  
SB 979-Walsh  
SB 980-Riddle  
SB 981-Wieland  
SB 982-Wieland  
SB 983-Dixon  
SB 984-Wallingford

SB 985-Riddle  
SB 986-Riddle  
SB 987-Nasheed  
SB 988-Rowden  
SB 989-Hoskins  
SB 990-Hegeman  
SB 991-Sifton  
SB 992-Sater

#### HOUSE BILLS ON SECOND READING

HB 1465-Cookson  
HB 1287-Engler  
HCS for HB 1381  
HB 1531-DeGroot  
HCS for HB 1408  
HB 1484-Brown (57)  
HB 1769-Mathews  
HB 1504-Reiboldt

HCS for HB 1617  
HB 1665-Swan  
HJR 59-Brown (57)  
HB 1744-Hansen  
HB 1880-Trent  
HB 1492-Lynch  
HCS for HB 1286

#### THIRD READING OF SENATE BILLS

1. SB 626-Munzlinger (In Fiscal Oversight)
2. SS for SB 579-Libla (In Fiscal Oversight)
3. SS for SCS for SB 775-Brown
4. SB 649-Romine (In Fiscal Oversight)
5. SCS for SBs 807 & 577-Wasson

6. SS for SCS for SB 593-Wieland
7. SB 594-Wieland (In Fiscal Oversight)
8. SS for SCS for SB 586-Holsman
9. SB 708-Schatz
10. SB 573-Wallingford

#### SENATE BILLS FOR PERFECTION

1. SB 549-Wasson, with SCS
2. SB 550-Wasson, with SCS
3. SB 629-Wasson, with SCS
4. SB 663-Schatz, with SCS
5. SB 552-Dixon
6. SB 699-Sifton
7. SB 718-Eigel, with SCS
8. SB 581-Libla
9. SB 608-Hoskins

10. SB 623-Crawford, with SCS
11. SB 569-Cunningham
12. SB 590-Hegeman, with SCS
13. SB 597-Riddle
14. SB 826-Sater, with SCS
15. SB 625-Cierpiot
16. SB 599-Schatz
17. SBs 555 & 609-Brown, with SCS



## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS & SA 1  
(pending)

SB 547-Munzlinger, with SCS

SB 561-Sater, with SA 1 (pending)

SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)

SB 598-Riddle, with SCS

SB 602-Onder, with SCS

SB 612-Koenig, with SCS

SB 705-Riddle

SB 730-Wallingford, with SCS & SA 1  
(pending)

SB 751-Schatz

SB 818-Brown

## RESOLUTIONS

SR 1137-Walsh, with SS (pending)

To be Referred

SCR 43-Munzlinger

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWENTY-SECOND DAY—MONDAY, FEBRUARY 12, 2018**

---

The Senate met pursuant to adjournment.

President Pro Tem Richard in the Chair.

Reverend Carl Gauck offered the following prayer:

“You shall take no vengeance or bear a grudge against any of your people, but you shall love your neighbor as yourself; I am the Lord.”  
(Leviticus 19:18)

“You, O Lord, have given us Your Word and Law, to assist us to live a victorious and abundant life as Your own. May that which we do here flow with the graciousness that we find in Your word and may we meet the challenges that we encounter in our work and with the various people that cross our path daily. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 993**—By Nasheed, Curls and Hummel.

An Act to repeal section 82.487, RSMo, and to enact in lieu thereof two new sections relating to the office of financial empowerment.

**SB 994**—By Nasheed.

An Act to repeal sections 37.110 and 488.5320, RSMo, and to enact in lieu thereof fifteen new sections relating to the modernization of state technology resources.

**SB 995**—By Sater.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to an advisory council on rare diseases and personalized medicine.

**SB 996**—By Rowden.

An Act to repeal section 565.030, RSMo, and to enact in lieu thereof one new section relating to jury instructions for first degree murder.

**SB 997**—By Rowden.

An Act to repeal sections 192.2495 and 208.909, RSMo, and to enact in lieu thereof two new sections relating to background check requirements for certain in-home service providers, with penalty provisions.

### REPORTS OF STANDING COMMITTEES

Senator Brown, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 912**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Onder, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 907**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 574**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hegeman, Chairman of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 591**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Government Reform, submitted the following reports:

Mr. President: Your Committee on Government Reform, to which was referred **SB 644**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **SB 832**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 786**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, Senator Kehoe submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 918**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 787**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 5** for **SB 564**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **SENATE BILLS FOR PERFECTION**

Senator Wasson moved that **SB 549**, with **SCS**, be taken up for perfection, which motion prevailed.  
**SCS** for **SB 549**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 549**

An Act to repeal sections 620.809 and 620.2020, RSMo, and to enact in lieu thereof two new sections relating to financial incentives for job creation.

Was taken up.

Senator Wasson moved that **SCS** for **SB 549** be adopted.

Senator Wasson offered **SS** for **SCS** for **SB 549**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 549

An Act to repeal sections 620.809 and 620.2020, RSMo, and to enact in lieu thereof two new sections relating to the reauthorization of financial incentives for job creation.

Senator Wasson moved that **SS** for **SCS** for **SB 549** be adopted, which motion prevailed.

On motion of Senator Wasson **SS** for **SCS** for **SB 549** was declared perfected and ordered printed.

At the request of Senator Wasson, **SB 550**, with **SCS**, was placed on the Informal Calendar.

Senator Wasson moved that **SB 629**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 629**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 629

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to tax increment financing.

Was taken up.

Senator Wasson moved that **SCS** for **SB 629** be adopted, which motion prevailed.

On motion of Senator Wasson, **SCS** for **SB 629** was declared perfected and ordered printed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1411**, entitled:

An Act to amend chapter 590, RSMo, by adding thereto one new section relating to the disclosure of privileged information obtained during a peer support counseling session.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1605**, entitled:

An Act to repeal sections 8.003, 8.007, 8.015, and 8.017, RSMo, and to enact in lieu thereof four new sections relating to the Missouri state capitol commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1446**, entitled:

An Act to repeal section 115.124, RSMo, and to enact in lieu thereof one new section relating to elections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1350**, entitled:

An Act to repeal sections 192.2495 and 208.909, RSMo, and to enact in lieu thereof two new sections relating to background check requirements for certain in-home service providers, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1415**, entitled:

An Act to amend chapters 160 and 168, RSMo, by adding thereto two new sections relating to educational workforce development.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1370**, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to financial accountability of public schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1267**, entitled:

An Act to repeal sections 173.1101, 173.1102, 173.1104, 173.1105, and 173.1107, RSMo, and to enact in lieu thereof five new sections relating to online institutions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1691**, entitled:

An Act to repeal sections 386.510 and 386.515, RSMo, and to enact in lieu thereof two new sections relating to the public service commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1838**, entitled:

An Act to authorize the conveyance of certain state property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1413**, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1653**, entitled:

An Act to repeal section 311.355, RSMo, and to enact in lieu thereof one new section relating to intoxicating liquor.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1251**, entitled:

An Act to repeal section 140.230, RSMo, and to enact in lieu thereof one new section relating to foreclosure proceeds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1879**, entitled:

An Act to repeal sections 30.270, 67.085, 95.530, 110.010, 110.080, 110.140, 165.221, 165.231, 165.241, and 165.271, RSMo, and to enact in lieu thereof ten new sections relating to financial transactions involving public entities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1859**, entitled:

An Act to amend chapter 44, RSMo, by adding thereto one new section relating to mutual aid agreements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Rowden assumed the Chair.

### **REFERRALS**

President Pro Tem Richard referred **SCR 43** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Richard referred **SB 573** to the Committee on Fiscal Oversight.

On motion of Senator Kehoe, the Senate adjourned until 2:00 p.m., Tuesday, February 13, 2018.

### **SENATE CALENDAR**

---

**TWENTY-THIRD DAY—TUESDAY, FEBRUARY 13, 2018**

---

### **FORMAL CALENDAR**

### **SECOND READING OF SENATE BILLS**

SRB 975-Dixon  
SB 976-Sifton  
SB 977-Crawford  
SB 978-Romine  
SB 979-Walsh  
SB 980-Riddle  
SB 981-Wieland

SB 982-Wieland  
SB 983-Dixon  
SB 984-Wallingford  
SB 985-Riddle  
SB 986-Riddle  
SB 987-Nasheed  
SB 988-Rowden



SB 989-Hoskins  
 SB 990-Hegeman  
 SB 991-Sifton  
 SB 992-Sater  
 SB 993-Nasheed, et al

SB 994-Nasheed  
 SB 995-Sater  
 SB 996-Rowden  
 SB 997-Rowden

#### HOUSE BILLS ON SECOND READING

HB 1465-Cookson  
 HB 1287-Engler  
 HCS for HB 1381  
 HB 1531-DeGroot  
 HCS for HB 1408  
 HB 1484-Brown (57)  
 HB 1769-Mathews  
 HB 1504-Reiboldt  
 HCS for HB 1617  
 HB 1665-Swan  
 HJR 59-Brown (57)  
 HB 1744-Hansen  
 HB 1880-Trent  
 HB 1492-Lynch  
 HCS for HB 1286

HCS for HB 1411  
 HCS for HB 1605  
 HB 1446-Eggleston  
 HB 1350-Smith (163)  
 HB 1415-Lauer  
 HCS for HB 1370  
 HB 1267-Lichtenegger  
 HB 1691-Miller  
 HB 1838-Bernskoetter  
 HB 1413-Taylor  
 HCS for HB 1653  
 HCS for HB 1251  
 HCS for HB 1879  
 HB 1859-Rhoads

#### THIRD READING OF SENATE BILLS

- |  |  |
|--|--|
| 1. SB 626-Munzlinger (In Fiscal Oversight)   | 7. SB 594-Wieland (In Fiscal Oversight)      |
| 2. SS for SB 579-Libla (In Fiscal Oversight) | 8. SS for SCS for SB 586-Holsman             |
| 3. SS for SCS for SB 775-Brown               | 9. SB 708-Schatz                             |
| 4. SB 649-Romine (In Fiscal Oversight)       | 10. SB 573-Wallingford (In Fiscal Oversight) |
| 5. SCS for SBs 807 & 577-Wasson              | 11. SS#5 for SB 564-Emery                    |
| 6. SS for SCS for SB 593-Wieland             |  |

#### SENATE BILLS FOR PERFECTION

- |                            |                              |
|----------------------------|------------------------------|
| 1. SB 663-Schatz, with SCS | 7. SB 623-Crawford, with SCS |
| 2. SB 552-Dixon            | 8. SB 569-Cunningham         |
| 3. SB 699-Sifton           | 9. SB 590-Hegeman, with SCS  |
| 4. SB 718-Eigel, with SCS  | 10. SB 597-Riddle            |
| 5. SB 581-Libla            | 11. SB 826-Sater, with SCS   |
| 6. SB 608-Hoskins          | 12. SB 625-Cierpiot          |

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| 13. SB 599-Schatz                 | 19. SB 644-Cunningham, with SCS |
| 14. SBs 555 & 609-Brown, with SCS | 20. SB 832-Rowden, with SCS     |
| 15. SB 912-Rowden, with SCS       | 21. SB 786-Schupp               |
| 16. SB 907-Kehoe, with SCS        | 22. SB 918-Munzlinger, with SCS |
| 17. SB 574-Wallingford, with SCS  | 23. SB 787-Curls, with SCS      |
| 18. SB 591-Hegeman, with SCS      |                                 |

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 546-Munzlinger, with SS & SA 1<br>(pending)                            | SB 602-Onder, with SCS                           |
| SB 547-Munzlinger, with SCS   | SB 612-Koenig, with SCS                          |
| SB 550-Wasson, with SCS   | SB 705-Riddle                                    |
| SB 561-Sater, with SA 1 (pending)   | SB 730-Wallingford, with SCS & SA 1<br>(pending) |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending) | SB 751-Schatz                                    |
| SB 598-Riddle, with SCS   | SB 818-Brown                                     |

#### RESOLUTIONS

- SR 1137-Walsh, with SS (pending)

✓

# Journal of the Senate

SECOND REGULAR SESSION

---

**TWENTY-THIRD DAY—TUESDAY, FEBRUARY 13, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“I have chosen the way of faithfulness; I set your ordinances before me.” (Psalm 119:30)

There is much that can distract us, O God, and there are things that would tempt us to not be faithful to that which You have called us to do. So we ask that You help us to live a just life faithful to Your law and to You so we may express Your mercy, love and grace that is beneficial and helpful to others. In Your Holy Name we pray. Amen

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Richard—1

Vacancies—1

The Lieutenant Governor was present.

### RESOLUTIONS

Senator Hummel offered Senate Resolution No. 1306, regarding Karl H. Sonderman, St. Louis, which was adopted.

Senator Sater offered Senate Resolution No. 1307, regarding Cole DeloSantos, which was adopted.

Senator Sater offered Senate Resolution No. 1308, regarding Greg Leach, which was adopted.

Senator Sater offered Senate Resolution No. 1309, regarding Marcia Sadler, Aurora, which was adopted.

Senator Sater offered Senate Resolution No. 1310, regarding Dr. Billy Redus, Aurora, which was adopted.

On behalf of Senator Richard, Senator Kehoe offered Senate Resolution No. 1311, regarding Marlene DeClue, Everton, which was adopted.

### INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 998**—By Schatz.

An Act to repeal section 414.032, RSMo, and to enact in lieu thereof one new section relating to fuel standards.

**SB 999**—By Rowden.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of memorial infrastructure.

**SB 1000**—By Rowden.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of memorial infrastructure.

### REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 549** and **SCS** for **SB 629**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### SENATE BILLS FOR PERFECTION

Senator Schatz moved that **SB 663**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 663**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 663

An Act to amend chapter 99, RSMo, by adding thereto one new section relating to land clearance projects.

Was taken up.

Senator Schatz moved that **SCS** for **SB 663** be adopted.

At the request of Senator Schatz, **SB 663**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Dixon moved that **SB 552** be taken up for perfection which motion prevailed.

Senator Dixon offered **SS** for **SB 552**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 552

An Act to repeal sections 105.478 and 576.040, RSMo, and to enact in lieu thereof six new sections relating to official misconduct, with penalty provisions.

Senator Dixon moved that **SS** for **SB 552** be adopted.

Senator Holsman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 552, Page 1, Section 29.225, Line 8 by inserting immediately after “officials,” the following “exclusively”.

Senator Holsman moved that the above amendment be adopted, which motion prevailed.

Senator Emery offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 552, Page 1, Section 29.225, Line 13 of said page, by striking the word “violate” and inserting in lieu thereof the following: “**expand the powers or duties of the auditor as established in**”.

Senator Emery moved that the above amendment be adopted, which motion prevailed.

Senator Rowden assumed the Chair.

President Parson assumed the Chair.

At the request of Senator Dixon, **SB 552**, with **SS** (pending), was placed on the Informal Calendar.

Senator Sifton moved that **SB 699** be taken up for perfection, which motion prevailed.

Senator Sifton offered **SS** for **SB 699**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 699

An Act to repeal section 208.146, RSMo, and to enact in lieu thereof one new section relating to the ticket to work health assurance program.

Senator Sifton moved that **SS** for **SB 699** be adopted.

Senator Sater offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 699, Page 5, Section 208.146, Line 17 of said page, by inserting after “policy” the following: “**for only personal care assistance services, as defined in section**”

**208.900, and related costs**"; and further amend line 18 of said page, by striking "and may only be"; and further amend lines 19-20 of said page, by striking said lines and inserting in lieu thereof the following: ".".

Senator Sater moved that the above amendment be adopted.

Senator Sifton offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 699, Page 1, Line 4 of said amendment, by inserting immediately after the word "costs" the following: "**and nonemergency medical transportation**".

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Sater moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator Sifton moved that **SS** for **SB 699**, as amended, be adopted, which motion prevailed.

On motion of Senator Sifton, **SS** for **SB 699**, as amended, was declared perfected and ordered printed.

Senator Eigel moved that **SB 718**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 718**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 718

An Act to repeal section 338.202, RSMo, and to enact in lieu thereof one new section relating to maintenance medication.

Was taken up.

Senator Eigel moved that **SCS** for **SB 718** be adopted, which motion prevailed.

On motion of Senator Eigel, **SCS** for **SB 718** was declared perfected and ordered printed.

Senator Libla moved that **SB 581** be taken up for perfection, which motion prevailed.

On motion of Senator Libla, **SB 581** was declared perfected and ordered printed.

At the request of Senator Hoskins, **SB 608** was placed on the Informal Calendar.

Senator Crawford moved that **SB 623**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 623**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 623

An Act to repeal section 140.230, RSMo, and to enact in lieu thereof one new section relating to foreclosure proceeds.

Was taken up.

Senator Crawford moved that **SCS** for **SB 623** be adopted.

Senator Nasheed requested a roll call vote be taken on the adoption of **SCS** for **SB 623**. She was joined in her request by Senators Kehoe, Libla, Sater and Walsh.

**SCS** for **SB 623** was adopted by the following vote:

YEAS—Senators

Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel	Emery
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Riddle	Rizzo	Romine	Rowden
Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford	Walsh

Wieland—29

NAYS—Senators—None

Absent—Senators

Brown Chappelle-Nadal—2

Absent with leave—Senators

Richard Wasson—2

Vacancies—1

On motion of Senator Crawford, **SCS** for **SB 623** was declared perfected and ordered printed.

Senator Cunningham moved that **SB 569** be taken up for perfection, which motion prevailed.

On motion of Senator Cunningham, **SB 569** was declared perfected and ordered printed.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 13, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kurt L. Killen, Republican, 5607 Northwest Oakridge Court, Platte Woods, Platte County, Missouri 64151, as a member of the Platte County Election Board, for a term ending January 11, 2019, and until his successor is duly appointed and qualified; vice, Kurt L. Killen, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

February 13, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nicole E. Wood, Republican, 583 East Capri Drive, Bonne Terre, Saint Francois County, Missouri 63628, as a member of the Conservation Commission, for a term ending June 30, 2023, and until her successor is duly appointed and qualified; vice, Nicole E. Wood, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1367**, entitled:

An Act to amend chapters 328 and 329, RSMo, by adding thereto two new sections relating to obtaining duplicate licenses from the board of cosmetology and barber examiners.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1420**, entitled:

An Act to repeal section 161.217, RSMo, and to enact in lieu thereof one new section relating to the early learning quality assurance report.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1930**, entitled:

An Act to repeal section 71.286, RSMo, and to enact in lieu thereof one new section relating to regulation of the display of the United States flag.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### RESOLUTIONS

Senator Kehoe offered Senate Resolution No. 1312, regarding Mr. James George Tergin, which was adopted.

### INTRODUCTION OF GUESTS

Senator Dixon introduced to the Senate, the Physician of the Day, Dr. Matthew Stinson, Springfield.



Senator Crawford introduced to the Senate, Tony Berry, Brad Sterling, Sammy Jacobson, Kyle Lancaster, Paula Hubbert and Mona Coleman, Bolivar.

Senator Romine introduced to the Senate, Larry Payne, and teachers and students from the Cisco Network Academy program.

Senator Sifton introduced to the Senate, Superintendent John Simpson, Steve Loher, Jo Doll and Jean Dugan, and students Joe Castleman and Phillip Freeman, Webster Groves High School.

Senator Romine introduced to the Senate, Rick Rudloff, Terry McDaniel, David Bova and Martha Resinger, Ste Genevieve.

Senator Curls introduced to the Senate, Steven Hardy and Carlos Pereza, Raytown; and Lauren McGinnis, Kansas City.

On behalf of Senator Wasson and himself, Senator Dixon introduced to the Senate, Linda Daughtery, Nixa.

On motion of Senator Kehoe, the Senate adjourned under the rules.

#### SENATE CALENDAR

---

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 14, 2018

---

#### FORMAL CALENDAR

#### SECOND READING OF SENATE BILLS

SRB 975-Dixon	SB 988-Rowden
SB 976-Sifton	SB 989-Hoskins
SB 977-Crawford	SB 990-Hegeman
SB 978-Romine	SB 991-Sifton
SB 979-Walsh	SB 992-Sater
SB 980-Riddle	SB 993-Nasheed, et al
SB 981-Wieland	SB 994-Nasheed
SB 982-Wieland	SB 995-Sater
SB 983-Dixon	SB 996-Rowden
SB 984-Wallingford	SB 997-Rowden
SB 985-Riddle	SB 998-Schatz
SB 986-Riddle	SB 999-Rowden
SB 987-Nasheed	SB 1000-Rowden

#### HOUSE BILLS ON SECOND READING

HB 1465-Cookson	HCS for HB 1381
HB 1287-Engler	HB 1531-DeGroot

HCS for HB 1408  
 HB 1484-Brown (57)  
 HB 1769-Mathews  
 HB 1504-Reiboldt  
 HCS for HB 1617  
 HB 1665-Swan  
 HJR 59-Brown (57)  
 HB 1744-Hansen  
 HB 1880-Trent  
 HB 1492-Lynch  
 HCS for HB 1286  
 HCS for HB 1411  
 HCS for HB 1605  
 HB 1446-Eggleston

HB 1350-Smith (163)  
 HB 1415-Lauer  
 HCS for HB 1370  
 HB 1267-Lichtenegger  
 HB 1691-Miller  
 HB 1838-Bernskoetter  
 HB 1413-Taylor  
 HCS for HB 1653  
 HCS for HB 1251  
 HCS for HB 1879  
 HB 1859-Rhoads  
 HB 1367-Basye  
 HB 1420-Pfautsch  
 HCS for HB 1930

### THIRD READING OF SENATE BILLS

- |  |  |
|--|--|
| 1. SB 626-Munzlinger (In Fiscal Oversight)   | 8. SS for SCS for SB 586-Holsman             |
| 2. SS for SB 579-Libla (In Fiscal Oversight) | 9. SB 708-Schatz                             |
| 3. SS for SCS for SB 775-Brown               | 10. SB 573-Wallingford (In Fiscal Oversight) |
| 4. SB 649-Romine (In Fiscal Oversight)       | 11. SS#5 for SB 564-Emerly                   |
| 5. SCS for SBs 807 & 577-Wasson              | 12. SS for SCS for SB 549-Wasson             |
| 6. SS for SCS for SB 593-Wieland             | 13. SCS for SB 629-Wasson                    |
| 7. SB 594-Wieland (In Fiscal Oversight)      |  |

### SENATE BILLS FOR PERFECTION

- |                                  |                                 |
|----------------------------------|---------------------------------|
| 1. SB 590-Hegeman, with SCS      | 9. SB 574-Wallingford, with SCS |
| 2. SB 597-Riddle                 | 10. SB 591-Hegeman, with SCS    |
| 3. SB 826-Sater, with SCS        | 11. SB 644-Cunningham, with SCS |
| 4. SB 625-Cierpiot               | 12. SB 832-Rowden, with SCS     |
| 5. SB 599-Schatz                 | 13. SB 786-Schupp               |
| 6. SBs 555 & 609-Brown, with SCS | 14. SB 918-Munzlinger, with SCS |
| 7. SB 912-Rowden, with SCS       | 15. SB 787-Curls, with SCS      |
| 8. SB 907-Kehoe, with SCS        |                                 |

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS & SA 1 (pending)

SB 547-Munzlinger, with SCS

SB 550-Wasson, with SCS  
SB 552-Dixon, with SS (pending)  
SB 561-Sater, with SA 1 (pending)  
SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 598-Riddle, with SCS  
SB 602-Onder, with SCS  
SB 608-Hoskins

SB 612-Koenig, with SCS  
SB 663-Schatz, with SCS (pending)  
SB 705-Riddle  
SB 730-Wallingford, with SCS & SA 1  
(pending)  
SB 751-Schatz  
SB 818-Brown

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

✓

# Journal of the Senate

SECOND REGULAR SESSION

---

**TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 14, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

## REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 569**, **SCS for SB 623**, **SB 581**, **SCS for SB 718** and **SS for SB 699**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

## REFERRALS

Senator Kehoe referred the Gubernatorial Appointments appearing on pages 298 and 299 of the Senate Journal for Tuesday, February 13, 2018 to the Committee on Gubernatorial Appointments.

Senator Kehoe referred **SS No. 5** for **SB 564**, **SS for SCS for SB 549** and **SCS for SB 629** to the Committee on Fiscal Oversight.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

## RECESS

The time of recess having expired, the Senate was called to order by President Parson.

Reverend Carl Gauck offered the following prayer:

“Behold, you are beautiful, my love, behold, you are beautiful.” (Song of Solomon 4:1)

This is a mixture of a day we celebrate the greatness of love that we have with and for those You have given to us O God. So on this Valentine’s Day we are especially grateful and mindful for who love us. So help us find ways to more perfectly express our love in words and action. And we are mindful that this day is a special day for Christians that we mark as Ash Wednesday. It is also a time to begin a reflective period of our lives before You and our need of Your love and forgiveness. So bless us this day so we may in humility and repentance share Your love with those that mean so much to us and those You have placed in our lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read.

Senator Kehoe moved that further reading of the Journal be dispensed with and the same be approved as though having been fully read.

Senator Wallingford assumed the Chair.

President Parson assumed the Chair.

Senator Wallingford assumed the Chair.

Senator Schaaf offered **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1

Amend the Journal by inserting after the date, the following: “A.D.”

Senator Schaaf moved that the above amendment be adopted.

President Parson assumed the Chair.

Senator Wallingford assumed the Chair.

At the request of Senator Schaaf, **SA 1** was withdrawn.

Senator Kehoe renewed his motion that the Journal be approved, which motion prevailed.

The following Senators were present during the day’s proceedings:

#### Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Richard—1

Vacancies—1

The Lieutenant Governor was present.

### RESOLUTIONS

Senator Koenig offered Senate Resolution No. 1313, regarding Charles Rick Wilken, Valley Park, which was adopted.

Senator Koenig offered Senate Resolution No. 1314, regarding Robert Lee “Bob” Stevens, Jr., Ballwin, which was adopted.

Senator Libla offered Senate Resolution No. 1315, regarding Herman Styles, Jr., Poplar Bluff, which

was adopted.

Senator Hegeman offered Senate Resolution No. 1316, regarding Bruce Burdick, which was adopted.

Senator Hegeman offered Senate Resolution No. 1317, regarding Mary Ellen Jenkins, Plattsburg, which was adopted.

Senator Hegeman offered Senate Resolution No. 1318, regarding Jim Galbreath, Barnard, which was adopted.

Senator Hegeman offered Senate Resolution No. 1319, regarding the Sixty-fifth Wedding Anniversary of Jerry and Susanne Arnold, Saint Joseph, which was adopted.

Senator Hegeman offered Senate Resolution No. 1320, regarding the Sixtieth Wedding Anniversary of Louis and Carolyn Holt, Savannah, which was adopted.

Senator Hegeman offered Senate Resolution No. 1321, regarding the Fiftieth Wedding Anniversary of Ross and Cheryl Bilby, Rosendale, which was adopted.

Senator Hegeman offered Senate Resolution No. 1322, regarding Joyce Scott, King City, which was adopted.

Senator Hegeman offered Senate Resolution No. 1323, regarding Eddie Young, which was adopted.

Senator Hegeman offered Senate Resolution No. 1324, regarding Randy Miller, which was adopted.

Senator Hegeman offered Senate Resolution No. 1325, regarding Garold Kurtz, which was adopted.

Senator Hegeman offered Senate Resolution No. 1326, regarding the Ninetieth Birthday of Don Hall, Mound City, which was adopted.

Senator Hegeman offered Senate Resolution No. 1327, regarding the Ninety-fifth Birthday of Lois Derr, Maitland, which was adopted.

Senator Hoskins offered Senate Resolution No. 1328, regarding Lynn Knoch, Lawson, which was adopted.

## **COMMUNICATIONS**

February 14, 2018

Ms. Adriane Crouse  
Secretary of Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

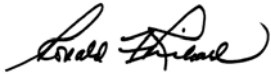
Dear Ms. Crouse:

Due to my absence during the legislative days, February 14 and February 15, 2018, I authorize the Senate Majority Floor Leader to exercise the following duties:

1. Refer bills to the Committee on Fiscal Oversight
2. Take reports of Standing Committees
3. Refer Gubernatorial appointments to the Committee on Gubernatorial Appointments
4. Second read bills

This authorization shall no longer be in force should I return before February 15, 2018.

Sincerely,



Ron Richard

President Pro Tem

### INTRODUCTION OF GUESTS

Senator Brown introduced to the Senate, his son Justin and grandson Brody, and Cord Jenkins, April King and Hannah Strain, Rolla FFA Chapter.

Senator Munzlinger introduced to the Senate, Sam Richardson and Penny Henry, and Lydia Brandon, Anna Kate Link, Madeline Mystrik and Vi Tran, representatives of University of Missouri Randolph County Youth EXCEL, Moberly.

On behalf of Senators Wasson, Cunningham and himself, Senator Dixon introduced to the Senate, the Physicians of the Day, Dr. Brian Biggers and Dr. Nick Timmerwickle, Springfield.

Senator Cunningham introduced to the Senate, Advisors Tiffany Kauffman and Mickey Plummer, and students Lily Breesawitz, Eli Franklin, Kaitlyn Jones, Catlin Salkil, Bryant Willis and Logan Young, Seymour FFA.

Senator Eigel introduced to the Senate, Andrew Stewart and twelve students from Lewis and Clark Technical School, St. Charles.

On motion of Senator Kehoe, the Senate adjourned under the rules.

### SENATE CALENDAR

---

TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 15, 2018

---

### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SRB 975-Dixon  
 SB 976-Sifton  
 SB 977-Crawford  
 SB 978-Romine  
 SB 979-Walsh  
 SB 980-Riddle  
 SB 981-Wieland  
 SB 982-Wieland  
 SB 983-Dixon  
 SB 984-Wallingford  
 SB 985-Riddle

SB 986-Riddle  
 SB 987-Nasheed  
 SB 988-Rowden  
 SB 989-Hoskins  
 SB 990-Hegeman  
 SB 991-Sifton  
 SB 992-Sater  
 SB 993-Nasheed, et al  
 SB 994-Nasheed  
 SB 995-Sater  
 SB 996-Rowden

SB 997-Rowden  
SB 998-Schatz

SB 999-Rowden  
SB 1000-Rowden

#### HOUSE BILLS ON SECOND READING

HB 1465-Cookson  
HB 1287-Engler  
HCS for HB 1381  
HB 1531-DeGroot  
HCS for HB 1408  
HB 1484-Brown (57)  
HB 1769-Mathews  
HB 1504-Reiboldt  
HCS for HB 1617  
HB 1665-Swan  
HJR 59-Brown (57)  
HB 1744-Hansen  
HB 1880-Trent  
HB 1492-Lynch  
HCS for HB 1286  
HCS for HB 1411

HCS for HB 1605  
HB 1446-Eggleston  
HB 1350-Smith (163)  
HB 1415-Lauer  
HCS for HB 1370  
HB 1267-Lichtenegger  
HB 1691-Miller  
HB 1838-Bernskoetter  
HB 1413-Taylor  
HCS for HB 1653  
HCS for HB 1251  
HCS for HB 1879  
HB 1859-Rhoads  
HB 1367-Basye  
HB 1420-Pfautsch  
HCS for HB 1930

#### THIRD READING OF SENATE BILLS

1. SB 626-Munzlinger (In Fiscal Oversight)  
2. SS for SB 579-Libla (In Fiscal Oversight)  
3. SS for SCS for SB 775-Brown  
4. SB 649-Romine (In Fiscal Oversight)  
5. SCS for SBs 807 & 577-Wasson  
6. SS for SCS for SB 593-Wieland  
7. SB 594-Wieland (In Fiscal Oversight)  
8. SS for SCS for SB 586-Holsman  
9. SB 708-Schatz  
10. SB 573-Wallingford (In Fiscal Oversight)

11. SS#5 for SB 564-Emery (In Fiscal Oversight)  
12. SS for SCS for SB 549-Wasson  
(In Fiscal Oversight)  
13. SCS for SB 629-Wasson  
(In Fiscal Oversight)  
14. SB 569-Cunningham  
15. SCS for SB 623-Crawford  
16. SB 581-Libla  
17. SCS for SB 718-Eigel  
18. SS for SB 699-Sifton

#### SENATE BILLS FOR PERFECTION

1. SB 590-Hegeman, with SCS  
2. SB 597-Riddle  
3. SB 826-Sater, with SCS  
4. SB 625-Cierpiot

5. SB 599-Schatz  
6. SBs 555 & 609-Brown, with SCS  
7. SB 912-Rowden, with SCS  
8. SB 907-Kehoe, with SCS



9. SB 574-Wallingford, with SCS  
10. SB 591-Hegeman, with SCS  
11. SB 644-Cunningham, with SCS  
12. SB 832-Rowden, with SCS

13. SB 786-Schupp  
14. SB 918-Munzlinger, with SCS  
15. SB 787-Curls, with SCS

## INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS & SA 1  
(pending)  
SB 547-Munzlinger, with SCS  
SB 550-Wasson, with SCS  
SB 552-Dixon, with SS (pending)  
SB 561-Sater, with SA 1 (pending)  
SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 598-Riddle, with SCS

SB 602-Onder, with SCS  
SB 608-Hoskins  
SB 612-Koenig, with SCS  
SB 663-Schatz, with SCS (pending)  
SB 705-Riddle  
SB 730-Wallingford, with SCS & SA 1  
(pending)  
SB 751-Schatz  
SB 818-Brown

## RESOLUTIONS

SR 1137-Walsh, with SS (pending)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 15, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“He will swallow up death forever, and the Lord God will wipe away tears from all faces...” (Isaiah 25:7)

Almighty God, we gather with visions and confusion in our minds at how can the death of 17 students and administrators and over a dozen injured happen. We pray that You might provide Your loving care granting to those who mourn the assurance of Your merciful presence. We pray give strength and healing to the injured and comforted all in need of Your mercy in the days ahead. Help us to know how we might help in this situation and what can be done to keep this from happening here in Missouri. Bless us who trust in Your everlasting care and love, guiding us to be the people you mean for us to be. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read.

Senator Kehoe moved that further reading of the Journal be dispensed with and the same be approved as though having been fully read.

A moment of silence was observed for the victims and families of the Parkland, Florida school shooting.

Senator Chappelle-Nadal offered **SA 1**, which was read:

### SENATE AMENDMENT NO. 1

Amend the Journal, Page 303, by inserting after the date the following: “A.D.”.

Senator Chappelle-Nadal moved that the above amendment be adopted.

Senator Rowden assumed the Chair.

At the request of Senator Chappelle-Nadal, **SA 1** was withdrawn.

Senator Kehoe renewed his motion that the Journal be approved, which motion prevailed

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Richard—1

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Rowden offered Senate Resolution No. 1329, regarding Beth Dessem, Columbia, which was adopted.

Senator Romine offered Senate Resolution No. 1330, regarding Wayne Schweigert, Zell, which was adopted.

Senator Libla offered Senate Resolution No. 1331, regarding Paul Schuerenberg, which was adopted.

Senator Libla offered Senate Resolution No. 1332, regarding Mary Jane Bader, which was adopted.

Senator Libla offered Senate Resolution No. 1333, regarding Bill Moriarty, which was adopted.

Senator Libla offered Senate Resolution No. 1334, regarding Randy Vandiver, which was adopted.

Senator Libla offered Senate Resolution No. 1335, regarding John Holland, which was adopted.

Senator Libla offered Senate Resolution No. 1336, regarding Raymond Aubuchon, which was adopted.

Senator Libla offered Senate Resolution No. 1337, regarding Cheryl Allen, which was adopted.

Senator Libla offered Senate Resolution No. 1338, regarding Doyle Sappington, which was adopted.

Senator Libla offered Senate Resolution No. 1339, regarding Jim Mayo, which was adopted.

Senator Libla offered Senate Resolution No. 1340, regarding James C. “Jay” Barber, Essex, which was adopted.

Senator Libla offered Senate Resolution No. 1341, regarding Kermit “Buck” Lancey, which was adopted.

Senator Rizzo offered Senate Resolution No. 1342, regarding the death of Josephine Ann Privitera, which was adopted.

Senator Schaaf offered the following resolution, which was read:

### SENATE RESOLUTION NO. 1343

Whereas, on December 29, 2017, a legal action was filed against Governor Greitens and the custodian of records for the Governor's office that seeks to bar the Governor and his staff from using the Confide app on their cell phones and to reveal the names of all gubernatorial staffers

that have used the software; and

Whereas, the Confide app allowed the Governor to circumvent the Missouri Open Records Law, commonly known as the Sunshine Law, by immediately deleting text messages sent by the Governor and his staffers that related to public business of the state; and

Whereas, the legal action alleges that the Governor is violating the Sunshine Law by the use of the Confide app in that “The use of automatic communication destroying software by elected officials and government employees is illegal and constitutes an ongoing conspiracy to violate the Missouri Sunshine law and Missouri State and Local Records law, not to mention a significant affront to the open government and democratic traditions of Missouri and the United States”; and

Whereas, the Governor and the custodian of records are represented in the legal action by attorneys of the Dowd Bennett, a private law firm based in St. Louis, Missouri; and

Whereas, Attorney General Hawley has no involvement in the action, despite the fact that the lawsuit alleges violations of the Missouri Sunshine Law; and

Whereas, it is the responsibility of the Attorney General, as chief law enforcement officer of the state and especially regarding the Missouri Sunshine Law, to represent the state in a case that could have vital implications on how the Sunshine Law is interpreted in future matters; and

Whereas, by abdicating any role in this action, the Attorney General is allowing private attorneys to represent the interests of the state regarding the Sunshine Law; and

Whereas, it is further troubling that the attorneys representing the Governor in this action are also representing the Governor in an investigation being conducted by the St. Louis Circuit Attorney regarding criminal allegations against the Governor, in his capacity as a private citizen; and

Whereas, the representation of the Governor in both matters presents the potential for a serious conflict of interest that could be obviated by the Attorney General representing the Governor in the Sunshine Law action:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, hereby demand that the Attorney General of the state of Missouri defend the laws of this state by representing the Governor and the Governor’s custodian of records in the matter of *Sansone v. Greitens* pending in the Cole County Circuit Court; and

Be It Further Resolved that if the Attorney General believes there is a conflict that prevents his representation of the Governor and his custodian of records in this matter, then the Attorney General should appoint a special assistant attorney general, as has been done previously by past Attorneys General under established procedures, that would have the same powers, privileges, and duties as the Attorney General in such matter; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Missouri Attorney General.

Senator Hummel offered Senate Resolution No. 1344, regarding Eagle Scout Brendan Alan Haantz, Saint Louis, which was adopted.

Senator Libla offered Senate Resolution No. 1345, regarding Alvin Flowers, which was adopted.

Senator Libla offered Senate Resolution No. 1346, regarding Valdis Imants Zalite, Cape Girardeau, which was adopted.

Senator Hummel offered Senate Resolution No. 1347, regarding the death of Donnell “Donnie” Shelton, St. Louis, which was adopted.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 1001**—By Hegeman.

An Act to repeal sections 58.451 and 58.720, RSMo, and to enact in lieu thereof two new sections relating to death investigations.

**SB 1002**—By Hegeman.

An Act to amend chapters 59, 442, and 486, RSMo, by adding thereto seventeen new sections relating to electronic certification of documents, with a penalty provision and a delayed effective date.

**SB 1003**—By Wasson, Cunningham, Libla, Wallingford and Kehoe.

An Act to repeal section 144.011, RSMo, and to enact in lieu thereof one new section relating to sales and use tax exemptions.

**SB 1004**—By Schupp.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to the trauma-informed care for children and families board.

**SB 1005**—By Sifton.

An Act to repeal sections 302.574 and 479.500, RSMo, and to enact in lieu thereof two new sections relating to driver's license revocation proceedings for refusals to submit to chemical tests, with existing penalty provisions.

**SB 1006**—By Cunningham.

An Act to repeal sections 254.075, 254.150, 254.160, 254.170, 254.180, and 254.210, RSMo, and to enact in lieu thereof two new sections relating to yield taxes on forest croplands.

Senator Kehoe announced photographers from KRCG-TV were given permission to take pictures in the Senate Chamber.

Senator Kehoe assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Schaaf, Chairman of the Committee on Health and Pensions, submitted the following reports:

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 660**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 892**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 951**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wasson, Chairman of the Committee on Economic Development, submitted the following reports:

Mr. President: Your Committee on Economic Development, to which was referred **SB 631**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, to which were referred **SB 632** and **SB 675**,

begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 806**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 882**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 681**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 695**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which were referred **SB 603**, **SB 576** and **SB 898**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 813**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 793**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 909**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 946** and **SB 947**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 871**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Emery, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 727**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following reports:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 840**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 848**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 600**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 769**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 860**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hegeman, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 592**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 774**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 757**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 752**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 861**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Government Reform, submitted the following reports:

Mr. President: Your Committee on Government Reform, to which was referred **SB 596**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **SB 849**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wallingford, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which were referred **SB 617**, **SB 611** and **SB 667**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 674**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hoskins, Chairman of the Committee on Veterans and Military Affairs, submitted the following reports:

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **SB 767**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.



Also,

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **SB 881**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SB 649**; **SCS for SB 629**; **SB 626**; **SB 594**; **SB 573**; **SS No. 5 for SB 564**; and **SS for SCS for SB 549**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Rowden assumed the Chair.

### CONCURRENT RESOLUTIONS

Senator Nasheed offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 44

##### Relating to youth violence

Whereas, youth across this state are committing acts of violence against one another and throughout their communities; and

Whereas, a national survey by the Centers for Disease Control and Prevention (CDC) found that United States adults reported approximately 1.56 million incidents of victimization by perpetrators estimated to be between 12 and 20 years of age; and

Whereas, the CDC states, “Violence is a serious public health problem in the United States. From infants to the elderly, it affects people in all stages of life. In 2007, more than 18,000 people were victims of homicide and more than 34,000 took their own life”; and

Whereas, the CDC reports that many people survive violence and are left with permanent physical and emotional scars and that violence erodes communities by reducing productivity, decreasing property values, and disrupting social services; and

Whereas, a national initiative led by the CDC, Striving to Reduce Youth Violence Everywhere (STRYVE), assists communities in applying a public health perspective to preventing youth violence; and

Whereas, in 1985, former United States Surgeon General C. Everett Koop declared violence as a public health issue and called for the application of the science of public health to the treatment and prevention of violence; and

Whereas, in 2000, former United States Surgeon General David Satcher declared youth violence as a public health epidemic; and

Whereas, Dr. Satcher released a report that deems youth violence as a threat to public health and calls for federal, state, local, and private entities to invest in research on youth violence and for the use of the knowledge gained to inform intervention programs; and

Whereas, the report states that the public health approach to youth violence involves identifying risk and protective factors, determining how they work, making the public aware of these findings, and designing programs to prevent or stop the violence; and

Whereas, the 2000 public health report calls for national resolve to confront the problem of youth violence systematically; to facilitate entry of youth into effective intervention programs rather than incarceration; to improve public awareness of effective interventions; to convene youth, families, researchers, and public and private organizations for a periodic youth violence summit; to develop new collaborative multidisciplinary partnerships; and to hold periodic, highly visible national summits; and

Whereas, an individual’s characteristics, experiences, and environmental conditions during childhood and adolescence are an indicator of future violent behavior; and

Whereas, ages 15 through 18, the ages that students spend in high school, are the peak years of offending; and

Whereas, there is concern about high school dropout rates, academic performance, and violence in schools across this state; and

Whereas, according to the Yale School of Medicine Child Study Center, the Comer School Development Program offers low-achieving schools assistance in creating a conducive learning environment while providing a solid foundation for students; and

Whereas, the work of the Yale School of Medicine Child Study Center has demonstrated that, “When teachers, administrators, parents, and mature adults interact with students in a supportive school environment and culture and provide adequate instruction in a way that mediates physical, social-interactive, psycho-emotional, moral-ethical, linguistic and cognitive-intellectual development, acceptable academic achievement will take place”; and

Whereas, the Comer School Development Program is an operating system comprised of three teams: the School Planning and Management Team, the Student and Staff Support Team, and the Parent Team, which work together to create a comprehensive school plan; and

Whereas, the Comer School Development Program model is guided by three principles: decision-making by consensus, no-fault problem

solving, and collaboration; and

Whereas, due to the violence epidemic, youth suffer from either primary or secondary trauma. Primary trauma is trauma associated with the violent death of a loved one. Secondary trauma results from exposure to violence present within their community; and

Whereas, exposure to violence in families and communities, as well as exposure to homicidal death, can lead to youth-specific post-traumatic stress disorder with complex effects as well as homicidal grief; and

Whereas, trauma is not easily visible within youth because it requires proper assessment and, due to the amount of violence youth are currently exposed to, measures should be taken to properly assess the issue; and

Whereas, the experience of trauma impacts children of all situations and conditions across this state; and

Whereas, in August 2007, the CDC deemed schools as providing “a critical opportunity for changing societal behavior because almost the entire population is engaged in this institution for many years, starting at an early and formative period” and “Universal school-based violence prevention programs represent an important means of reducing violent and aggressive behavior in the United States”;

Now, Therefore, Be It Resolved by the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby declare youth violence as a public health epidemic and support the establishment of statewide trauma-informed education; and

Be It Further Resolved that June seventh of each year shall be known and is designated as “Christopher Harris Day” in Missouri to remember children in St. Louis and throughout the state of Missouri lost to violence; and

Be It Further Resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

## **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SRB 975**—Judiciary and Civil and Criminal Jurisprudence.

**SB 976**—Judiciary and Civil and Criminal Jurisprudence.

**SB 977**—Agriculture, Food Production and Outdoor Resources.

**SB 978**—Commerce, Consumer Protection, Energy and the Environment.

**SB 979**—Education.

**SB 980**—Local Government and Elections.

**SB 981**—Insurance and Banking.

**SB 982**—Insurance and Banking.

**SB 983**—Judiciary and Civil and Criminal Jurisprudence.

**SB 984**—Veterans and Military Affairs.

**SB 985**—Seniors, Families and Children.

**SB 986**—Seniors, Families and Children.

**SB 987**—Government Reform.

**SB 988**—Professional Registration.

**SB 989**—Ways and Means.

**SB 990**—Education.

**SB 991**—Seniors, Families and Children.

**SB 992**—Seniors, Families and Children.

**SB 993**—Local Government and Elections.

**SB 994**—Government Reform.

**SB 995**—Seniors, Families and Children.

**SB 996**—Judiciary and Civil and Criminal Jurisprudence.

**SB 997**—Seniors, Families and Children.

**SB 998**—Agriculture, Food Production and Outdoor Resources.

**SB 999**—Transportation, Infrastructure and Public Safety.

**SB 1000**—Transportation, Infrastructure and Public Safety.

### THIRD READING OF SENATE BILLS

**SB 626**, introduced by Senator Munzlinger, entitled:

An Act to repeal section 292.606, RSMo, and to enact in lieu thereof one new section relating to distribution of petroleum products.

Was taken up.

On motion of Senator Munzlinger, **SB 626** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

#### NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senator Richard—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SB 775**, introduced by Senator Brown, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 775

An Act to repeal sections 190.839, 198.439, 208.437, 208.471, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof seven new sections relating to reimbursement allowance taxes.

Was taken up.

On motion of Senator Brown, **SS** for **SCS** for **SB 775** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Richard—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 649**, introduced by Senator Romine, entitled:

An Act to repeal section 319.318, RSMo, and to enact in lieu thereof one new section relating to the per ton fee for using explosives.

Was taken up.

On motion of Senator Romine, **SB 649** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senator Richard—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SCS for SBs 807 and 577**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 807 and 577

An Act to repeal sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof ten new sections relating to higher education, with an existing penalty provision.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **SCS for SBs 807 and 577** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Onder	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	Wasson

Wieland—29

NAYS—Senators

Emery                      Schaaf—2

Absent—Senator Nasheed—1

Absent with leave—Senator Richard—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 593**, introduced by Senator Wieland, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 593

An Act to repeal sections 375.1025, 375.1052, 375.1053, 375.1056, and 382.278, RSMo, and to enact in lieu thereof fourteen new sections relating to financial solvency of insurance companies, with penalty provisions and a delayed effective date.

Was taken up.

On motion of Senator Wieland, **SS** for **SCS** for **SB 593** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Richard—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 594**, introduced by Senator Wieland, entitled:

An Act to repeal section 379.321, RSMo, and to enact in lieu thereof one new section relating to insurance markets for commercial insurance.

Was taken up.

On motion of Senator Wieland, **SB 594** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senator Dixon—1

Absent with leave—Senator Richard—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 586**, introduced by Senator Holsman, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 586

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the establishment of the joint committee on disaster preparedness and awareness.

Was taken up.

On motion of Senator Holsman, **SS for SCS for SB 586** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Koenig—1

Absent—Senators—None

Absent with leave—Senator Richard—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Holsman, title to the bill was agreed to.

Senator Holsman moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 708**, introduced by Senator Schatz, entitled:

An Act to repeal sections 105.1073, 303.020, 303.030, 303.120, 303.190, 303.240, 379.110, and

379.118, RSMo, and to enact in lieu thereof nine new sections relating to motor vehicle financial responsibility, with an effective date for certain sections.

Was taken up.

On motion of Senator Schatz, **SB 708** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Richard—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 573**, introduced by Senator Wallingford, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to income tax deductions for military personnel.

Was taken up.

On motion of Senator Wallingford, **SB 573** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Richard—1

Vacancies—1



The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS No. 5** for **SB 564**, introduced by Senator Emery, entitled:

SENATE SUBSTITUTE NO. 5 FOR  
SENATE BILL NO. 564

An Act to repeal sections 386.266, 386.390, and 393.170, RSMo, and to enact in lieu thereof twelve new sections relating to public utilities, with an emergency clause for a certain section.

Was taken up.

Pursuant to Senate Rule 91, Senator Hegeman requested to be excused from voting on the 3rd Reading of **SS No. 5** for **SB 564** and the emergency clause, which request was granted.

On motion of Senator Emery, **SS No. 5** for **SB 564** was read the 3rd time and passed by the following vote:

YEAS—Senators

Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel	Emery
Holsman	Hoskins	Hummel	Kehoe	Koenig	Munzlinger	Nasheed
Onder	Riddle	Rizzo	Rowden	Sater	Schatz	Sifton
Wallingford	Walsh	Wasson	Wieland—25			

NAYS—Senators

Brown	Chappelle-Nadal	Libla	Romine	Schaaf	Schupp—6	
-------	-----------------	-------	--------	--------	----------	--

Absent—Senators—None

Absent with leave—Senator Richard—1

Excused from voting—Senator Hegeman—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Holsman	Hoskins	Hummel	Kehoe	Koenig	Munzlinger
Nasheed	Onder	Riddle	Rizzo	Rowden	Sater	Schatz
Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—27	

NAYS—Senators

Chappelle-Nadal	Libla	Romine—3				
-----------------	-------	----------	--	--	--	--

Absent—Senator Schaaf—1

Absent with leave—Senator Richard—1

Excused from voting—Senator Hegeman—1

Vacancies—1

On motion of Senator Emery, title to the bill was agreed to.

Senator Emery moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 549**, introduced by Senator Wasson, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 549

An Act to repeal sections 620.809 and 620.2020, RSMo, and to enact in lieu thereof two new sections relating to the reauthorization of financial incentives for job creation.

Was taken up.

On motion of Senator Wasson, **SS for SCS for SB 549** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Libla
Munzlinger	Nasheed	Onder	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	Wasson

Wieland—29

NAYS—Senators

Emery                      Koenig—2

Absent—Senator Schaaf—1

Absent with leave—Senator Richard—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SCS for SB 629**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 629

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to tax increment financing.

Was taken up by Senator Wasson.

On motion of Senator Wasson, **SCS for SB 629** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Emery
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Libla	Munzlinger
Nasheed	Onder	Riddle	Rizzo	Romine	Rowden	Sater
Schatz	Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—28

NAYS—Senators

Chappelle-Nadal	Eigel	Koenig—3
-----------------	-------	----------

Absent—Senator Schaaf—1

Absent with leave—Senator Richard—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 569**, introduced by Senator Cunningham, entitled:

An Act to repeal sections 456.1-103 and 456.8-808, RSMo, and to enact in lieu thereof two new sections relating to immunity for trustees.

Was taken up.

On motion of Senator Cunningham, **SB 569** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senator Richard—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SCS for SB 623**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 623

An Act to repeal section 140.230, RSMo, and to enact in lieu thereof one new section relating to foreclosure proceeds.

Was taken up by Senator Crawford.

On motion of Senator Crawford, **SCS for SB 623** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senator Richard—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 581**, introduced by Senator Libla, entitled:

An Act to repeal section 535.300, RSMo, and to enact in lieu thereof one new section relating to security

deposits held by landlords.

Was taken up.

On motion of Senator Libla, **SB 581** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Riddle	Romine	Rowden	Sater
Schatz	Wallingford	Wasson—24				

NAYS—Senators

Curls	Hummel	Rizzo	Schupp	Sifton	Walsh	Wieland—7
-------	--------	-------	--------	--------	-------	-----------

Absent—Senator Schaaf—1

Absent with leave—Senator Richard—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 718**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 718

An Act to repeal section 338.202, RSMo, and to enact in lieu thereof one new section relating to maintenance medication.

Was taken up by Senator Eigel.

On motion of Senator Eigel, **SCS** for **SB 718** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senator Richard—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Eigel, title to the bill was agreed to.

Senator Eigel moved that the vote by which the bill passed be reconsidered.

Senator Emery moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1620**, entitled:

An Act to repeal sections 579.040 and 579.076, RSMo, and to enact in lieu thereof two new sections relating to distributors of hypodermic needles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1389**, entitled:

An Act to repeal sections 301.010, 301.020, 301.055, 301.130, 301.350, and 304.005, RSMo, and to enact in lieu thereof six new sections relating to autocycles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1460**, entitled:

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to a tax deduction for certain Olympic athletes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1409**, entitled:

An Act to repeal sections 288.036, 288.060, 288.122, and 288.330 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, sections 288.036 and 288.122 as enacted by house bill

no. 1456, ninety-third general assembly, second regular session, section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, and section 288.330 as enacted by house bill no. 1075, ninety-fifth general assembly, first regular session, and to enact in lieu thereof four new sections relating to employment security.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1685**, entitled:

An Act to repeal sections 191.671, 376.385, 376.429, 376.446, 376.452, 376.454, 376.779, 376.781, 376.782, 376.811, 376.845, 376.1192, 376.1199, 376.1200, 376.1209, 376.1210, 376.1215, 376.1218, 376.1219, 376.1220, 376.1224, 376.1225, 376.1230, 376.1232, 376.1235, 376.1237, 376.1250, 376.1253, 376.1257, 376.1275, 376.1290, 376.1400, 376.1550, and 376.1900, RSMo, and to enact in lieu thereof thirty-five new sections relating to short-term major medical policies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1690**, entitled:

An Act to repeal sections 375.1218, 376.715, 376.717, 376.718, 376.720, 376.722, 376.724, 376.725, 376.726, 376.733, 376.734, 376.735, 376.737, 376.738, 376.742, 376.743, 376.746, 376.747, 376.748, 376.755, 376.756, and 376.758, RSMo, and to enact in lieu thereof twenty-two new sections relating to the Missouri life and health insurance guaranty association act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

February 15, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Bobby G. Robertson Jr., Republican, 950 East Minnehaha, Nixa, Christian County, Missouri 65714, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2018, and until his successor is duly appointed and qualified; vice, Bobby G. Robertson Jr., withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Senator Kehoe referred the above appointment to the Committee on Gubernatorial Appointments.

### INTRODUCTION OF GUESTS

Senator Sifton introduced to the Senate, Jessica Hill, Cape Girardeau.

Senator Koenig introduced to the Senate, Lucia Ruzicka, Parker Stone, Thierry Dubuisson and Sophia Schmitt, North Glendale Elementary School.

Senator Emery introduced to the Senate, Mike Medsker and his son, Nathan, Raymore; and Nathan was made an honorary page.

Senator Kehoe introduced to the Senate, the Physician of the Day, Dr. George Hubbell, Lake Ozark; and Michael Nehls, St. Louis.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, February 19, 2018.

### SENATE CALENDAR

---

TWENTY-SIXTH DAY—MONDAY, FEBRUARY 19, 2018

---

### FORMAL CALENDAR

#### SECOND READING OF SENATE BILLS

SB 1001-Hegeman  
SB 1002-Hegeman  
SB 1003-Wasson, et al

SB 1004-Schupp  
SB 1005-Sifton  
SB 1006-Cunningham

#### HOUSE BILLS ON SECOND READING

HB 1465-Cookson  
HB 1287-Engler  
HCS for HB 1381  
HB 1531-DeGroot  
HCS for HB 1408  
HB 1484-Brown (57)  
HB 1769-Mathews  
HB 1504-Reiboldt  
HCS for HB 1617  
HB 1665-Swan

HJR 59-Brown (57)  
HB 1744-Hansen  
HB 1880-Trent  
HB 1492-Lynch  
HCS for HB 1286  
HCS for HB 1411  
HCS for HB 1605  
HB 1446-Eggleston  
HB 1350-Smith (163)  
HB 1415-Lauer



HCS for HB 1370  
 HB 1267-Lichtenegger  
 HB 1691-Miller  
 HB 1838-Bernskoetter  
 HB 1413-Taylor  
 HCS for HB 1653  
 HCS for HB 1251  
 HCS for HB 1879  
 HB 1859-Rhoads

HB 1367-Basye  
 HB 1420-Pfautsch  
 HCS for HB 1930  
 HB 1620-Rehder  
 HB 1389-Fitzpatrick  
 HB 1460-Evans  
 HB 1409-Fitzpatrick  
 HCS for HB 1685  
 HCS for HB 1690

### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton

### SENATE BILLS FOR PERFECTION

1. SB 590-Hegeman, with SCS
2. SB 597-Riddle
3. SB 826-Sater, with SCS
4. SB 625-Cierpiot
5. SB 599-Schatz
6. SBs 555 & 609-Brown, with SCS
7. SB 912-Rowden, with SCS
8. SB 907-Kehoe, with SCS
9. SB 574-Wallingford, with SCS
10. SB 591-Hegeman, with SCS
11. SB 644-Cunningham, with SCS
12. SB 832-Rowden, with SCS
13. SB 786-Schupp
14. SB 918-Munzlinger, with SCS
15. SB 787-Curls, with SCS
16. SB 951-Crawford
17. SBs 632 & 675-Dixon, with SCS
18. SB 806-Crawford
19. SB 882-Hoskins
20. SB 681-Hummel

21. SB 695-Wallingford
22. SBs 603, 576 & 898-Onder, with SCS
23. SB 813-Riddle, with SCS
24. SB 793-Wallingford
25. SB 727-Emery
26. SB 848-Riddle
27. SB 600-Schatz, with SCS
28. SB 769-Cunningham, with SCS
29. SB 860-Koenig, with SCS
30. SB 592-Hegeman, with SCS
31. SB 774-Munzlinger
32. SB 752-Schatz, with SCS
33. SB 861-Hegeman, with SCS
34. SB 596-Riddle, with SCS
35. SB 849-Kehoe and Schupp, with SCS
36. SBs 617, 611 & 667-Eigel, with SCS
37. SB 674-Koenig
38. SB 767-Hoskins, with SCS
39. SB 881-Eigel

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS & SA 1 (pending)	SB 602-Onder, with SCS
SB 547-Munzlinger, with SCS	SB 608-Hoskins
SB 550-Wasson, with SCS	SB 612-Koenig, with SCS
SB 552-Dixon, with SS (pending)	SB 663-Schatz, with SCS (pending)
SB 561-Sater, with SA 1 (pending)	SB 705-Riddle
SB 567-Cunningham, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)	SB 730-Wallingford, with SCS & SA 1 (pending)
SB 598-Riddle, with SCS	SB 751-Schatz
	SB 818-Brown

CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 660-Riddle	SBs 946 & 947-Dixon, with SCS
SB 892-Walsh, with SCS	SB 871-Romine
SB 631-Wasson	SB 840-Rowden
SB 909-Dixon	SB 757-Schatz

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

To be Referred

SCR 44-Nasheed

SR 1343-Schaaf

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWENTY-SIXTH DAY—MONDAY, FEBRUARY 19, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“We cannot forget history...we will be remembered for good or for ill...we cannot escape the burden nor responsibility.” (Abraham Lincoln)

Gracious God, on this Presidents’ Day we remember that You have called leaders to take us through difficult times and how they are remembered today. Help us be mindful of the history we are part of and the effect of the decisions we make and the things we do. Guide us as we vote on bills that will affect the future and how we will be remembered for our part in what they produce. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 15, 2018 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Hummel—1

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Rowden offered Senate Resolution No. 1348, regarding Taylor Thiessen, Boone County, which was adopted.

Senator Richard offered Senate Resolution No. 1349, regarding Lydia Rockers, Jasper County, which was adopted.

Senator Richard offered Senate Resolution No. 1350, regarding Joshua Raben, Newton County, which was adopted.

Senator Kehoe offered Senate Resolution No. 1351, regarding Taylor Riley, Cole County, which was adopted.

Senator Kehoe offered Senate Resolution No. 1352, regarding Sarah McCord, Moniteau County, which was adopted.

Senator Kehoe offered Senate Resolution No. 1353, regarding Andi Riley, Cole County, which was adopted.

Senator Emery offered Senate Resolution No. 1354, regarding Kayla Taylor, which was adopted.

Senator Hoskins offered Senate Resolution No. 1355, regarding Hunter Todd, Lafayette County, which was adopted.

Senator Onder offered Senate Resolution No. 1356, regarding Meagan Turner, Foristell, which was adopted.

Senator Hoskins offered Senate Resolution No. 1357, regarding Jacob Hall, Saline County, which was adopted.

Senator Crawford offered Senate Resolution No. 1358, regarding Warren Barge, Clay County, which was adopted.

Senator Hegeman offered Senate Resolution No. 1359, regarding Logan Cusick, Buchanan County, which was adopted.

Senator Riddle offered Senate Resolution No. 1360, regarding Samantha Mudd, Lincoln County, which was adopted.

Senator Wallingford offered Senate Resolution No. 1361, regarding Elizabeth Lincoln, Bollinger County, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1362, regarding Madison Horstmeier, Pike County, which was adopted.

Senator Riddle offered Senate Resolution No. 1363, regarding the Fortieth Wedding Anniversary of Ron and Debbie Murphy, Holts Summit, which was adopted.

Senator Kehoe offered Senate Resolution No. 1364, regarding Brian Ash, Jefferson City, which was adopted.

Senator Curls offered Senate Resolution No. 1365, regarding Ossie Burris Sr., Kansas City, which was adopted.

Senator Onder offered Senate Resolution No. 1366, regarding Daniel Arthur “Dan” Pierson, Wentzville, which was adopted.

Senator Wasson offered Senate Resolution No. 1367, regarding Eagle Scout Kyle Andrew Deterding, Nixa, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 1368, regarding Jaime Torres, O’Fallon, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 1369, regarding Sophie Bernstein, Clayton, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 1370, regarding the Ninetieth Birthday of Louise Fannie Thomas, Saint Louis, which was adopted.

Senator Sater offered Senate Resolution No. 1371, regarding Robert Taylor, which was adopted.

Senator Sater offered Senate Resolution No. 1372, regarding Shelia Kellett, which was adopted.

Senator Sater offered Senate Resolution No. 1373, regarding Brian Salsman, Monett, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

#### **SB 1007—By Kehoe.**

An Act to repeal sections 36.020, 36.030, 36.031, 36.040, 36.050, 36.060, 36.070, 36.080, 36.090, 36.100, 36.110, 36.120, 36.130, 36.140, 36.150, 36.170, 36.180, 36.190, 36.200, 36.210, 36.220, 36.225, 36.240, 36.250, 36.260, 36.270, 36.280, 36.290, 36.300, 36.310, 36.320, 36.340, 36.360, 36.380, 36.390, 36.400, 36.440, 36.470, 36.510, 37.010, 105.055, 207.085, 621.075, and 630.167, RSMo, and to enact in lieu thereof thirty-seven new sections relating to the state personnel law, with existing penalty provisions.

#### **SB 1008—By Riddle.**

An Act to repeal section 211.447, RSMo, and to enact in lieu thereof one new section relating to termination of parental rights.

#### **SB 1009—By Rowden.**

An Act to repeal section 313.800, RSMo, and to enact in lieu thereof twelve new sections relating to wagering on sporting events on excursion gambling boats.

#### **SB 1010—By Rowden.**

An Act to repeal sections 407.1025, 407.1028, 407.1031, 407.1034, 407.1035, 407.1037, 407.1043, 407.1047, and 407.1049, RSMo, and to enact in lieu thereof nine new sections relating to powersport vehicle franchise practices.

#### **SB 1011—By Crawford.**

An Act to repeal sections 210.127, 211.032, and 211.183, RSMo, and to enact in lieu thereof three new sections relating to parental search efforts by the children’s division.

**SENATE BILLS FOR PERFECTION**

Senator Hegeman moved that **SB 590**, with **SCS**, be taken up for perfection, which motion prevailed.  
**SCS** for **SB 590**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 590**

An Act to repeal sections 253.545, 253.550, and 253.559, RSMo, and to enact in lieu thereof six new sections relating to historic buildings, with an emergency clause.

Was taken up.

Senator Hegeman moved that **SCS** for **SB 590** be adopted.

Senator Hegeman offered **SS** for **SCS** for **SB 590**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 590**

An Act to repeal sections 253.545, 253.550, and 253.559, RSMo, and to enact in lieu thereof six new sections relating to historic buildings, with an emergency clause.

Senator Hegeman moved that **SS** for **SCS** for **SB 590** be adopted.

Senator Schaaf offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 11, Section 620.3200, by striking all of said section from the bill; and

Further amend said bill, pages 11-19, section 620.3210, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted.

Senator Schaaf offered **SSA 1** for **SA 1**:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 11, Section 620.3200, by striking all of said section from the bill; and

Further amend said bill, pages 11-19, section 620.3210, by striking all of said section from the bill; and

Further amend said bill, pages 19-23, section 620.3220, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that **SSA 1** for **SA 1** be adopted.

Senator Schaaf offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Line 6, by inserting at the end of said line the following:

“Further amend said bill, page 23, Section B, by striking all of said section from the bill; and”

Senator Schaaf moved that **SA 1** to **SSA 1** for **SA 1** be adopted.

Senator Onder assumed the Chair.

At the request of Senator Hegeman, **SB 590**, with **SCS**, **SS** for **SCS**, **SA 1**, **SSA 1** for **SA 1** and **SA 1** to **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1598**, entitled:

An Act to repeal sections 436.415 and 436.460, RSMo, and to enact in lieu thereof two new sections relating to preneed contracts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1650**, entitled:

An Act to repeal sections 456.4-414 and 456.4-420, RSMo, and to enact in lieu thereof three new sections relating to trust instruments.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1329**, entitled:

An Act to repeal sections 169.291, 169.324, 169.350, and 169.360, RSMo, and to enact in lieu thereof six new sections relating to retirement benefits for public employees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1371**, entitled:

An Act to repeal section 162.720, RSMo, and to enact in lieu thereof one new section relating to gifted education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1421**, entitled:

An Act to repeal section 162.720, RSMo, and to enact in lieu thereof two new sections relating to gifted education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1455**, entitled:

An Act to repeal section 173.1004, RSMo, and to enact in lieu thereof two new sections relating to career options for students.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1606**, entitled:

An Act to repeal sections 161.094 and 161.095, RSMo, and to enact in lieu thereof two new sections relating to elementary and secondary education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1940**, entitled:

An Act to amend chapters 171 and 173, RSMo, by adding thereto three new sections relating to student journalists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,



Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1291**, entitled:

An Act to repeal section 137.556, RSMo, and to enact in lieu thereof one new section relating to the county special road tax.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1858**, entitled:

An Act to amend chapter 32, RSMo, by adding thereto one new section relating to the department of revenue.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1630**, entitled:

An Act to repeal section 451.090, RSMo, and to enact in lieu thereof one new section relating to marriage licenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1796**, entitled:

An Act to amend chapters 143 and 443, RSMo, by adding thereto seven new sections relating to the first-time home buyer savings account act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1710**, entitled:

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to professional registration.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1608**, entitled:

An Act to amend chapter 23, RSMo, by adding thereto one new section relating to the committee on legislative research.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 1465**—Education.

**HB 1287**—Insurance and Banking.

**HCS for HB 1381**—Insurance and Banking.

**HB 1531**—Government Reform.

**HCS for HB 1408**—Education.

### SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 44**—Rules, Joint Rules, Resolutions and Ethics.

### REFERRALS

President Pro Tem Richard referred **SR 1343** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Richard referred **SS for SB 699** to the Committee on Fiscal Oversight.

### COMMUNICATIONS

Senator Chappelle-Nadal submitted the following:

February 19, 2018

Adriane Crouse, Secretary of the Senate  
Missouri State Senate  
State Capitol Building, Room 325  
Jefferson City, MO 65101

Dear Secretary Crouse:

Pursuant to Senate Rule 45, please remove SB 660 from the Consent Calendar and return such to the Health and Pensions committee. While I take no issue with the underlying public policy of the legislation, I do take issue with the sponsor, who elected to interject herself into a public health matter situated wholly within my Senatorial District.

Specifically, the bill's sponsor, despite living 99.9 miles away from the radioactive West Lake Landfill, signed a letter, dated October 1, 2017, to the Environmental Protection Agency that stated, in part, that there is "no evidence of health risks to individuals living or working in the vicinity of the (West Lake) landfill." Further, the letter expressed opposition to properly remedying this public health disaster that has killed, is killing, and, unless properly alleviated, will continue to kill my constituents. For this reason, I choose to inject myself into this Senator's business, which includes the consent status of SB 660.

Sincerely,



MARIA CHAPPELLE-NADAL  
State Senator, District 14

Also,

February 19, 2018

Adriane Crouse, Secretary of the Senate  
Missouri State Senate  
State Capitol Building, Room 325  
Jefferson City, MO 65101

Dear Secretary Crouse:

Pursuant to Senate Rule 45, please remove SB 757 from the Consent Calendar and return such to the Local Government and Elections committee. While I take no issue with the underlying public policy of the legislation, I do take issue with the sponsor, who elected to interject himself into a public health matter situated wholly within my Senatorial District.

Specifically, the bill's sponsor, despite living 68.7 miles away from the radioactive West Lake Landfill, signed a letter, dated October 1, 2017, to the Environmental Protection Agency that stated, in part, that there is "no evidence of health risks to individuals living or working in the vicinity of the (West Lake) landfill." Further, the letter expressed opposition to properly remedying this public health disaster that has killed, is killing, and, unless properly alleviated, will continue to kill my constituents. For this reason, I choose to inject myself into this Senator's business, which includes the consent status of SB 757.

Sincerely,



MARIA CHAPPELLE-NADAL

State Senator, District 14

Also,

February 19, 2018

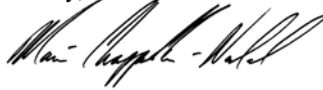
Adriane Crouse, Secretary of the Senate  
Missouri State Senate  
State Capitol Building, Room 325  
Jefferson City, MO 65101

Dear Secretary Crouse:

Pursuant to Senate Rule 45, please remove SB 840 from the Consent Calendar and return such to the Professional Registration committee. While I take no issue with the underlying public policy of the legislation, I do take issue with the sponsor, who elected to interject himself into a public health matter situated wholly within my Senatorial District.

Specifically, the bill's sponsor, despite living 110 miles away from the radioactive West Lake Landfill, signed a letter, dated October 1, 2017, to the Environmental Protection Agency that stated, in part, that there is "no evidence of health risks to individuals living or working in the vicinity of the (West Lake) landfill." Further, the letter expressed opposition to properly remedying this public health disaster that has killed, is killing, and, unless properly alleviated, will continue to kill my constituents. For this reason, I choose to inject myself into this Senator's business, which includes the consent status of SB 840.

Sincerely,



MARIA CHAPPELLE-NADAL

State Senator, District 14

Also,

February 19, 2018

Adriane Crouse, Secretary of the Senate  
Missouri State Senate  
State Capitol Building, Room 325  
Jefferson City, MO 65101

Dear Secretary Crouse:

Pursuant to Senate Rule 45, please remove SB 871 from the Consent Calendar and return such to the Judiciary and Civil and Criminal

Jurisprudence committee. While I take no issue with the underlying public policy of the legislation, I do take issue with the sponsor, who elected to interject himself into a public health matter situated wholly within my Senatorial District.

Specifically, the bill's sponsor, despite living 77.2 miles away from the radioactive West Lake Landfill, signed a letter, dated October 1, 2017, to the Environmental Protection Agency that stated, in part, that there is "no evidence of health risks to individuals living or working in the vicinity of the (West Lake) landfill." Further, the letter expressed opposition to properly remedying this public health disaster that has killed, is killing, and, unless properly alleviated, will continue to kill my constituents. For this reason, I choose to inject myself into this Senator's business, which includes the consent status of SB 871.

Sincerely,



MARIA CHAPPELLE-NADAL

State Senator, District 14

## INTRODUCTION OF GUESTS

Senator Kehoe introduced to the Senate, Micah Davis, Wardsville.

Senator Libla introduced to the Senate, Eagle Scout Johnathan Wayne, and his mother, Melissa; and Eagle Scout Christian McDaniel, and his parents Christy and Carl, Kennett.

Senator Munzlinger introduced to the Senate, Warren Barge, Kansas City; Logan Cusick, Gower; Jacob Hall, Marshall; Madison Horstmeier, Eolia; Elizabeth Lincoln, Whitewater; Sarah McCord, California; Samantha Mudd, Silex; Joshua Raben, Diamond; Andi Riley and Taylor Riley, Jefferson City; Lydia Rockers, Carthage; Kayla Taylor, Leeton; Taylor Thiessen, Columbia; and Hunter Todd, Centerview, representatives of the 4-H Legislative Academy.

Senator Onder introduced to the Senate, Cub Scout Pack #358, Wentzville.

On motion of Senator Kehoe, the Senate adjourned under the rules.

## SENATE CALENDAR

---

TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 20, 2018

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1001-Hegeman  
SB 1002-Hegeman  
SB 1003-Wasson, et al  
SB 1004-Schupp  
SB 1005-Sifton  
SB 1006-Cunningham

SB 1007-Kehoe  
SB 1008-Riddle  
SB 1009-Rowden  
SB 1010-Rowden  
SB 1011-Crawford

## HOUSE BILLS ON SECOND READING

HB 1484-Brown (57)	HB 1367-Basye
HB 1769-Mathews	HB 1420-Pfautsch
HB 1504-Reiboldt	HCS for HB 1930
HCS for HB 1617	HB 1620-Rehder
HB 1665-Swan	HB 1389-Fitzpatrick
HJR 59-Brown (57)	HB 1460-Evans
HB 1744-Hansen	HB 1409-Fitzpatrick
HB 1880-Trent	HCS for HB 1685
HB 1492-Lynch	HCS for HB 1690
HCS for HB 1286	HB 1598-Fraker
HCS for HB 1411	HB 1650-Cornejo
HCS for HB 1605	HB 1329-Remole
HB 1446-Eggleston	HB 1371-Sommer
HB 1350-Smith (163)	HB 1421-Pfautsch
HB 1415-Lauer	HCS for HB 1455
HCS for HB 1370	HCS for HB 1606
HB 1267-Lichtenegger	HCS for HB 1940
HB 1691-Miller	HB 1291-Henderson
HB 1838-Bernskoetter	HB 1858-Christofanelli
HB 1413-Taylor	HB 1630-Evans
HCS for HB 1653	HCS for HB 1796
HCS for HB 1251	HCS for HB 1710
HCS for HB 1879	HB 1608-Kelly (141)
HB 1859-Rhoads	

## THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

- |                                  |                                 |
|----------------------------------|---------------------------------|
| 1. SB 597-Riddle                 | 7. SB 907-Kehoe, with SCS       |
| 2. SB 826-Sater, with SCS        | 8. SB 574-Wallingford, with SCS |
| 3. SB 625-Cierpiot               | 9. SB 591-Hegeman, with SCS     |
| 4. SB 599-Schatz                 | 10. SB 644-Cunningham, with SCS |
| 5. SBs 555 & 609-Brown, with SCS | 11. SB 832-Rowden, with SCS     |
| 6. SB 912-Rowden, with SCS       | 12. SB 786-Schupp               |

- |  |  |
|--|--|
| 13. SB 918-Munzlinger, with SCS        | 26. SB 600-Schatz, with SCS            |
| 14. SB 787-Curls, with SCS             | 27. SB 769-Cunningham, with SCS        |
| 15. SB 951-Crawford                    | 28. SB 860-Koenig, with SCS            |
| 16. SBs 632 & 675-Dixon, with SCS      | 29. SB 592-Hegeman, with SCS           |
| 17. SB 806-Crawford                    | 30. SB 774-Munzlinger                  |
| 18. SB 882-Hoskins                     | 31. SB 752-Schatz, with SCS            |
| 19. SB 681-Hummel                      | 32. SB 861-Hegeman, with SCS           |
| 20. SB 695-Wallingford                 | 33. SB 596-Riddle, with SCS            |
| 21. SBs 603, 576 & 898-Onder, with SCS | 34. SB 849-Kehoe and Schupp, with SCS  |
| 22. SB 813-Riddle, with SCS            | 35. SBs 617, 611 & 667-Eigel, with SCS |
| 23. SB 793-Wallingford                 | 36. SB 674-Koenig                      |
| 24. SB 727-Emery                       | 37. SB 767-Hoskins, with SCS           |
| 25. SB 848-Riddle                      | 38. SB 881-Eigel                       |

### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| SB 546-Munzlinger, with SS & SA 1 (pending)   | SB 598-Riddle, with SCS                       |
| SB 547-Munzlinger, with SCS   | SB 602-Onder, with SCS                        |
| SB 550-Wasson, with SCS   | SB 608-Hoskins                                |
| SB 552-Dixon, with SS (pending)   | SB 612-Koenig, with SCS                       |
| SB 561-Sater, with SA 1 (pending)   | SB 663-Schatz, with SCS (pending)             |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                           | SB 705-Riddle                                 |
| SB 590-Hegeman, with SCS, SS for SCS, SA 1,<br>SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1<br>(pending) | SB 730-Wallingford, with SCS & SA 1 (pending) |
|   | SB 751-Schatz                                 |
|   | SB 818-Brown                                  |

### CONSENT CALENDAR

#### Senate Bills

Reported 2/15

- |                        |                               |
|------------------------|-------------------------------|
| SB 892-Walsh, with SCS | SB 909-Dixon                  |
| SB 631-Wasson          | SBs 946 & 947-Dixon, with SCS |

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 20, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Determine that the thing can and shall be done, and then we shall find the way.” (Abraham Lincoln)

Lord, we are so mindful that there are many challenges that continue to face us this session, so we pray that You might give us the wisdom and discernment to continue to decide what is truly important and must be done. Then help us find ways for us to work together so that they get done by us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Schatz offered Senate Resolution No. 1374, regarding Richard Davies “Dick” Juenger, Chesterfield, which was adopted.

Senator Schaaf offered Senate Resolution No. 1375, regarding the Fiftieth Wedding Anniversary of Mike and Loretta Prussman, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 1376, regarding the Fiftieth Wedding Anniversary of Don and Nancy Huffman, St. Joseph, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1377, regarding the Sixty-fifth Wedding Anniversary of Bill and Betty Richard, Bowling Green, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Curls offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 45**

Relating to designating the third week in June as Pollinator Week.

WHEREAS, pollinators include birds, bats, butterflies, moths, flies, beetles, wasps, and most importantly bees; and

WHEREAS, the diversity of pollinators is necessary for the maintenance of a healthy, diverse ecosystem; and

WHEREAS, pollinators have an essential role in agriculture in Missouri, and help to produce a robust food supply; and

WHEREAS, pollinators are responsible for pollinating nearly one-third of every bite of food individuals consume; and

WHEREAS, it is in the strong economic interest of agricultural producers and consumers in Missouri as well as the United States to help ensure a hearty, sustainable pollinator population; and

WHEREAS, the honey bee is Missouri’s state insect, and plays a significant role in pollination in the state; and

WHEREAS, these invaluable creatures are facing possible declines across the United States; and

WHEREAS, Pollinator Week recognizes the partnership role that pollinators play in agriculture and stable ecosystems, and increases awareness about the import role of pollinators:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate the third week of June as "Pollinator Week" in Missouri to recognize the important role pollinators play in maintaining healthy, diverse ecosystems and productive agricultural lands. The citizens of the state of Missouri are encouraged to participate in appropriate activities and events to increase awareness and habitat for the significant declining pollinator population; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send a properly inscribed copy of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

**INTRODUCTION OF BILLS**

The following Bill was read the 1st time and ordered printed:

**SB 1012**—By Sater.

An Act to repeal section 190.335, RSMo, and to enact in lieu thereof one new section relating to emergency service boards.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Richard.

## REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 909**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

## SENATE BILLS FOR PERFECTION

Senator Koenig moved that **SB 612**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 612**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 612

An Act to amend chapters 135 and 166, RSMo, by adding thereto ten new sections relating to educational scholarships, with penalty provisions and a contingent effective date.

Was taken up.

Senator Koenig moved that **SCS** for **SB 612** be adopted.

Senator Koenig offered **SS** for **SCS** for **SB 612**, entitled:

### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 612

An Act to amend chapters 135, 166, and 167, RSMo, by adding thereto thirteen new sections relating to alternative education options for elementary and secondary education students, with penalty provisions and a contingent effective date.

Senator Koenig moved that **SS** for **SCS** for **SB 612** be adopted.

Senator Holsman offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 612, Page 7, Section 135.714, Line 14, by striking the word “and”; and further amend line 15 by inserting after the word “students” the following: “; **and**

**(3) Financial impact of the program to local school districts and the state”**; and

Further amend said bill, section 160.840, page 10, line 12 by inserting after “168.011” the following: “**or section 168.221**”; and

Further amend said bill, section 160.840, page 13, lines 6-9, by striking all of said lines and inserting in lieu thereof the following:

**“(2) Subject to the provisions of subsection 2 of section 169.324, subsection 16 of section 169.460, and section 169.560, regarding hour, day, and compensation limits, a teacher receiving retirement**

**benefits under chapter 169 may be employed in an”;** and

Further amend said bill, pages 24-25, Section B, by striking all of said section and inserting in lieu thereof the following:

“Section B. This act shall become effective on July first following the school year in which the amount appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the amount necessary to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031. The department of elementary and secondary education shall inform the revisor of statutes when the amount appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the amount necessary to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031.”.

Senator Holsman moved that the above amendment be adopted.

Senator Chappelle-Nadal offered **SA 1 to SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 612, Page 1, Line 5, by inserting after all of said line the following:

“Further amend said bill, section 160.840, page 8, line 8, by inserting after the word “district” the following: **“or any school district located in whole or in part within a county with a charter form of government and with more than nine hundred fifty thousand inhabitants”;** and”.

Senator Chappelle-Nadal moved that **SA 1 to SA 1** be adopted, which motion prevailed.

**SA 1**, as amended, was again taken up.

Senator Holsman moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 612, Page 4, Section 135.713, Line 2 of said page, by inserting at the end of said line the following: **“All tax credits authorized under the program are subject to appropriation by the general assembly.”.**

Senator Schupp moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Curls, Rizzo, Sifton and Walsh.

Senator Onder assumed the Chair.

At the request of Senator Koenig, **SB 612**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

**SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 1246**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

### **SENATE BILLS FOR PERFECTION**

Senator Riddle moved that **SB 597** be taken up for perfection, which motion prevailed.

Senator Riddle offered **SS** for **SB 597**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE BILL NO. 597**

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to chiropractic services.

Senator Riddle moved that **SS** for **SB 597** be adopted.

Senator Rowden assumed the Chair.

Senator Sater offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 597, Page 3, Section 208.152, Line 20, by inserting after “(7)” the following: “**Up to twenty visits per year for services limited to**”.

Senator Sater moved that the above amendment be adopted, which motion prevailed.

Senator Riddle moved that **SS** for **SB 597**, as amended, be adopted, which motion prevailed.

On motion of Senator Riddle, **SS** for **SB 597**, as amended, was declared perfected and ordered printed.

### **RESOLUTIONS**

Senator Sater offered Senate Resolution No. 1378, regarding Cathy Arnold, Cassville, which was adopted.

Senator Eigel offered Senate Resolution No. 1379, regarding the One Hundredth Birthday of Dorothy S. Barklage, St. Charles, which was adopted.

Senator Crawford offered Senate Resolution No. 1380, regarding Lydia Eason, which was adopted.

Senator Curls offered Senate Resolution No. 1381, regarding Shirley’s Kitchen Cabinet, which was adopted.

Senator Brown offered Senate Resolution No. 1382, regarding the Sixty-fifth Anniversary of the James Memorial Public Library, St. James, which was adopted.

Senator Brown offered Senate Resolution No. 1383, regarding Rosalie Spencer, Rolla, which was adopted.

Senator Nasheed offered Senate Resolution No. 1384, regarding Royal Vagabonds Foundation, which was adopted.

### **COMMUNICATIONS**

Senator Chappelle-Nadal submitted the following:

February 20, 2018

Adriane Crouse, Secretary of the Senate  
Missouri State Senate  
State Capitol Building, Room 325  
Jefferson City, MO 65101

Dear Secretary Crouse:

Pursuant to Senate Rule 45, please remove the SCS/SB 892 from the Consent Calendar and return such to the Health and Pensions committee.

*"Why would I put her back on, I have the support of my caucus?"* Gina Walsh, Minority Leader Missouri Senate.

I love America. The United States is the reason a woman of African and Latin roots born and bred in the American spirit has a seat in the Missouri Senate. My American ancestor Abraham Lincoln said: "To sin by silence when they should protest makes cowards of men." Who among you has not said something in anger, in the passion of the moment? I accepted my punishment but do not accept a double standard. Too many Americans have given their lives fighting for equality and justice. It would be un-American for me to be silent when a man promoting violence suffers no consequences; his leadership protecting him like a warm blanket. I find myself cast out in the cold by a Judas Dixiecrat. In this moment, *Invictus*, gives me solace, "In the fell clutch of circumstance I have not winced nor cried aloud. Under the bludgeoning's of chance my head is bloody, but unbowed. It matters not how strait the gate, how charged with punishments the scroll, I am the master of my fate, I am the captain of my soul." No matter what you do to me, I will never give up the fight for progressive Democratic values. I ask you to remove the SCS/SB 892 from the Consent Calendar, as it calls for prosecuting attorneys to receive full time privileges, while I am denied the full benefits of my position. It is in the best interest and reputation of this body I speak out against this double standard.

Sincerely,



MARIA CHAPPELLE-NADAL

State Senator, District 14

### INTRODUCTION OF GUESTS

Senator Schatz introduced to the Senate, the Physician of the Day, Dr. Kyle Ostrom, Labadie.

Senator Schupp introduced to the Senate, Jim and Lynda Cain, Creve Coeur.

Senator Cunningham introduced to the Senate, Joyce Harmon, Kay Jones, Barbara Coan, Mark Coan, Angela Mayer and Karen Gore.

Senator Wallingford introduced to the Senate, Beth Lincoln, 4-H Legislative Academy, Bollinger County.

Senator Munzlinger introduced to the Senate, Madison Horstmeier, 4-H Legislative Academy, Eolia.

On behalf of Senator Richard, the President introduced to the Senate, Josh Raben, 4-H Legislative Academy, Diamond.

Senator Kehoe introduced to the Senate, Andi and Riley Taylor, 4-H Legislative Academy, Jefferson City.

Senator Crawford introduced to the Senate, Warren Barge, 4-H Legislative Academy, Liberty.

Senator Cunningham introduced to the Senate, Jack and Bonita Barnett, Wright County.

On motion of Senator Kehoe, the Senate adjourned under the rules.

### SENATE CALENDAR

---

TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 21, 2018

---

### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1001-Hegeman

SB 1002-Hegeman

SB 1003-Wasson, et al  
SB 1004-Schupp  
SB 1005-Sifton  
SB 1006-Cunningham  
SB 1007-Kehoe

SB 1008-Riddle  
SB 1009-Rowden  
SB 1010-Rowden  
SB 1011-Crawford  
SB 1012-Sater

#### HOUSE BILLS ON SECOND READING

HB 1484-Brown (57)  
HB 1769-Mathews  
HB 1504-Reiboldt  
HCS for HB 1617  
HB 1665-Swan  
HJR 59-Brown (57)  
HB 1744-Hansen  
HB 1880-Trent  
HB 1492-Lynch  
HCS for HB 1286  
HCS for HB 1411  
HCS for HB 1605  
HB 1446-Eggleston  
HB 1350-Smith (163)  
HB 1415-Lauer  
HCS for HB 1370  
HB 1267-Lichtenegger  
HB 1691-Miller  
HB 1838-Bernskoetter  
HB 1413-Taylor  
HCS for HB 1653  
HCS for HB 1251  
HCS for HB 1879  
HB 1859-Rhoads

HB 1367-Basye  
HB 1420-Pfautsch  
HCS for HB 1930  
HB 1620-Rehder  
HB 1389-Fitzpatrick  
HB 1460-Evans  
HB 1409-Fitzpatrick  
HCS for HB 1685  
HCS for HB 1690  
HB 1598-Fraker  
HB 1650-Cornejo  
HB 1329-Remole  
HB 1371-Sommer  
HB 1421-Pfautsch  
HCS for HB 1455  
HCS for HB 1606  
HCS for HB 1940  
HB 1291-Henderson  
HB 1858-Christofanelli  
HB 1630-Evans  
HCS for HB 1796  
HCS for HB 1710  
HB 1608-Kelly (141)

#### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

1. SB 826-Sater, with SCS
2. SB 625-Cierpiot

3. SB 599-Schatz
4. SBs 555 & 609-Brown, with SCS

- |  |  |
|--|--|
| 5. SB 912-Rowden, with SCS             | 22. SB 793-Wallingford                 |
| 6. SB 907-Kehoe, with SCS              | 23. SB 727-Emery                       |
| 7. SB 574-Wallingford, with SCS        | 24. SB 848-Riddle                      |
| 8. SB 591-Hegeman, with SCS            | 25. SB 600-Schatz, with SCS            |
| 9. SB 644-Cunningham, with SCS         | 26. SB 769-Cunningham, with SCS        |
| 10. SB 832-Rowden, with SCS            | 27. SB 860-Koenig, with SCS            |
| 11. SB 786-Schupp                      | 28. SB 592-Hegeman, with SCS           |
| 12. SB 918-Munzlinger, with SCS        | 29. SB 774-Munzlinger                  |
| 13. SB 787-Curls, with SCS             | 30. SB 752-Schatz, with SCS            |
| 14. SB 951-Crawford                    | 31. SB 861-Hegeman, with SCS           |
| 15. SBs 632 & 675-Dixon, with SCS      | 32. SB 596-Riddle, with SCS            |
| 16. SB 806-Crawford                    | 33. SB 849-Kehoe and Schupp, with SCS  |
| 17. SB 882-Hoskins                     | 34. SBs 617, 611 & 667-Eigel, with SCS |
| 18. SB 681-Hummel                      | 35. SB 674-Koenig                      |
| 19. SB 695-Wallingford                 | 36. SB 767-Hoskins, with SCS           |
| 20. SBs 603, 576 & 898-Onder, with SCS | 37. SB 881-Eigel                       |
| 21. SB 813-Riddle, with SCS            |  |

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| SB 546-Munzlinger, with SS & SA 1<br>(pending)  | SB 598-Riddle, with SCS                                 |
| SB 547-Munzlinger, with SCS   | SB 602-Onder, with SCS                                  |
| SB 550-Wasson, with SCS   | SB 608-Hoskins  |
| SB 552-Dixon, with SS (pending)   | SB 612-Koenig, with SCS, SS for SCS & SA 2<br>(pending) |
| SB 561-Sater, with SA 1 (pending)   | SB 663-Schatz, with SCS (pending)                       |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                           | SB 705-Riddle   |
| SB 590-Hegeman, with SCS, SS for SCS, SA 1,<br>SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1<br>(pending) | SB 730-Wallingford, with SCS & SA 1<br>(pending)        |
|   | SB 751-Schatz   |
|   | SB 818-Brown  |

#### CONSENT CALENDAR

#### Senate Bills

Reported 2/15

SB 631-Wasson

SBs 946 & 947-Dixon, with SCS

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

To be Referred

SCR 45-Curls

✓



# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 21, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Rules are not necessarily sacred, principles are.” (Franklin D. Roosevelt)

Lord, we pray for clarity of what we truly believe so that we may have the decisiveness to take our stand on those things that come before us. And may we, Lord, have the courage to take the action that will work for those things that will have the most positive and greatest impact on our people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Dixon offered Senate Resolution No. 1385, regarding Stephanie Young, Springfield, which was adopted.

Senator Sater offered Senate Resolution No. 1386, regarding John Willis, which was adopted.

Senator Richard offered Senate Resolution No. 1387, regarding the Seventy-fifth Anniversary of the National Federation of Independent Business, which was adopted.

The Senate observed a moment of silence for the passing of Reverend Billy Graham.

## INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

**SB 1013**—By Hoskins.

An Act to repeal section 313.800, RSMo, and to enact in lieu thereof eight new sections relating to sports wagering, with penalty provisions.

**SB 1014**—By Schupp.

An Act to amend chapter 573, RSMo, by adding thereto one new section relating to the offense of nonconsensual dissemination of private sexual images, with penalty provisions.

**SB 1015**—By Wieland.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for contributions to diaper banks.

**SB 1016**—By Wieland.

An Act to repeal sections 376.421 and 376.775, RSMo, and to enact in lieu thereof two new sections relating to health insurance.

**SB 1017**—By Wieland.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the supplemental nutrition assistance program.

**SB 1018**—By Hegeman.

An Act to amend chapter 266, RSMo, by adding thereto one new section relating to the regulation of agricultural inputs.

**SB 1019**—By Eigel.

An Act to repeal section 227.100, RSMo, and to enact in lieu thereof one new section relating to valuation of bids for state contracts.

**SB 1020**—By Crawford.

An Act to repeal sections 58.095 and 193.145, RSMo, and to enact in lieu thereof three new sections relating to coroners.

## **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 597**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Richard assumed the Chair.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following report:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 840**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schaaf, Chairman of the Committee on Health and Pensions, submitted the following reports:

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 660**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 892**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hegeman, Chairman of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 757**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 909**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 871**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Parson assumed the Chair.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

## **RESOLUTIONS**

Senator Wieland offered Senate Resolution No. 1388, regarding the Fiftieth Wedding Anniversary of

C. Michael and Patricia Devlin, Barnhart, which was adopted.

Senator Walsh offered Senate Resolution No. 1389, regarding Black History Month, which was adopted.

### **HOUSE BILLS ON SECOND READING**

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**HB 1484**—Progress and Development.

**HB 1769**—Judiciary and Civil and Criminal Jurisprudence.

**HB 1504**—Veterans and Military Affairs.

**HCS for HB 1617**—General Laws.

**HB 1665**—Education.

**HJR 59**—Progress and Development.

**HB 1744**—Education.

**HB 1880**—Commerce, Consumer Protection, Energy and the Environment.

**HB 1492**—Veterans and Military Affairs.

**HCS for HB 1286**—Commerce, Consumer Protection, Energy and the Environment.

**HCS for HB 1411**—Transportation, Infrastructure and Public Safety.

**HCS for HB 1605**—Rules, Joint Rules, Resolutions and Ethics.

**HB 1446**—Local Government and Elections.

**HB 1350**—Seniors, Families and Children.

**HB 1415**—Education.

**HCS for HB 1370**—Education.

**HB 1267**—Education.

**HB 1691**—Commerce, Consumer Protection, Energy and the Environment.

**HB 1838**—General Laws.

**HB 1413**—General Laws.

**HCS for HB 1653**—Government Reform.

**HCS for HB 1251**—Insurance and Banking.

**HCS for HB 1879**—Insurance and Banking.

**HB 1859**—Transportation, Infrastructure and Public Safety.

**HB 1367**—Professional Registration.

**HB 1420**—Education.

**HCS for HB 1930**—General Laws.

**SECOND READING OF CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 45**—Rules, Joint Rules, Resolutions and Ethics.

**SENATE BILLS FOR PERFECTION**

Senator Sater moved that **SB 826**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 826**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 826**

An Act to repeal section 195.070, RSMo, and to enact in lieu thereof two new sections relating to the disposal of unused controlled substances, with an emergency clause for a certain section.

Was taken up.

Senator Sater moved that **SCS for SB 826** be adopted.

Senator Sater offered **SS for SCS for SB 826**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 826**

An Act to repeal sections 195.010, 195.070, 195.080, and 338.010, RSMo, and to enact in lieu thereof five new sections relating to pharmacy, with an emergency clause for a certain section.

Senator Sater moved that **SS for SCS for SB 826** be adopted.

Senator Holsman offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, Page 22, Section 195.265, Line 17, by inserting after all of said line the following:

**“195.548. 1. For purposes of sections 195.548 to 195.570, the following terms mean:**

**(1) “Administer”, the direct application of marijuana to a qualifying patient by way of any of the following methods:**

- (a) Ingestion of capsules, teas, oils, and other marijuana-infused products;**
- (b) Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;**
- (c) Application of ointments or balms;**
- (d) Transdermal patches and suppositories;**
- (e) Consuming marijuana-infused food products; or**
- (f) Any other method recommended by a qualifying patient’s physician;**
- (2) “Department”, the department of health and senior services, or its successor agency;**
- (3) “Entity”, a natural person, corporation, professional corporation, nonprofit corporation,**

cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other entity;

(4) “Flowering plant”, a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest;

(5) “Marijuana”, *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp;

(6) “Marijuana-infused products”, products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrates;

(7) “Medical marijuana cultivation facility”, a facility licensed by the department to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility;

(8) “Medical marijuana dispensary facility”, a facility licensed by the department to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in sections 195.548 to 195.570 to a qualifying patient, a primary caregiver, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility;

(9) “Medical marijuana-infused products manufacturing facility”, a facility licensed by the department to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana-infused products manufacturing facility;

(10) “Medical marijuana testing facility”, a facility certified by the department to acquire, test, certify, and transport marijuana;

(11) “Medical use”, the production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient’s qualifying medical condition;

(12) “Physician”, an individual who is licensed and in good standing to practice medicine or osteopathy under chapter 334;

(13) “Physician certification”, a document, whether handwritten, electronic, or in another commonly used format, signed by a physician and stating that, in the physician’s professional opinion, the patient suffers from a qualifying medical condition;

(14) “Primary caregiver”, an individual twenty-one years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver’s application for an identification card under sections 195.548 to 195.570 or

in other written notification to the department;

(15) “Qualifying medical condition”, the condition of, symptoms related to, or side effects from the treatment of:

(a) Cancer;

(b) Epilepsy;

(c) Glaucoma;

(d) Intractable migraines unresponsive to other treatments;

(e) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including, but not limited to, those associated with multiple sclerosis, seizures, Parkinson’s disease, and Tourette’s syndrome;

(f) Debilitating psychiatric disorders, including, but not limited to, post traumatic stress disorder, if diagnosed by a state-licensed psychiatrist;

(g) Human immunodeficiency virus or acquired immune deficiency syndrome;

(h) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;

(I) Any terminal illness; or

(j) In the professional judgment of a physician, any other chronic, debilitating, or otherwise equivalent medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn’s disease, Huntington’s disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer’s disease, cachexia, and wasting syndrome;

(16) “Qualifying patient”, a Missouri resident diagnosed with at least one qualifying medical condition.

195.550. 1. In carrying out the implementation of sections 195.548 to 195.570, the department shall have the authority to:

(1) Grant or refuse state licenses and certifications for the cultivation, manufacture, dispensation, sale, testing, tracking, and transportation of marijuana for medical use; suspend, fine, restrict, or revoke such licenses upon a violation of sections 195.548 to 195.570 or a rule promulgated under said sections; and impose any administrative penalty authorized by sections 195.548 to 195.570 or any rule promulgated under said sections;

(2) Promulgate rules and emergency rules necessary for the proper regulation and control of the cultivation, manufacture, dispensation, and sale of marijuana for medical use and for the enforcement of sections 195.548 to 195.570; provided, that patient access is not restricted unreasonably and such rules are reasonably necessary for patient safety or to restrict access to only licensees and qualifying patients;

**(3) Develop such forms, certificates, licenses, identification cards, and applications as are necessary for, or reasonably related to, the administration of sections 195.548 to 195.570 or any of the rules promulgated under said sections;**

**(4) Require a seed-to-sale tracking system that tracks medical marijuana from either the seed or immature plant stage until the medical marijuana or medical marijuana-infused product is sold to a qualifying patient or primary caregiver to ensure that no medical marijuana grown by a medical marijuana cultivation facility or manufactured by a medical marijuana-infused products manufacturing facility is sold or otherwise transferred except by a medical marijuana dispensary facility. The department shall certify, if possible, at least two commercially available systems to license as compliant with its tracking standards and issue standards for the creation or use of other systems by licensees;**

**(5) Issue standards for the secure transportation of marijuana and marijuana-infused products. The department shall certify entities that demonstrate compliance with its standards to transport marijuana and marijuana-infused products to a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another entity with a transportation certification. The department shall develop or adopt from any other governmental agency such safety and security standards as are reasonably necessary for the transportation of marijuana. Any entity licensed or certified under sections 195.548 to 195.570 shall be allowed to transport marijuana and marijuana-infused products;**

**(6) Charge a fee not to exceed five thousand dollars for any certification issued under sections 195.548 to 195.570;**

**(7) Prepare and transmit annually a publicly available report accounting to the governor for the efficient discharge of all responsibilities assigned to the department under sections 195.548 to 195.570; and**

**(8) Establish a system to numerically score competing medical marijuana licensee and certificate applicants in cases when more applicants apply than the minimum number of licenses or certificates as calculated under sections 195.548 to 195.570. Scoring shall be limited to an analysis of the following:**

**(a) The character, veracity, background, qualifications, and relevant experience of principal officers or managers;**

**(b) The business plan proposed by the applicant which, in the case of medical marijuana cultivation facilities and dispensaries facilities, shall include the ability to maintain an adequate supply of marijuana, as well as plans to ensure the safety and security of qualifying patients and the community, procedures to be used to prevent diversion, and any plans for making marijuana available to low-income qualifying patients;**

**(c) Site security;**

**(d) Experience in a legal marijuana environment;**

**(e) Experience of personnel, in the case of medical marijuana testing facilities, with testing**



marijuana, food, or drugs for toxins or potency, as well as health care experience;

(f) Capacity or experience, in the case of medical marijuana cultivation facilities, with agriculture, horticulture, and health care;

(g) Capacity or experience, in the case of medical marijuana dispensary facilities, with health care, the suitability of the proposed location, and patient accessibility;

(h) Capacity or experience, in the case of medical marijuana-infused products manufacturing, with food and beverage manufacturing; and

(i) Maintaining competitiveness in the marijuana for medical use market.

In ranking applicants and awarding licenses and certificates, the department may consult or contract with other public agencies with relevant expertise regarding the factors listed in this subdivision. The department shall lift or ease any limit on the number of licenses or certificate holders in order to meet the demand for marijuana for medical use by qualifying patients.

2. The department may issue any rules or emergency rules necessary for the implementation and enforcement of sections 195.548 to 195.570 and to ensure the right to, availability of, and safe use of marijuana for medical use by qualifying patients. In developing such rules or emergency rules, the department may consult with other public agencies. In addition to any other rules or emergency rules necessary to carry out the mandates of sections 195.548 to 195.570, the department may promulgate rules or emergency rules relating to the following subjects:

(1) Compliance with, enforcement of, or violation of any provision of sections 195.548 to 195.570 or any rule issued under said sections, including procedures and grounds for denying, suspending, fining, restricting, or revoking a state license issued under sections 195.548 to 195.570;

(2) Specifications of the duties of officers and employees of the department;

(3) Instructions or guidance for local authorities and law enforcement officers;

(4) Requirements for inspections, investigations, searches, seizures, and such additional enforcement activities as may become necessary from time to time;

(5) Creation of a range of administrative penalties for use by the department;

(6) Prohibition of misrepresentation and unfair practices;

(7) Control of informational and product displays on licensed premises; provided, that the rules shall not prevent or unreasonably restrict appropriate signs on the property of the medical marijuana dispensary facility, product display and examination by the qualifying patient or primary caregiver, listings in business directories, including phone books, listings in marijuana-related medical publications, or the sponsorship of health or not-for-profit charity or advocacy events;

(8) Development of individual identification cards for owners, officers, managers, contractors, employees, and other support staff of entities licensed or certified under sections 195.548 to 195.570, including a fingerprint-based federal and state criminal record check in accordance with U.S. P.L. 92-544, or its successor provisions, as may be required by the department prior to issuing a card and procedures to ensure that cards for new applicants are issued within fourteen days. Applicants

licensed under sections 195.548 to 195.570 shall submit fingerprints to the Missouri highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check. The Missouri highway patrol shall, if necessary, forward the fingerprints to the Federal Bureau of Investigation for the purpose of conducting a fingerprint-based criminal background check. Fingerprints shall be submitted under the provisions of section 43.543 and fees shall be paid under the provisions of section 43.530;

(9) Security requirements for any premises licensed under sections 195.548 to 195.570, including, at a minimum, lighting, physical security, video, alarm requirements, and other minimum procedures for internal control as deemed necessary by the department to properly administer and enforce the provisions of sections 195.548 to 195.570, including reporting requirements for changes, alterations, or modifications to the premises;

(10) Regulation of the storage of, warehouses for, and transportation of marijuana for medical use;

(11) Sanitary requirements, including, but not limited to, sanitary requirements for the preparation of medical marijuana-infused products;

(12) The specification of acceptable forms of picture identification that a medical marijuana dispensary facility may accept when verifying a sale;

(13) Labeling and packaging standards;

(14) Records to be kept by licensees and the required availability of the records;

(15) State licensing procedures, including procedures for renewals, reinstatements, initial licenses, and the payment of licensing fees;

(16) The reporting and transmittal of tax payments;

(17) Authorization for the department of revenue to have access to licensing information to ensure tax payment and the effective administration of sections 195.548 to 195.570; and

(18) Such other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of sections 195.548 to 195.570.

3. The department shall issue rules or emergency rules for a medical marijuana and medical marijuana-infused products independent testing and certification program for medical marijuana licenses. The rules shall require licensees to test medical marijuana using one or more impartial, independent laboratories to ensure, at a minimum, that products sold for human consumption do not contain contaminants that are injurious to health, to ensure correct labeling, and to measure potency. The department shall not require any medical marijuana or medical marijuana-infused products to be tested more than once prior to sale.

4. The department shall issue rules or emergency rules to provide for the certification of and standards for medical marijuana testing facilities, including requirements for equipment and qualifications for personnel, but shall not require certificate holders to have any federal agency licensing or have any relationship with a federally-licensed testing facility. The department shall certify, if possible, at least two entities as medical marijuana testing facilities. No medical marijuana

testing facility shall be owned by an entity under substantially common control, ownership, or management as a medical marijuana cultivation facility, medical marijuana-infused products manufacturing facility, or medical marijuana dispensary facility.

5. The department shall maintain the confidentiality of reports or other information obtained from an applicant or licensee containing any individual data, information, patient information, or records related to the licensee or its operation, including sales information, financial records, tax returns, credit reports, cultivation information, testing results, and security information and plans, or any other records that are exempt from public inspection under state or federal law. Such reports or other information may be used only for a purpose authorized by sections 195.548 to 195.570. Any information released related to patients may be used only for a purpose authorized by federal law and sections 195.548 to 195.570, including verifying that a person who presented a qualifying patient identification card to a state or local law enforcement official is lawfully in possession of such card.

6. Within one hundred and eighty days of the effective date of sections 195.548 to 195.570, the department shall make available to the public license application forms and application instructions for medical marijuana cultivation facilities, medical marijuana testing facilities, medical marijuana dispensary facilities, and medical marijuana-infused products manufacturing facilities.

7. Within one hundred and eighty days of the effective date of sections 195.548 to 195.570, the department shall make available to the public application forms and application instructions for qualifying patient, qualifying patient cultivation, and primary caregiver identification cards. Within two hundred and ten days of the effective date of sections 195.548 to 195.570, the department shall begin accepting applications for such identification cards.

8. An entity may apply to the department for and obtain a license to grow marijuana as a medical marijuana cultivation facility. Each facility in operation shall require a separate license, but multiple licenses may be utilized in a single facility. Each indoor facility utilizing artificial lighting may be limited by the department to thirty thousand square feet of flowering plant canopy space. Each outdoor facility utilizing natural lighting may be limited by the department to two thousand eight hundred flowering plants. Each greenhouse facility using a combination of natural and artificial lighting may be limited by the department, at the election of the licensee, to two thousand eight hundred flowering plants or thirty thousand square feet of flowering plant canopy space. The license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of ten thousand dollars per license application or renewal for all applicants filing an application within three years of the effective date of sections 195.548 to 195.570 and shall charge each applicant a nonrefundable fee of five thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of twenty-five thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or its successor index as published by the U.S. Department of Labor, or its successor agency. No more than three medical marijuana cultivation facility licenses shall be issued to any entity under substantially common control, ownership, or management.

9. An entity may apply to the department for and obtain a license to operate a medical marijuana dispensary facility. Each facility in operation shall require a separate license. A license shall be valid

for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or its successor index as published by the U.S. Department of Labor, or its successor agency. No more than five medical marijuana dispensary facility licenses shall be issued to any entity under substantially common control, ownership, or management.

10. An entity may apply to the department for and obtain one or more licenses to operate a medical marijuana-infused products manufacturing facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of six thousand dollars per license application or renewal for each applicant filing an application within three years of the effective date of sections 195.548 to 195.570 and shall charge each applicant a nonrefundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or its successor index as published by the U.S. Department of Labor, or its successor agency. No more than three medical marijuana-infused products manufacturing facility licenses shall be issued to any entity under substantially common control, ownership, or management.

11. Any applicant for a license authorized by sections 195.548 to 195.570 may prefile the application fee with the department beginning thirty days after the effective date of sections 195.548 to 195.570.

12. Except for good cause, a qualifying patient or his or her primary caregiver may obtain an identification card from the department to cultivate up to six flowering marijuana plants for the exclusive use of that qualifying patient. The card shall be valid for twelve months from its date of issuance and shall be renewable with the annual submittal of a new or updated physician's certification. The department shall charge an annual fee for the card of one hundred dollars, with such rate to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or its successor index as published by the U.S. Department of Labor, or its successor agency.

13. The department may set a limit on the amount of marijuana that may be purchased by or on behalf of a single qualifying patient in a thirty day period, provided that limit is not less than four ounces of dried, unprocessed marijuana, or its equivalent. Any such limit shall not apply to a qualifying patient with written certification from two independent physicians that there are compelling reasons why the qualifying patient needs a greater amount than the limit established by the department.

14. The department may set a limit on the amount of marijuana that may be possessed by or on behalf of each qualifying patient, provided that limit is not less than a sixty day supply of dried, unprocessed marijuana, or its equivalent. A primary caregiver may possess a separate legal limit for each qualifying patient under his or her care and a separate legal limit for himself or herself if the

caregiver is a qualifying patient. Qualifying patients cultivating marijuana for medical use may possess up to a ninety day supply, so long as the supply remains on property under their control. Any such limit shall not apply to a qualifying patient with written certification from two independent physicians that there are compelling reasons for additional amounts. Possession of more than the legal limit and up to twice the legal limit shall subject the possessor to department sanctions, including an administrative penalty and loss of the possessor's patient identification card for up to one year. Purposefully possessing amounts in excess of twice the legal limit shall be punishable by imprisonment of up to one year and a fine of up to two thousand dollars.

15. The department may restrict the aggregate number of licenses granted for medical marijuana cultivation facilities; provided, that the number may not be limited to fewer than one license per every one hundred thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most recent census of the United States. A decrease in the number of inhabitants in the state of Missouri after the effective date of sections 195.548 to 195.570 shall have no impact on the provisions of this subsection.

16. The department may restrict the aggregate number of licenses granted for medical marijuana-infused products manufacturing facilities; provided, that the number may not be limited to fewer than one license per every seventy thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most recent census of the United States. A decrease in the number of inhabitants in the state of Missouri after the effective date of sections 195.548 to 195.570 shall have no impact on the provisions of this subsection.

17. The department may restrict the aggregate number of licenses granted for medical marijuana dispensary facilities; provided, that the number may not be limited to fewer than twenty-four licenses in each U.S. congressional district in the state of Missouri according to the map of each of the eight congressional districts as drawn and effective on the effective date of sections 195.548 to 195.570. Any changes to the boundaries or the number of congressional districts after the effective date of sections 195.548 to 195.570 shall have no impact on the provisions of this subsection.

18. The department shall begin accepting license and certification applications for medical marijuana dispensary facilities, medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, seed-to-sale tracking systems, and transportation of marijuana no later than two hundred forty days after the effective date of sections 195.548 to 195.570. Applications for licenses under this section shall be approved or denied by the department no later than one hundred fifty days after their submission. If the department fails to carry out its nondiscretionary duty to approve or deny an application within one hundred fifty days of submission, an applicant may immediately seek a court order compelling the department to approve or deny the application.

19. Qualifying patients under sections 195.548 to 195.570 shall obtain and annually renew an identification card or cards from the department. The department shall charge a fee of twenty-five dollars per year per card with such fee to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or its successor index as published by the U.S. Department of Labor, or its successor agency. Upon receiving an application for a qualifying patient identification card or qualifying patient cultivation identification card, the department shall, within thirty days, either issue the card or provide a written

explanation for its denial. If the department fails to issue a card to an eligible qualifying patient within thirty days, then the patient's physician certification shall serve as his or her patient identification card or qualifying patient cultivation identification card for up to one year from the date of physician certification. All initial applications for or renewals of a qualifying patient identification card or qualifying patient cultivation identification card shall be accompanied by a physician certification that is less than thirty days old.

20. Primary caregivers under sections 195.548 to 195.570 shall obtain and annually renew an identification card from the department. The department shall charge a fee of twenty-five dollars per year, with such fee to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. Upon receiving an application for a primary caregiver identification card, the department shall, within thirty days, either issue the card or provide a written explanation for its denial.

21. All marijuana for medical use sold in Missouri shall be cultivated in a licensed medical marijuana cultivation facility located in Missouri.

22. All marijuana-infused products for medical use sold in the state of Missouri shall be manufactured in a medical marijuana-infused products manufacturing facility.

23. The denial of a license, license renewal, or identification card by the department shall be appealable to the administrative hearing commission, or its successor entity. Following the exhaustion of administrative review, denial of a license, license renewal, or identification card by the department shall be subject to judicial review as provided by chapter 536.

24. No elected official shall interfere directly or indirectly with the department's obligations and activities under sections 195.548 to 195.570.

25. The department shall not have the authority to apply or enforce any rule or regulation that would impose an undue burden on any one or more licensee or certificate holder or any qualifying patient, or otherwise act to undermine the purposes of sections 195.548 to 195.570.

26. The department shall promulgate rules to implement the provisions of sections 195.548 to 195.570. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

195.560. 1. A tax shall be levied upon the retail sale of marijuana for medical use sold at medical marijuana dispensary facilities within the state. The tax shall be at a rate of four percent of the retail price. The tax shall be collected by each licensed medical marijuana dispensary facility and paid to the department of revenue. After retaining no more than five percent for its actual collection costs, amounts generated by the tax levied in this section shall be deposited by the department of revenue into the Missouri Veterans' Health and Care Fund created in subsection 2 of this section. Licensed

entities making retail sales within the state shall be allowed approved credit for returns provided the tax was paid on the returned item and the purchaser was given the refund or credit.

2. There is hereby created in the state treasury the “Missouri Veterans’ Health and Care Fund” which shall consist of taxes and fees collected under sections 195.548 to 195.570. The state treasurer shall be custodian of the fund, and he or she shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. Notwithstanding any other provision of law to the contrary, any moneys remaining in the fund at the end of a biennium shall not revert to the credit of the general revenue fund. The commissioner of administration is authorized to make cash operating transfers to the fund for purposes of meeting the cash requirements of the department in advance of it receiving annual application, licensing, and tax revenue, with any such transfers to be repaid as provided by law. The fund shall be a dedicated fund and shall stand appropriated without further legislative action as follows:

(1) First, to the department, an amount necessary for the department to carry out sections 195.548 to 195.570, including repayment of any cash operating transfers, payments made through contract or agreement with other state and public agencies necessary to carry out sections 195.548 to 195.570, and a reserve fund to maintain a reasonable working cash balance for the purpose of carrying out sections 195.548 to 195.570;

(2) Next, the remainder of such funds shall be transferred to the Missouri veterans commission for health and care services for military veterans, including the following purposes: operations, maintenance and capital improvements of Missouri’s veterans homes, the Missouri service officer’s program, and other services for veterans approved by the commission, including, but not limited to, health care services, mental health services, drug rehabilitation services, housing assistance, job training, and tuition assistance to prevent homelessness. The Missouri veterans commission shall contract with other public agencies for the delivery of services beyond its expertise; and

(3) All monies from the taxes authorized under this section shall provide additional dedicated funding for the purposes enumerated in this subsection and shall not replace other dedicated funding.

3. For all retail sales of marijuana for medical use, a record shall be kept by the seller that identifies, by secure and encrypted patient number issued by the seller to the qualifying patient involved in the sale, all amounts and types of marijuana involved in the sale and the total amount of money involved in the sale, including itemizations, taxes collected, and grand total sale amounts. All such records shall be kept on the premises in a readily available format and be made available for review by the department and the department of revenue upon request. Such records shall be retained for five years from the date of the sale.

4. The tax levied under this section is separate from, and in addition to, any general state and local sales and use taxes that apply to retail sales, which shall continue to be collected and distributed as provided by chapter 144.

5. Except as authorized in this section, no additional taxes shall be imposed on the sale of marijuana for medical use.

195.565 1. Except as provided for in sections 195.548 to 195.570, the possession of marijuana in

quantities less than the limits provided for in said sections, or as established by the department, and transportation of marijuana from a medical marijuana dispensary facility to the qualifying patient's residence shall not subject the possessor to arrest, criminal or civil liability, or sanctions under Missouri law; provided, that the possessor produces on demand to the appropriate authority a valid qualifying patient identification card; a valid qualifying patient cultivation identification card; a valid physician certification while making application for an identification card; or a valid primary caregiver identification card. Production of the respective equivalent identification card or authorization issued by another state or a political subdivision of another state shall also meet the requirements of this subsection.

2. No patient shall be denied access to or priority for an organ transplant because the patient holds a qualifying patient identification card or uses marijuana for medical use.

3. A physician shall not be subject to criminal or civil liability or sanctions under Missouri law or discipline by the Missouri state board of registration for the healing arts, or its successor agency, for owning, operating, investing in, being employed by, or contracting with any entity licensed or certified under sections 195.548 to 195.570 or issuing a physician certification to a patient diagnosed with a qualifying medical condition in a manner consistent with sections 195.548 to 195.570 and legal standards of professional conduct.

4. A health care provider shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for owning, operating, investing in, being employed by, or contracting with any entity licensed or certified under sections 195.548 to 195.570 or providing health care services that involve the medical use of marijuana consistent with sections 195.548 to 195.570 and legal standards of professional conduct.

5. A medical marijuana testing facility shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for providing laboratory testing services that relate to the medical use of marijuana consistent with sections 195.548 to 195.570 and otherwise meets legal standards of professional conduct.

6. A health care provider shall not be subject to mandatory reporting requirements for the medical use of marijuana by nonemancipated qualifying patients under eighteen years of age in a manner consistent with sections 195.548 to 195.570 and with the consent of a parent or guardian.

7. A primary caregiver shall not be subject to criminal or civil liability or sanctions under Missouri law for purchasing, transporting, or administering marijuana for medical use to or by a qualifying patient or participating in the patient cultivation of up to six flowering marijuana plants per patient in a manner consistent with sections 195.548 to 195.570 and generally established legal standards of personal or professional conduct.

8. An attorney shall not be subject to disciplinary action by the state bar association or other professional licensing body for owning, operating, investing in, being employed by, contracting with, or providing legal assistance to prospective or licensed medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, qualifying patients, primary caregivers, physicians, health care



providers, or others related to an activity who or that is no longer subject to criminal penalties under state law under sections 195.548 to 195.570.

9. Actions and conduct by qualifying patients, primary caregivers, medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities licensed or registered with the department, or their employees or agents, as permitted by sections 195.548 to 195.570 and in compliance with department regulations and other standards of legal conduct, shall not be subject to criminal or civil liability or sanctions under Missouri law, except as provided for by said sections.

10. Nothing in sections 195.548 to 195.570 shall provide immunity for negligence, either common law or statutorily created, or criminal immunity for operating a vehicle, aircraft, dangerous device, or navigating a boat while under the influence of marijuana.

11. It is the public policy of the state of Missouri that contracts related to marijuana for medical use that are entered into by qualifying patients, primary caregivers, medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities and those who allow property to be used by those entities, should be enforceable. It is the public policy of the state of Missouri that no contract entered into by qualifying patients, primary caregivers, medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities, or by a person who allows property to be used for activities that are exempt from state criminal penalties under sections 195.548 to 195.570, shall be unenforceable on the basis that activities related to medical marijuana may be prohibited by federal law.

195.570. 1. Nothing in sections 195.548 to 195.570 shall permit a person to:

- (1) Consume marijuana for medical use in a jail or correctional facility;
- (2) Undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice;
- (3) Operate, navigate, or be in actual physical control of any dangerous device or motor vehicle, aircraft, or motorboat while under the influence of marijuana; or
- (4) Bring a claim against any employer, former employer, or prospective employer for wrongful discharge, discrimination, or any similar cause of action or remedy, based on the employer, former employer, or prospective employer prohibiting the employee, former employee, or prospective employee from being under the influence of marijuana while at work or disciplining the employee or former employee, up to and including termination from employment, for working or attempting to work while under the influence of marijuana.

2. No medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall be owned, in whole or in part, or have as an officer, director, board member, manager, or employee, any individual with a disqualifying felony offense. A “disqualifying felony offense” shall mean a violation of, and conviction or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the department determines that:

**(1) The person’s conviction was for the medical use of marijuana or assisting in the medical use of marijuana;**

**(2) The person’s conviction was for a nonviolent crime for which he or she was not incarcerated and that is more than five years old; or**

**(3) More than five years have passed since the person was released from parole or probation, and he or she has not been found guilty of any subsequent criminal offenses.**

**The department may consult with and rely on the records, advice, and recommendations of the attorney general and the department of public safety, or their successor entities, in applying the provisions of this subsection.**

**3. All medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility licenses, entities with medical marijuana testing facility certificates, and entities with transportation certificates shall be held by entities that are majority owned by natural persons who have been residents of the state of Missouri for at least one year prior to the application for such license or certification. Notwithstanding the forgoing, entities outside the state of Missouri may own a minority stake in such entities.**

**4. No medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall manufacture, package, or label marijuana or marijuana-infused products in a false or misleading manner. No person shall sell any product in a manner designed to cause confusion between a marijuana or marijuana-infused product and any product not containing marijuana. A violation of this subsection shall be punishable by an appropriate and proportional department sanction, up to and including loss of license.**

**5. All edible marijuana-infused products shall be sold in individual, child-resistant containers that are labeled with dosage amounts, instructions for use, and estimated length of effectiveness. All marijuana and marijuana-infused products shall be sold in containers clearly and conspicuously labeled, in a font size at least as large as the largest other font size used on the package, as containing “marijuana”, or a “marijuana-infused product”. A violation of this subsection shall subject the violator to department sanctions, including an administrative penalty.**

**6. No individual shall serve as the primary caregiver for more than three qualifying patients.**

**7. No qualifying patient shall consume marijuana for medical use in a public place. Violation of this subsection shall be subject to the penalty in section 579.015.**

**8. No person shall extract resins from marijuana using dangerous materials or combustible gasses without a medical marijuana-infused products manufacturing facility license. Violation of this prohibition shall subject the violator to department sanctions, including an administrative penalty and, if applicable, loss of their identification card or license for up to one year.**

**9. All qualifying patient cultivation shall take place in an enclosed, locked facility that is equipped with security devices that permit access only by the qualifying patient or by such patient’s primary caregiver. Two qualifying patients, who both hold valid qualifying patient cultivation identification cards, may share one enclosed and locked facility. No more than twelve patient or primary caregiver-cultivated flowering marijuana plants may be cultivated in a single enclosed and locked facility,**

except when a primary caregiver also holds a qualifying patient cultivation identification card, in which case no more than eighteen flowering marijuana plants may be cultivated in a single enclosed and locked facility.

10. No medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, medical marijuana testing facility, or entity with a transportation certification shall assign, sell, give, lease, sublicense, or otherwise transfer its license or certificate to any other entity without the express consent of the department, not to be unreasonably withheld.

11. Unless allowed by the local government, no new medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child day care center, or church. No local government shall prohibit medical marijuana cultivation facilities, medical marijuana testing facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, or entities with a transportation certification, either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in the jurisdiction. However, local governments may enact ordinances or regulations not in conflict with sections 195.548 to 195.570, or with regulations enacted under said sections, governing the time, place, and manner of such facilities in the locality. A local government may establish civil penalties for violation of an ordinance or regulations governing the time, place, manner of operation of a medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, or entity holding a transportation certification that may operate in such locality.

12. Unless superseded by federal law, a physician shall not certify a qualifying condition for a patient by any means other than providing a physician certification for the patient, whether handwritten, electronic, or in another commonly used format. A qualifying patient shall obtain a new physician certification at least annually.

13. A physician shall not issue a certification for the medical use of marijuana for a nonemancipated qualifying patient under the age of eighteen without the written consent of the qualifying patient's parent or legal guardian. The department shall not issue a qualifying patient identification card on behalf of a nonemancipated qualifying patient under the age of eighteen without the written consent of the qualifying patient's parent or legal guardian. Such card shall be issued to one of the parents or legal guardians and not directly to the patient. Only a parent or legal guardian may serve as a primary caregiver for a nonemancipated qualifying patient under the age of eighteen. Only the qualifying patient's parent or guardian shall purchase or possess medical marijuana for a nonemancipated qualifying patient under the age of eighteen. A parent or guardian shall supervise the administration of medical marijuana to a nonemancipated qualifying patient under the age of eighteen.

14. Nothing in sections 195.548 to 195.570 shall be construed as mandating health insurance coverage of medical marijuana for qualifying patient use.

15. Real and personal property used in the cultivation, manufacture, transport, testing,

**distribution, sale, and administration of marijuana for medical use or for activities otherwise in compliance with sections 195.548 to 195.570 shall not be subject to asset forfeiture solely because of that use.”; and**

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted.

Senator Onder raised the point of order that **SA 1** is out of order as it goes beyond the scope of the original bill. The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Sater moved that **SS** for **SCS** for **SB 826**, be adopted, which motion prevailed.

On motion of Senator Sater, **SS** for **SCS** for **SB 826** was declared perfected and ordered printed.

Senator Cierpiot moved that **SB 625** be taken up for perfection, which motion prevailed.

On motion of Senator Cierpiot, **SB 625** was declared perfected and ordered printed.

Senator Brown moved that **SB 818** be taken up for perfection, which motion prevailed.

On motion of Senator Brown, **SB 818** was declared and ordered printed.

Senator Schatz moved that **SB 599** be taken up for perfection, which motion prevailed.

President Pro Tem Richard assumed the Chair.

At the request of Senator Schatz, **SB 599** was placed on the Informal Calendar.

**SB 555** and **SB 609**, with **SCS**, were placed on the Informal Calendar.

Senator Rowden moved that **SB 912**, with **SCS**, be taken up for perfection, which motion prevailed.

At the request of Senator Rowden, **SB 912**, with **SCS** was placed on the Informal Calendar.

Senator Hoskins moved that **SB 608** be taken up for perfection, which motion prevailed.

Senator Hoskins offered **SS** for **SB 608**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 608

An Act to repeal section 537.349, RSMo, and to enact in lieu thereof three new sections relating to civil liability due to criminal conduct.

Senator Hoskins moved that **SS** for **SB 608** be adopted, which motion prevailed.

On motion of Senator Hoskins, **SS** for **SB 608** was declared perfected and ordered printed.

Senator Rowden moved that **SB 912**, with **SCS**, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SB 912**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 912

An Act to repeal section 173.1003, RSMo, and to enact in lieu thereof one new section relating to tuition at public higher education institutions.

Was taken up.

Senator Rowden moved that **SCS** for **SB 912** be adopted.

Senator Rowden offered **SS** for **SCS** for **SB 912**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 912

An Act to repeal section 173.1003, RSMo, and to enact in lieu thereof one new section relating to tuition at public higher education institutions.

Senator Rowden moved that **SS** for **SCS** for **SB 912** be adopted.

At the request of Senator Rowden, **SS** for **SCS** for **SB 912** was withdrawn.

Senator Rowden offered **SS No. 2** for **SCS** for **SB 912**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 912

An Act to repeal section 173.1003, RSMo, and to enact in lieu thereof one new section relating to tuition at public higher education institutions.

Senator Rowden moved that **SS No. 2** for **SCS** for **SB 912** be adopted.

Senator Schaaf offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 912, Page 1, Section 173.1003, by removing said section from the bill.

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted.

Senator Rowden raised the point order that **SA 1** is out of order as it is dilatory. The point of order was referred to the President Pro Tem.

At the request of Senator Schaaf, **SA 1** was withdrawn, rendering the point of order moot.

Senator Schaaf offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 912, Page 5, Section 173.1003, Lines 10-11, by striking all of said lines from the bill.

Senator Schaaf moved that the above amendment be adopted.

President Parson assumed the Chair.

At the request of Senator Rowden, **SS No. 2** for **SCS** for **SB 912** was withdrawn rendering **SA 2** moot.

Senator Rowden offered **SS No. 3** for **SCS** for **SB 912**, entitled:

SENATE SUBSTITUTE NO. 3 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 912

An Act to repeal section 173.1003, RSMo, and to enact in lieu thereof one new section relating to tuition at public higher education institutions.

Senator Rowden moved that **SS No. 3** for **SCS** for **SB 912** be adopted.

At the request of Senator Rowden **SB 912**, with **SCS** and **SS No. 3** for **SCS** (pending), was placed on the Informal Calendar.

At the request of Senator Kehoe, **SB 907**, with **SCS** was placed on the Informal Calendar.

Senator Wallingford moved that **SB 574**, with **SCS**, be taken up for perfection, which motion prevailed.  
**SCS** for **SB 574**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 574

An Act to repeal section 198.070, RSMo, and to enact in lieu thereof one new section relating to abuse or neglect reporting in long-term care facilities, with existing penalty provisions.

Was taken up.

Senator Wallingford moved that **SCS** for **SB 574** be adopted, which motion prevailed.

On motion of Senator Wallingford, **SCS** for **SB 574** was declared perfected and ordered printed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1247**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to diabetes awareness month.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1349**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Missouri sliced bread day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1355**, entitled:

An Act to amend chapter 590, RSMo, by adding thereto one new section relating to retired peace officers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1375**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to posttraumatic stress awareness day in Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1481**, entitled:

An Act to repeal section 382.278, RSMo, relating to certain exemptions for insurance holding companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1552**, entitled:

An Act to amend chapter 374, RSMo, by adding thereto one new section relating to professional licensure applications.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1351**, entitled:

An Act to repeal sections 210.845, 452.370, 452.747, and 454.500, RSMo, and to enact in lieu thereof four new sections relating to filing a responsive pleading in certain family law proceedings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1597**, entitled:

An Act to repeal section 194.119, RSMo, and to enact in lieu thereof one new section relating to the disposition of human remains.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1660**, entitled:

An Act to repeal sections 162.1115 and 178.550, RSMo, and to enact in lieu thereof three new sections relating to career and technical education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1663**, entitled:

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to the establishment of developmental guidance and counseling programs in schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1675**, entitled:

An Act to repeal section 162.064, RSMo, and to enact in lieu thereof one new section relating to school bus driver medical endorsements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1676**, entitled:



An Act to repeal section 302.272, RSMo, and to enact in lieu thereof one new section relating to school bus driver qualifications.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1905**, entitled:

An Act to amend chapter 305, RSMo, by adding thereto six new sections relating to abandoned aircraft.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS for SB 608**; **SS for SCS for SB 826**; **SB 625**; and **SB 818**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **REFERRALS**

President Pro Tem Richard referred **SS for SB 597** and **SB 818** to the Committee on Fiscal Oversight.

### **RESOLUTIONS**

Senator Riddle offered Senate Resolution No. 1390, regarding Corrections Officer I Stephen Arens, Martinsburg, which was adopted.

Senator Riddle offered Senate Resolution No. 1391, regarding Corrections Officer I Matthew King, Fulton, which was adopted.

Senator Hegeman offered Senate Resolution No. 1392, regarding Robert "Bob" Kelly, Savannah, which was adopted.

Senator Hegeman offered Senate Resolution No. 1393, regarding Terry Eaton, which was adopted.

Senator Hegeman offered Senate Resolution No. 1394, regarding the Sixtieth Wedding Anniversary of Robert and Donella Jobst, Pickering, which was adopted.

Senator Hegeman offered Senate Resolution No. 1395, regarding the Fiftieth Wedding Anniversary of Jerry and Esther Coffelt, Ravenwood, which was adopted.

Senator Hegeman offered Senate Resolution No. 1396, regarding the Fiftieth Wedding Anniversary of Raymond and Debbi Schmitz, Ravenwood, which was adopted.

Senator Hegeman offered Senate Resolution No. 1397, regarding the Fiftieth Wedding Anniversary of Wayne and Diane Miller, Savannah, which was adopted.

Senator Kehoe offered Senate Resolution No. 1398, regarding Ronald Mantia, St. Louis, which was adopted.

**INTRODUCTION OF GUESTS**

Senator Kehoe introduced to the Senate, Coaches Brian Ash, J. R. Simmons, Kyle Lasley, Jim Womack and Brett Skinner; Managers Ben Stockman and Remy Hanrahan; and players Grant Wood, Jacob Weirich, Gunnar See, Hayden Hirschvogel, Kade Franks, Brandon Williams, Gaven Strobel, Cole Ahrens, Reece Neighbors, Cade Galbraith, Tyler Bise, Michael Skinner, Payton Bodenshtab, Mason Hansen, Nolan Binkley, Chad Volmert, Joseph Travis, Ryan Sturm, Landon Dunlap, Justin Wood, Jack Shinkle, Tucker Schwartz and Blake Terry, members of the 2017 Class 5 State Champion Jefferson City Jays baseball team.

Senator Romine introduced to the Senate, Jason Saylor, Alexander Milosevich, Josh Reynolds, Wyatt Saylor, Bethany Loveless, Matthew Loveless, Jacob Reynolds, Jonathan Loveless, Mike Millikan and Joshua Barrett, Bloomsdale.

Senator Koenig introduced to the Senate, the Physician of the Day, Steven M. Shields, M.C. FACS, Chesterfield.

Senator Brown introduced to the Senate, representatives of the Camden County Leadership Class, Camdenton.

Senator Schaaf introduced to the Senate, Marsha and Jim Conant, St. Joseph; and representatives of the Missouri State Medical Association Alliance.

Senator Hegeman introduced to the Senate, his daughter, Heidi, and representatives of Nurse Advocacy Day.

Senator Cierpiot introduced to the Senate, President Dr. Kirk Nooks, Dr. Diana McElroy, Lasha Sanders and thirteen students from Metropolitan Community College, Longview.

Senator Onder introduced to the Senate, Jessica Kruse and Paul Gantner, representatives of the Missouri Chapter National Academy of Elder Law Attorneys.

Senator Schaaf introduced to the Senate, his daughter, Renee, and Matt Adler, Chicago.

Senator Eigel introduced to the Senate, Executive Director Mark Hollander, Molly Dempsey and representatives of Vision St. Charles.

On motion of Senator Kehoe, the Senate adjourned under the rules.

**SENATE CALENDAR**  

---

**TWENTY-NINTH DAY—THURSDAY, FEBRUARY 22, 2018**

---

**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 1001-Hegeman

SB 1002-Hegeman

SB 1003-Wasson, et al	SB 1012-Sater
SB 1004-Schupp	SB 1013-Hoskins
SB 1005-Sifton	SB 1014-Schupp
SB 1006-Cunningham	SB 1015-Wieland
SB 1007-Kehoe	SB 1016-Wieland
SB 1008-Riddle	SB 1017-Wieland
SB 1009-Rowden	SB 1018-Hegeman
SB 1010-Rowden	SB 1019-Eigel
SB 1011-Crawford	SB 1020-Crawford

## HOUSE BILLS ON SECOND READING

HB 1620-Rehder	HCS for HB 1796
HB 1389-Fitzpatrick	HCS for HB 1710
HB 1460-Evans	HB 1608-Kelly (141)
HB 1409-Fitzpatrick	HB 1247-Pike
HCS for HB 1685	HB 1349-Black
HCS for HB 1690	HB 1355-Phillips
HB 1598-Fraker	HB 1375-Ruth
HB 1650-Cornejo	HB 1481-Wiemann
HB 1329-Remole	HB 1552-Neely
HB 1371-Sommer	HB 1351-Beard
HB 1421-Pfautsch	HCS for HB 1597
HCS for HB 1455	HB 1660-Swan
HCS for HB 1606	HCS for HB 1663
HCS for HB 1940	HB 1675-Redmon
HB 1291-Henderson	HB 1676-Redmon
HB 1858-Christofanelli	HB 1905-Walker (3)
HB 1630-Evans	

## THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)	SS for SCS for SB 826-Sater
SS for SB 699-Sifton (In Fiscal Oversight)	SB 625-Cierpiot
SS for SB 597-Riddle (In Fiscal Oversight)	SB 818-Brown (In Fiscal Oversight)
SS for SB 608-Hoskins	

## SENATE BILLS FOR PERFECTION

1. SB 591-Hegeman, with SCS

2. SB 644-Cunningham, with SCS

- |  |  |
|--|--|
| 3. SB 832-Rowden, with SCS             | 20. SB 860-Koenig, with SCS            |
| 4. SB 786-Schupp                       | 21. SB 592-Hegeman, with SCS           |
| 5. SB 918-Munzlinger, with SCS         | 22. SB 774-Munzlinger                  |
| 6. SB 787-Curls, with SCS              | 23. SB 752-Schatz, with SCS            |
| 7. SB 951-Crawford                     | 24. SB 861-Hegeman, with SCS           |
| 8. SBs 632 & 675-Dixon, with SCS       | 25. SB 596-Riddle, with SCS            |
| 9. SB 806-Crawford                     | 26. SB 849-Kehoe and Schupp, with SCS  |
| 10. SB 882-Hoskins                     | 27. SBs 617, 611 & 667-Eigel, with SCS |
| 11. SB 681-Hummel                      | 28. SB 674-Koenig                      |
| 12. SB 695-Wallingford                 | 29. SB 767-Hoskins, with SCS           |
| 13. SBs 603, 576 & 898-Onder, with SCS | 30. SB 881-Eigel                       |
| 14. SB 813-Riddle, with SCS            | 31. SB 840-Rowden                      |
| 15. SB 793-Wallingford                 | 32. SB 660-Riddle                      |
| 16. SB 727-Emery                       | 33. SB 892-Walsh, with SCS             |
| 17. SB 848-Riddle                      | 34. SB 757-Schatz                      |
| 18. SB 600-Schatz, with SCS            | 35. SB 909-Dixon                       |
| 19. SB 769-Cunningham, with SCS        | 36. SB 871-Romine                      |

### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 546-Munzlinger, with SS & SA 1 (pending)   | SB 599-Schatz  |
| SB 547-Munzlinger, with SCS   | SB 602-Onder, with SCS                               |
| SB 550-Wasson, with SCS   | SB 612-Koenig, with SCS, SS for SCS & SA 2 (pending) |
| SB 552-Dixon, with SS (pending)   | SB 663-Schatz, with SCS (pending)                    |
| SBs 555 & 609-Brown, with SCS   | SB 705-Riddle  |
| SB 561-Sater, with SA 1 (pending)   | SB 730-Wallingford, with SCS & SA 1 (pending)        |
| SB 567-Cunningham, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)                        | SB 751-Schatz  |
| SB 590-Hegeman, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending) | SB 907-Kehoe, with SCS                               |
| SB 598-Riddle, with SCS   | SB 912-Rowden, with SCS & SS#3 for SCS (pending)     |

### CONSENT CALENDAR

#### Senate Bills

Reported 2/15

SB 631-Wasson

SBs 946 & 947-Dixon, with SCS

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**TWENTY-NINTH DAY—THURSDAY, FEBRUARY 22, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“O taste and see that the Lord is good; happy are those who take refuge in him.” (Psalm 34:8)

Gracious God, we are thankful that You continue to provide us with Your loving kindness so we may truly know the happiness that is there before us. Let us share this joy and happiness You have given us with those we love and may we extend Your glow of caring with those we meet this weekend and join in praise and thanksgiving in Your house of prayer. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

Senator Kehoe requested unanimous consent of the Senate to allow law enforcement officers from the Missouri State Highway Patrol to enter the Chamber with side arms, which request was granted.

The Senate observed a moment of silence for the Parkland school shooting victims and their families.

### **RESOLUTIONS**

Senators Richard and Nasheed offered Senate Resolution No. 1399, regarding the Eighty-third Birthday of Norlene Boyd, St. Louis, which was adopted.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 1021**—By Dixon and Wallingford.

An Act to repeal section 476.521, RSMo, and to enact in lieu thereof one new section relating to the judicial retirement plan.

**SB 1022**—By Dixon.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof thirteen new sections relating to unlawful discriminatory practices.

**SB 1023**—By Dixon.

An Act to repeal sections 367.031, 486.200, 486.205, 486.210, 486.215, 486.220, 486.225, 486.230, 486.235, 486.240, 486.245, 486.250, 486.255, 486.260, 486.265, 486.270, 486.275, 486.280, 486.285, 486.290, 486.295, 486.300, 486.305, 486.310, 486.315, 486.320, 486.325, 486.330, 486.335, 486.340, 486.345, 486.350, 486.355, 486.360, 486.365, 486.370, 486.375, 486.380, 486.385, 486.390, 486.395, 486.396, and 486.405, RSMo, and to enact in lieu thereof seventy-four new sections relating to notaries public, with an existing penalty provision and a delayed effective date.

**SRB 1024**—By Dixon.

An Act to repeal sections 104.620, 104.1042, 104.1054, 105.463, 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.023, 115.049, 115.155, 115.177, 115.227, 115.243, 115.247, 115.287, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.641, 181.100, 181.110, and 181.130, RSMo, and sections 105.456, 105.473, 105.485, 105.957, 105.959, 105.961, 105.963, and 105.966 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and sections 130.011, 130.021, 130.026, 130.041, 130.044, 130.046, 130.057, and 130.071 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and to enact in lieu thereof twenty-four new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions, with existing penalty provisions.

**SB 1025**—By Dixon.

An Act to repeal section 456.950, RSMo, and to enact in lieu thereof one new section relating to qualified spousal trusts.

**SB 1026**—By Nasheed, Curls and Chappelle-Nadal.

An Act to amend chapter 571, RSMo, by adding thereto two new sections relating to the purchasing of

firearms, with penalty provisions.

**SB 1027**—By Cierpiot.

An Act to amend chapter 449, RSMo, by adding thereto four new sections relating to homeowners' associations.

**SB 1028**—By Wieland.

An Act to repeal section 407.292, RSMo, and to enact in lieu thereof one new section relating to buyers of precious metals, with penalty provisions.

**SB 1029**—By Curls.

An Act to repeal section 137.720, RSMo, and to enact in lieu thereof one new section relating to the payment of county assessment costs.

**SB 1030**—By Curls.

An Act to repeal section 52.290, RSMo, and to enact in lieu thereof one new section relating to collection fees.

**SB 1031**—By Curls.

An Act to repeal section 59.170, RSMo, and to enact in lieu thereof one new section relating to recording fees.

**SB 1032**—By Wallingford.

An Act to repeal sections 8.007, 253.545, 253.550, 253.557, and 253.559, RSMo, and to enact in lieu thereof six new sections relating to facilities of historic significance.

#### **SENATE BILLS FOR PERFECTION**

Senator Munzlinger moved that **SB 546**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Munzlinger, **SS** for **SB 546** was withdrawn, rendering **SA 1** moot.

Senator Munzlinger offered **SS No. 2** for **SB 546**, entitled:

#### **SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 546**

An Act to repeal sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, and to enact in lieu thereof five new sections relating to civil procedure.

Senator Munzlinger moved that **SS No. 2** for **SB 546** be adopted.

Senator Rowden offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute No. 2 for Senate Bill No. 546, Page 2, Section 507.040, Line 2 of said page, by striking all of said line and inserting in lieu thereof the following: "**services shall not be joined with**"; and



Further amend said bill, page 4, section 507.050, line 4 of said page, by inserting at the end of said line the following: **“For actions currently pending as of the effective date of this act, a plaintiff whose claim has been found to have no county in Missouri in which venue exists, may proceed in such venue where such claim was dismissed without prejudice only when the court finds that the claim:**

- (1) Was filed in the Missouri court within the statute of limitations applicable to the claim;**
- (2) Has no proper venue in the state of Missouri; and**
- (3) Cannot be refiled in the proper state because of said state’s lack of savings statute or similar law.**

**Nothing in this subsection shall be deemed to create jurisdiction where no jurisdiction otherwise exists.”; and**

Further amend said bill, page 8, section 508.010, line 6 of said page, by inserting immediately after the word “issued” the following: **“or the county where the injury occurred that resulted in the underlying claim against the insured”.**

Senator Rowden moved that the above amendment be adopted.

Senator Sifton offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 546, Pages 1-3, Section 507.040, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above substitute amendment be adopted.

President Pro Tem Richard assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Brown	Chappelle-Nadal	Crawford	Cunningham	Curls	Eigel	Emery
Hegeman	Hoskins	Hummel	Kehoe	Koenig	Munzlinger	Nasheed
Onder	Richard	Riddle	Rizzo	Rowden	Sater	Schaaf
Schupp	Wallingford	Walsh	Wasson—25			

Absent—Senators

Cierpiot	Dixon	Libla	Romine	Schatz	Sifton	Wieland—7
----------	-------	-------	--------	--------	--------	-----------

Absent with leave—Senator Holsman—1

Vacancies—1

Senator Schaaf offered SA 1 to SSA 1 for SA 1, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No.1 for Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Bill No. 546, Page 1, Line 1 by striking said line and inserting in lieu thereof the following:

“Amend Senate Substitute No. 2 for Senate Bill No. 546, Page 3-4, Section 507.050,”

Senator Schaaf moved that the above amendment be adopted.

Senator Rowden assumed the Chair.

At the request of Senator Sifton, SSA 1 for SA 1 was withdrawn, rendering SA 1 to SSA 1 for SA 1 moot.

Senator Sifton offered SSA 2 for SA 1:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 546, Page 2, Section 507.040, Line 13, by inserting after the word “plaintiff” the following: “, **unless the court finds that joinder of the claims is necessary to avoid multiple or inconsistent liabilities against a defendant or that joinder of the claims is necessary for judicial economy**”; and further amend lines 19-20 by striking the words “if the court finds that one or more defendants are indispensable and”; and further amend line 24 by inserting after the “injured” the following: “**as to all defendants**”; and

Further amend said bill and section, page 3, lines 3-4 by striking the words “The requirements under this section are procedural”; and

Further amend said bill and page, section 507.050, lines 26-28 by striking all of said lines; and

Further amend said bill and section, page 4, lines 1-2 by striking all of said lines and inserting in lieu thereof the following: “**which venue exists upon the motion of any party. If there is no county in Missouri**”; and further amend line 4 by inserting after the word “prejudice.” the following: “**For actions currently pending as of the effective date of this act, a plaintiff whose claim has been found to have no county in Missouri in which venue exists, may proceed in such venue where such claim was dismissed without prejudice only when the court finds that the claim:**

- (1) Was filed in the Missouri court within the statute of limitations applicable to the claim;**
- (2) Has no proper venue in the state of Missouri; and**
- (3) Cannot be refiled in the proper state.**

**Nothing in this subsection shall be deemed to create jurisdiction where no jurisdiction otherwise exists.”; and**

Further amend said bill and page, section 508.010, lines 24-28 by striking all of said lines; and

Further amend said bill and section, page 5, line 1 by striking all of said line; and further renumber the remaining the subdivisions accordingly; and

Further amend said bill and section, page 6, lines 25-28 by striking all of the opening and closing

brackets and underlined words on said lines; and

Further amend said bill and section, page 7, lines 1-4 by striking all of the underlined words on said lines; and

Further amend said bill and section, page 8, line 6 by inserting after the word “issued” the following: **“or the county where the injury occurred that resulted in the underlying claim against the insured”**; and

Further amend said bill and section, page 9, lines 23-28 by striking all of said lines; and

Further amend said bill and section, page 10, lines 1-2 by striking all of said lines; and further renumber the remaining subsections accordingly; and further amend line 9 by striking the words “to the Missouri supreme court”; and

Further amend said bill, section 537.762, page 12, line 10 by inserting after all of said line the following:

**“Section 1. The provisions of this act shall only apply to causes of action filed on or after August 28, 2018.”**; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above substitute amendment be adopted.

At the request of Senator Munzlinger, **SB 546**, with **SS No. 2**, **SA 1** and **SSA 2** for **SA 1** (pending), was placed on the Informal Calendar.

### THIRD READING OF SENATE BILLS

**SS** for **SB 608**, introduced by Senator Hoskins, entitled:

#### SENATE SUBSTITUTE FOR SENATE BILL NO. 608

An Act to repeal section 537.349, RSMo, and to enact in lieu thereof three new sections relating to civil liability due to criminal conduct.

Was taken up.

On motion of Senator Hoskins, **SS** for **SB 608** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder
Richard	Riddle	Romine	Rowden	Sater	Schatz	Wallingford
Wasson	Wieland—23					

#### NAYS—Senators

Chappelle-Nadal	Curls	Hummel	Nasheed	Rizzo	Schupp	Sifton
Walsh—8						

Absent—Senator Schaaf—1

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 826**, introduced by Senator Sater, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 826

An Act to repeal sections 195.010, 195.070, 195.080, and 338.010, RSMo, and to enact in lieu thereof five new sections relating to pharmacy, with an emergency clause for a certain section.

Was taken up.

On motion of Senator Sater, **SS for SCS for SB 826** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senator Holsman—1

Vacancies—1

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 625**, introduced by Senator Cierpiot, entitled:

An Act to repeal sections 144.030 and 144.054, RSMo, and to enact in lieu thereof two new sections relating to sales and use tax exemptions.

Was taken up on a standing division vote.

Senator Cierpiot moved that **SB 625** be read the 3rd time and passed.

Senator Sifton requested that motion be reduced to writing and was joined by Senator Rizzo.

Senator Cierpiot submitted the above motion in writing, which was read.

Senator Sifton moved pursuant to Senate Rule 73, that the motion to 3rd read and pass **SB 625** be postponed until Monday, February 26, 2018, which motion was defeated.

Having voted on the prevailing side, Senator Sifton moved that the vote by which the motion to postpone debate was defeated be reconsidered, which motion failed by the following vote:

YEAS—Senators—None

NAYS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

Absent—Senator Schaaf—1

Absent with leave—Senator Holsman—1

Vacancies—1

On motion of Senator Cierpiot, **SB 625** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senator Schupp—1

Absent—Senator Schaaf—1

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Cierpiot, title to the bill was agreed to.

Senator Cierpiot moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

President Pro Tem Richard assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Wasson, Chairman of the Committee on Economic Development, submitted the following reports:

Mr. President: Your Committee on Economic Development, to which was referred **SB 865**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, to which were referred **SB 894** and **SB 921**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 743**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 780**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 800**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following reports:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 796**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 814**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which were referred **SB 627** and **SB 925**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 707**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 683**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wallingford, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 773**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 768**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Emery, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 837**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hegeman, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 704**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 870**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 893**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following

reports:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 953**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 850**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 819**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 672**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Libla, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **SB 578**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden, Chairman of the Committee on Government Reform, submitted the following report:

Mr. President: Your Committee on Government Reform, to which was referred **SB 666**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 802**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 574**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HB 1303**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden assumed the Chair.



**SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 1001**—Health and Pensions.

**SB 1002**—Local Government and Elections.

**SB 1003**—Ways and Means.

**SB 1004**—Seniors, Families and Children.

**SB 1005**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1006**—Agriculture, Food Production and Outdoor Resources.

**SB 1007**—Government Reform.

**SB 1008**—Seniors, Families and Children.

**SB 1009**—Progress and Development.

**SB 1010**—Transportation, Infrastructure and Public Safety.

**SB 1011**—Seniors, Families and Children.

**SB 1012**—Local Government and Elections.

**SB 1013**—Progress and Development.

**SB 1014**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1015**—Economic Development.

**SB 1016**—Insurance and Banking.

**SB 1017**—Seniors, Families and Children.

**SB 1018**—Agriculture, Food Production and Outdoor Resources.

**SB 1019**—Transportation, Infrastructure and Public Safety.

**SB 1020**—Professional Registration.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2044**, entitled:

An Act to repeal sections 169.020, 169.291, 169.324, 169.350, and 169.360, RSMo, and to enact in lieu thereof seven new sections relating to retirement benefits for public employees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2034**, entitled:

An Act to repeal sections 195.010, 195.017, and 196.070, RSMo, and to enact in lieu thereof fifteen new sections relating to industrial hemp, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1300**, entitled:

An Act to repeal section 306.030, RSMo, and to enact in lieu thereof one new section relating to boat title and registration fees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1572**, entitled:

An Act to repeal section 302.174, RSMo, and to enact in lieu thereof one new section relating to driver's licenses for persons who are deaf or hard of hearing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1887**, entitled:

An Act to amend chapter 442, RSMo, by adding thereto one new section relating to restrictive covenants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1366**, entitled:

An Act to repeal sections 168.133 and 304.060, RSMo, and to enact in lieu thereof two new sections relating to transportation of school children.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1998**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the comprehensive state energy plan.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### INTRODUCTION OF GUESTS

Senator Rowden introduced to the Senate, Rae Booth Jesse, State Trooper Doug McPike, Lori McPike, Matt Bronice and former Governor Roger Wilson.

Senator Nasheed introduced to the Senate, representatives of AMIKIDS, Beaumont High School, St. Louis.

Senator Emery introduced to the Senate, Calvin Brown, Jefferson City; Rev. Dusty Kline, Holts Summit; and Rev. Malcolm Duncan, England.

Senator Brown introduced to the Senate, his wife, Kathy, Rolla; and Deputy Collector Lori Daharsh, Phelps County.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, February 26, 2018.

### SENATE CALENDAR

---

THIRTIETH DAY—MONDAY, FEBRUARY 26, 2018

---

### FORMAL CALENDAR

#### SECOND READING OF SENATE BILLS

SB 1021-Dixon and Wallingford

SB 1022-Dixon

SB 1023-Dixon

SRB 1024-Dixon

SB 1025-Dixon

SB 1026-Nasheed, et al

SB 1027-Cierpiot

SB 1028-Wieland

SB 1029-Curls

SB 1030-Curls

SB 1031-Curls

SB 1032-Wallingford

#### HOUSE BILLS ON SECOND READING

HB 1620-Rehder

HB 1389-Fitzpatrick

HB 1460-Evans

HB 1409-Fitzpatrick

HCS for HB 1685

HCS for HB 1690

HB 1598-Fraker  
HB 1650-Cornejo  
HB 1329-Remole  
HB 1371-Sommer  
HB 1421-Pfautsch  
HCS for HB 1455  
HCS for HB 1606  
HCS for HB 1940  
HB 1291-Henderson  
HB 1858-Christofanelli  
HB 1630-Evans  
HCS for HB 1796  
HCS for HB 1710  
HB 1608-Kelly (141)  
HB 1247-Pike  
HB 1349-Black  
HB 1355-Phillips

HB 1375-Ruth  
HB 1481-Wiemann  
HB 1552-Neely  
HB 1351-Beard  
HCS for HB 1597  
HB 1660-Swan  
HCS for HB 1663  
HB 1675-Redmon  
HB 1676-Redmon  
HB 1905-Walker (3)  
HB 2044-Taylor  
HCS for HB 2034  
HCS for HB 1300  
HCS for HB 1572  
HB 1887-Bahr  
HCS for HB 1366  
HB 1998-Bondon

### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)  
SS for SB 699-Sifton (In Fiscal Oversight)  
SS for SB 597-Riddle (In Fiscal Oversight)

SB 818-Brown (In Fiscal Oversight)  
SCS for SB 574-Wallingford

### SENATE BILLS FOR PERFECTION

1. SB 591-Hegeman, with SCS  
2. SB 644-Cunningham, with SCS  
3. SB 832-Rowden, with SCS  
4. SB 786-Schupp  
5. SB 918-Munzlinger, with SCS  
6. SB 787-Curls, with SCS  
7. SB 951-Crawford  
8. SBs 632 & 675-Dixon, with SCS  
9. SB 806-Crawford  
10. SB 882-Hoskins  
11. SB 681-Hummel  
12. SB 695-Wallingford  
13. SBs 603, 576 & 898-Onder, with SCS

14. SB 813-Riddle, with SCS  
15. SB 793-Wallingford  
16. SB 727-Emery  
17. SB 848-Riddle  
18. SB 600-Schatz, with SCS  
19. SB 769-Cunningham, with SCS  
20. SB 860-Koenig, with SCS  
21. SB 592-Hegeman, with SCS  
22. SB 774-Munzlinger  
23. SB 752-Schatz, with SCS  
24. SB 861-Hegeman, with SCS  
25. SB 596-Riddle, with SCS  
26. SB 849-Kehoe and Schupp, with SCS

- |  |  |
|--|--|
| 27. SBs 617, 611 & 667-Eigel, with SCS | 43. SB 814-Riddle, with SCS            |
| 28. SB 674-Koenig                      | 44. SBs 627 & 925-Munzlinger, with SCS |
| 29. SB 767-Hoskins, with SCS           | 45. SB 707-Schatz, with SCS            |
| 30. SB 881-Eigel                       | 46. SB 683-Wasson                      |
| 31. SB 840-Rowden                      | 47. SB 773-Hoskins                     |
| 32. SB 660-Riddle                      | 48. SB 768-Hoskins                     |
| 33. SB 892-Walsh, with SCS             | 49. SB 837-Rowden                      |
| 34. SB 757-Schatz                      | 50. SB 704-Hegeman                     |
| 35. SB 909-Dixon                       | 51. SB 870-Hegeman                     |
| 36. SB 871-Romine                      | 52. SB 893-Sater, with SCS             |
| 37. SB 865-Kehoe                       | 53. SB 953-Sater, with SCS             |
| 38. SBs 894 & 921-Libla, with SCS      | 54. SB 850-Wallingford                 |
| 39. SB 743-Sater                       | 55. SB 672-Koenig, with SCS            |
| 40. SB 780-Curls                       | 56. SB 578-Romine                      |
| 41. SB 800-Libla                       | 57. SB 666-Onder                       |
| 42. SB 796-Koenig                      | 58. SB 802-Nasheed, with SCS           |

#### HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| SB 546-Munzlinger, with SS#2, SA 1 &<br>SSA 2 for SA 1 (pending)                                    | SB 599-Schatz   |
| SB 547-Munzlinger, with SCS   | SB 602-Onder, with SCS                                  |
| SB 550-Wasson, with SCS   | SB 612-Koenig, with SCS, SS for SCS &<br>SA 2 (pending) |
| SB 552-Dixon, with SS (pending)   | SB 663-Schatz, with SCS (pending)                       |
| SBs 555 & 609-Brown, with SCS   | SB 705-Riddle   |
| SB 561-Sater, with SA 1 (pending)   | SB 730-Wallingford, with SCS & SA 1<br>(pending)        |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                           | SB 751-Schatz   |
| SB 590-Hegeman, with SCS, SS for SCS,<br>SA 1, SSA 1 for SA 1 & SA 1 to SSA 1<br>for SA 1 (pending) | SB 907-Kehoe, with SCS                                  |
| SB 598-Riddle, with SCS   | SB 912-Rowden, with SCS & SS#3 for SCS<br>(pending)     |

CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 631-Wasson

SBs 946 & 947-Dixon, with SCS

Reported 2/22

SB 819-Cunningham

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTIETH DAY—MONDAY, FEBRUARY 26, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let the wise also hear and gain in learning, and the discerning acquire skill.” (Proverbs 1:5)

Gracious God, we are grateful for our safe arrival on this beautiful day. Help us be among those who are willing to hear Your word and gain from what we learn, especially those things that are helpful for our work here this week. Help us use our time here to benefit those who count on us. And guide our words and actions as they are a witness to what we hold as most important to us. And be with us so we can offer our very best. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 22, 2018 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Schupp offered Senate Resolution No. 1400, regarding Mary Hilton, Saint Louis, which was adopted.

Senator Schupp offered Senate Resolution No. 1401, regarding Hyun Bang, Chesterfield, which was adopted.

Senator Hoskins offered Senate Resolution No. 1402, regarding Reshelle Rucker, Warrensburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 1403, regarding Robin Grice, Warrensburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 1404, regarding Christa L. Collins, Warrensburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 1405, regarding Viedia L. Stevens, Warrensburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 1406, regarding Larry L. Stevens, Warrensburg, which was adopted.

Senator Dixon offered Senate Resolution No. 1407, regarding the death of Oral Dean Benskin, which was adopted.

Senator Onder offered Senate Resolution No. 1408, regarding Maggie Poronto, which was adopted.

Senator Sater offered Senate Resolution No. 1409, regarding Monett Main Street, which was adopted.

Senator Sater offered Senate Resolution No. 1410, regarding the death of Cynthia Patrick, Stone County, which was adopted.

## CONCURRENT RESOLUTIONS

Senator Walsh offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 46

Whereas, the Missouri Constitution outlines a process for the residents of St. Louis City and St. Louis County to vote on their governmental structure through the establishment of a Board of Freeholders by petition or appointment by the County Executive, Mayor of St. Louis, and Governor of Missouri; and

Whereas, some Missourians may seek a statewide vote on a constitutional amendment to bypass the voters of St. Louis City and St. Louis County; and

Whereas, a statewide vote on such an important matter of local government structure would set a precedent that could lead to subsequent statewide votes mandating the consolidation of counties, school districts, and other political subdivisions throughout Missouri, against the wishes of voters in those political subdivisions; and

Whereas, in 1962, the voters of Missouri overwhelmingly rejected, by a vote of 74% to 26%, a constitutional amendment to merge the governments of St. Louis and St. Louis County; and

Whereas, the appropriate way for those wishing to change the structure of St. Louis City and County government is to convince the voters of St. Louis City and County of the benefits of such changes, not to convince voters elsewhere in Missouri; and

Whereas, the St. Louis County Council, which governs the largest county in the state of Missouri with nearly one million residents, and the Board of Aldermen of the City of St. Louis, which governs the second-largest city in the state of Missouri with over 315,000 residents, should have a major voice in all discussions of St. Louis regional governance; and

Whereas, the governing bodies of all municipalities in St. Louis County should also have significant involvement in any such discussions to advance the best interests of their residents; and

Whereas, the St. Louis County Council and 57 of the 89 municipalities in St. Louis County have passed resolutions opposing a statewide vote on a constitutional amendment to change the structure of St. Louis City and County government:



Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby oppose any statewide vote or legislative mandate on governmental reorganization regarding the City of St. Louis and St. Louis County and the municipalities therein; and

Be It Further Resolved that the General Assembly does not take a position on whether St. Louis City and St. Louis County should consolidate or should otherwise change their government structure; and

Be It Further Resolved that the General Assembly supports the people of St. Louis City and St. Louis County having a productive discussion about the reorganization and/or consolidation of their governments and improving their regional governance however they best see fit.

The Senate observed a moment of silence in memory of Joaquin Oliver.

### **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 1033**—By Riddle.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to requests to terminate custody for persons in the care of the state.

**SB 1034**—By Riddle.

An Act to amend chapter 209, RSMo, by adding thereto one new section relating to a statewide hearing aid distribution program.

**SB 1035**—By Koenig.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to alternative special needs services.

**SB 1036**—By Koenig.

An Act to repeal section 144.010, RSMo, and to enact in lieu thereof one new section relating to sales and use tax exemptions.

**SB 1037**—By Wasson.

An Act to amend chapter 348, RSMo, by adding thereto nine new sections relating to an innovation fund to promote economic growth in the state of Missouri.

**SB 1038**—By Dixon.

An Act to repeal sections 21.110, 28.190, 29.280, 30.060, and 105.050, RSMo, and to enact in lieu thereof seven new sections relating to vacancies in certain public offices.

**SB 1039**—By Hegeman.

An Act to repeal sections 536.025, 536.200, and 536.205, RSMo, and to enact in lieu thereof three new sections relating to emergency rules.

**SB 1040**—By Cunningham.

An Act to repeal section 197.305, RSMo, and to enact in lieu thereof one new section relating to certificates of need.

**SENATE BILLS FOR PERFECTION**

At the request of Senator Hegeman, **SB 591**, with **SCS**, was placed on the Informal Calendar.

Senator Cunningham moved that **SB 644**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 644**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 644

An Act to repeal sections 447.562 and 447.581, RSMo, and to enact in lieu thereof two new sections relating to unclaimed property, with penalty provisions.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 644** be adopted, which motion prevailed.

President Pro Tem Richard assumed the Chair.

President Parson assumed the Chair.

On motion of Senator Cunningham, **SCS** for **SB 644** was declared perfected and ordered printed.

At the request of Senator Rowden, **SB 832**, with **SCS**, was placed on the Informal Calendar.

Senator Schupp moved that **SB 786** be taken up for perfection, which motion prevailed.

Senator Schupp offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Bill No. 786, Page 2, Section 105.055, Line 29, by striking “cannons” and inserting “**canons**”.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Onder offered **SA 2**, which was read:

**SENATE AMENDMENT NO. 2**

Amend Senate Bill No. 786, Page 4, Section 105.055, Lines 103-107, by striking all of the bold faced language.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 3**, which was read:

**SENATE AMENDMENT NO. 3**

Amend Senate Bill No. 786, Page 1, Section 105.055, Line 2, by striking the word “demotion,”.

Senator Eigel moved that the above amendment be adopted.

At the request of Senator Schupp, **SB 786**, with **SA 3** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1383**, entitled:

An Act to repeal section 188.028, RSMo, and to enact in lieu thereof one new section relating to parental notification.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1558**, entitled:

An Act to amend chapter 573, RSMo, by adding thereto two new sections relating to the offense of nonconsensual dissemination of private sexual images, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1809**, entitled:

An Act to repeal section 70.370, RSMo, and to enact in lieu thereof one new section relating to the bi-state metropolitan development district.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1268**, entitled:

An Act to repeal section 332.081, RSMo, and to enact in lieu thereof two new sections relating to dental faculty permits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS for SB 644**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**INTRODUCTION OF GUESTS**

Senator Cierpiot introduced to the Senate, Addison Schubert, Raymore.

Senator Kehoe introduced to the Senate, Jim and Irene Tergin, and their children, Mayor Carrie Tergin, Dr. Helen Tergin and her husband John Anderson, George Tergin and his wife Jennifer, and grandchildren, George Thomas Anderson and Mimi Ourania Anderson.

On motion of Senator Kehoe, the Senate adjourned under the rules.

**SENATE CALENDAR**  

---

THIRTY-FIRST DAY—TUESDAY, FEBRUARY 27, 2018

---

**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 1021-Dixon and Wallingford	SB 1031-Curls
SB 1022-Dixon	SB 1032-Wallingford
SB 1023-Dixon	SB 1033-Riddle
SRB 1024-Dixon	SB 1034-Riddle
SB 1025-Dixon	SB 1035-Koenig
SB 1026-Nasheed, et al	SB 1036-Koenig
SB 1027-Cierpiot	SB 1037-Wasson
SB 1028-Wieland	SB 1038-Dixon
SB 1029-Curls	SB 1039-Hegeman
SB 1030-Curls	SB 1040-Cunningham

**HOUSE BILLS ON SECOND READING**

HB 1620-Rehder	HB 1371-Sommer
HB 1389-Fitzpatrick	HB 1421-Pfautsch
HB 1460-Evans	HCS for HB 1455
HB 1409-Fitzpatrick	HCS for HB 1606
HCS for HB 1685	HCS for HB 1940
HCS for HB 1690	HB 1291-Henderson
HB 1598-Fraker	HB 1858-Christofanelli
HB 1650-Cornejo	HB 1630-Evans
HB 1329-Remole	HCS for HB 1796

HCS for HB 1710	HB 1676-Redmon
HB 1608-Kelly (141)	HB 1905-Walker (3)
HB 1247-Pike	HB 2044-Taylor
HB 1349-Black	HCS for HB 2034
HB 1355-Phillips	HCS for HB 1300
HB 1375-Ruth	HCS for HB 1572
HB 1481-Wiemann	HB 1887-Bahr
HB 1552-Neely	HCS for HB 1366
HB 1351-Beard	HB 1998-Bondon
HCS for HB 1597	HB 1383-Miller
HB 1660-Swan	HB 1558-Neely
HCS for HB 1663	HB 1809-Tate
HB 1675-Redmon	HCS for HB 1268

## THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)	SB 818-Brown (In Fiscal Oversight)
SS for SB 699-Sifton (In Fiscal Oversight)	SCS for SB 574-Wallingford
SS for SB 597-Riddle (In Fiscal Oversight)	SCS for SB 644-Cunningham

## SENATE BILLS FOR PERFECTION

1. SB 918-Munzlinger, with SCS	19. SB 752-Schatz, with SCS
2. SB 787-Curls, with SCS	20. SB 861-Hegeman, with SCS
3. SB 951-Crawford	21. SB 596-Riddle, with SCS
4. SBs 632 & 675-Dixon, with SCS	22. SB 849-Kehoe and Schupp, with SCS
5. SB 806-Crawford	23. SBs 617, 611 & 667-Eigel, with SCS
6. SB 882-Hoskins	24. SB 674-Koenig
7. SB 681-Hummel	25. SB 767-Hoskins, with SCS
8. SB 695-Wallingford	26. SB 881-Eigel
9. SBs 603, 576 & 898-Onder, with SCS	27. SB 840-Rowden
10. SB 813-Riddle, with SCS	28. SB 660-Riddle
11. SB 793-Wallingford	29. SB 892-Walsh, with SCS
12. SB 727-Emery	30. SB 757-Schatz
13. SB 848-Riddle	31. SB 909-Dixon
14. SB 600-Schatz, with SCS	32. SB 871-Romine
15. SB 769-Cunningham, with SCS	33. SB 865-Kehoe
16. SB 860-Koenig, with SCS	34. SBs 894 & 921-Libla, with SCS
17. SB 592-Hegeman, with SCS	35. SB 743-Sater
18. SB 774-Munzlinger	36. SB 780-Curls

- |  |                              |
|--|------------------------------|
| 37. SB 800-Libla                       | 46. SB 704-Hegeman           |
| 38. SB 796-Koenig                      | 47. SB 870-Hegeman           |
| 39. SB 814-Riddle, with SCS            | 48. SB 893-Sater, with SCS   |
| 40. SBs 627 & 925-Munzlinger, with SCS | 49. SB 953-Sater, with SCS   |
| 41. SB 707-Schatz, with SCS            | 50. SB 850-Wallingford       |
| 42. SB 683-Wasson                      | 51. SB 672-Koenig, with SCS  |
| 43. SB 773-Hoskins                     | 52. SB 578-Romine            |
| 44. SB 768-Hoskins                     | 53. SB 666-Onder             |
| 45. SB 837-Rowden                      | 54. SB 802-Nasheed, with SCS |

### HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| SB 546-Munzlinger, with SS#2, SA 1 &<br>SSA 2 for SA 1 (pending)                                    | SB 599-Schatz   |
| SB 547-Munzlinger, with SCS   | SB 602-Onder, with SCS                                  |
| SB 550-Wasson, with SCS   | SB 612-Koenig, with SCS, SS for SCS & SA 2<br>(pending) |
| SB 552-Dixon, with SS (pending)   | SB 663-Schatz, with SCS (pending)                       |
| SBs 555 & 609-Brown, with SCS   | SB 705-Riddle   |
| SB 561-Sater, with SA 1 (pending)   | SB 730-Wallingford, with SCS & SA 1<br>(pending)        |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                           | SB 751-Schatz   |
| SB 590-Hegeman, with SCS, SS for SCS, SA 1,<br>SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1<br>(pending) | SB 786-Schupp, with SA 3 (pending)                      |
| SB 591-Hegeman, with SCS  | SB 832-Rowden, with SCS                                 |
| SB 598-Riddle, with SCS   | SB 907-Kehoe, with SCS                                  |
|   | SB 912-Rowden, with SCS & SS#3 for SCS<br>(pending)     |

### CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 631-Wasson

SBs 946 & 947-Dixon, with SCS

Reported 2/22

SB 819-Cunningham

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

To be Referred

SCR 46-Walsh

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-FIRST DAY—TUESDAY, FEBRUARY 27, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“My child, give me your heart, and let your eyes observe my ways.” (Proverbs 23:26)

Heavenly Father, we pray that we will open our eyes and ears to see those about us and hear ways that we may help where we are most needed and provide support for one another as we can. Help us, Lord, use our time and energy in the most effective ways from what we have learned of You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Schupp offered Senate Resolution No. 1411, regarding the Twenty-fifth Wedding



Anniversary of Evren and Laurie Senol, Town and Country, which was adopted.

Senator Riddle offered Senate Resolution No. 1412, regarding the Ninetieth Birthday of Barbara Arnold, Troy, which was adopted.

Senator Riddle offered Senate Resolution No. 1413, regarding Kaiya Thompson, which was adopted.

The Senate observed a moment of silence in memory of Luke Hoyer.

### **INTRODUCTION OF BILLS**

The following Bills and Joint Resolution were read the 1st time and ordered printed:

**SB 1041**—By Schaaf.

An Act to amend chapter 105, RSMo, by adding thereto two new sections relating to elected official communications.

**SB 1042**—By Onder.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to concession agreements entered into by political subdivisions.

**SB 1043**—By Cierpiot.

An Act to repeal sections 26.220, 26.225, 115.239, 115.307, 115.515, and 115.517, RSMo, and to enact in lieu thereof nine new sections relating to the joint election of governor and lieutenant governor, with a contingent effective date.

**SB 1044**—By Romine.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to school administrators.

**SB 1045**—By Romine.

An Act to repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to school employee retirement systems.

**SB 1046**—By Crawford.

An Act to repeal section 455.513, RSMo, and to enact in lieu thereof one new section relating to child protection orders.

**SB 1047**—By Sater.

An Act to amend chapter 173, RSMo, by adding thereto five new sections relating to private college campus police.

**SB 1048**—By Rowden.

An Act to repeal sections 109.210 and 610.027, RSMo, and to enact in lieu thereof three new sections relating to records maintained by public bodies, with penalty provisions.

**SJR 35** —By Cierpiot.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 17 of

article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to elective state officers.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

### **RESOLUTIONS**

Senator Kehoe offered Senate Resolution No. 1414, regarding Eagle Scout Nicholas Edward Gladbach, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1415, regarding Eagle Scout Alec William Land, Jefferson City, which was adopted.

Senator Riddle offered Senate Resolution No. 1416, regarding the 2017-2018 Class One State Champion Monroe City High School Football Panthers, which was adopted.

Senator Nasheed offered Senate Resolution No. 1417, regarding the death of Almer Ruth Ridgner, St. Louis, which was adopted.

Senator Nasheed offered Senate Resolution No. 1418, regarding Cordell Michael Edwards II, which was adopted.

### **SENATE BILLS FOR PERFECTION**

At the request of Senator Munzlinger, **SB 918**, with **SCS**, was placed on the Informal Calendar.

Senator Curls moved that **SB 787**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 787**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 787**

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the Missouri senior farmers' market nutrition program.

Was taken up.

Senator Curls moved that **SCS** for **SB 787** be adopted, which motion prevailed.

On motion of Senator Curls, **SCS** for **SB 787** was declared perfected and order printed.

Senator Munzlinger moved that **SB 918**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 918**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 918**

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to working animals,

with an emergency clause.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 918** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **SB 918**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 918

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to working animals.

Senator Munzlinger moved that **SS** for **SCS** for **SB 918** be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS** for **SCS** for **SB 918** was declared perfected and order printed.

Senator Crawford moved that **SB 951** be taken up for perfection, which motion prevailed.

On motion of Senator Crawford, **SB 951** was declared perfected and order printed.

Senator Dixon moved that **SBs 632** and **675**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 632** and **675**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 632 and 675

An Act to repeal sections 135.090, 135.341, 135.562, 135.600, and 135.630, RSMo, and to enact in lieu thereof six new sections relating to tax credits for contributions to certain benevolent organizations.

Was taken up.

Senator Dixon moved that **SCS** for **SBs 632** and **675** be adopted.

President Pro Tem Richard assumed the Chair.

Senator Dixon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 632 & 675, Page 8, Section 135.600, Line 63, by striking all of said line and inserting in lieu thereof the following:

**“fiscal years beginning on or after July 1, 2014, and ending on or before June 30, 2019, and three million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019. Tax credits shall be issued in”; and**

Further amend said bill, page 12, section 135.630, line 73, by striking all of said line and inserting in lieu thereof the following:

**“beginning on or after July 1, 2014, and ending on or before June 30, 2019, and three million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019. Tax credits shall be issued in the order”; and**

Further amend said bill, said section, said page, line 78, by striking the word **“claimed”** and inserting in lieu thereof the word **“authorized”**.

Senator Dixon moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 2:**

**SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for Senate Bills Nos. 632 & 675, Page 12, Section 135.630, Line 99, by inserting after “9.” the following:

**“(1) No taxpayer shall receive a tax credit under this section for a contribution to a pregnancy resource center that does not provide medically accurate information.**

**(2) For purposes of this subsection, the term “medically accurate information” shall mean information that is:**

**(a) Verified or supported by the weight of medical research conducted in compliance with accepted scientific methods;**

**(b) Recognized as correct and objective by leading medical organizations with relevant expertise or government agencies, such as the:**

- a. American Medical Association;**
- b. American Congress of Obstetricians and Gynecologists;**
- c. American Public Health Association;**
- d. American Academy of Pediatrics;**
- e. American College of Physicians;**
- f. American Academy of Family Physicians;**
- g. Centers for Disease Control and Prevention;**
- h. Food and Drug Administration;**
- i. National Cancer Institute;**
- j. American Psychological Association; or**
- k. National Institute for Health; or**

**(c) Recommended by or affirmed in the medical practice guidelines of a nationally recognized accrediting organization, such as the:**

- a. Joint Commission on Accreditation of Healthcare Organizations (JCAHO);**
- b. National Committee for Quality Assurance (NCQA);**
- c. American Accreditation HealthCare Commission or Utilization Review Accreditation Commission (AAHC/URAC); or**
- d. Accreditation Association for Ambulatory HealthCare (AAAHC).**

**10. ”.**

Senator Schupp moved that the above amendment be adopted, which motion failed.

Senator Rowden offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 632 & 675, Page 3, Section 135.341, Line 37, by striking all of said line and inserting in lieu thereof the following:

“one million dollars [in any tax year] **for all fiscal years ending on or before June 30, 2019, and one million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019.** The amount”; and

Further amend said bill and said section, Page 4, Line 60, by inserting after the word “may” on said line the word “**not**”.

Senator Rowden moved that the above amendment be adopted, which motion prevailed.

Senator Dixon moved that **SCS** for **SBs 632** and **675**, as amended, be adopted, which motion prevailed.

On motion of Senator Dixon, **SCS** for **SBs 632** and **675**, as amended, was declared perfected and ordered printed.

Senator Crawford moved that **SB 806** be taken up for perfection, which motion prevailed.

On motion of Senator Crawford, **SB 806** was declared perfected and order printed.

Senator Hoskins moved that **SB 882** be taken up for perfection, which motion prevailed.

Senator Hoskins offered **SS** for **SB 882**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 882

An Act to repeal section 166.435 as enacted by senate bill no. 366, ninety-eighth general assembly, first regular session and section 166.435 as enacted by senate bill no. 863, ninety-fourth general assembly, second regular session, RSMo, and to enact in lieu thereof one new section relating to the Missouri higher education savings program.

Senator Hoskins moved that **SS** for **SB 882** be adopted, which motion prevailed.

On motion of Senator Hoskins, **SS** for **SB 882** was declared perfected and ordered printed.

**SB 681** was placed on the Informal Calendar.

Senator Wallingford moved that **SB 695**, be taken up for perfection, which motion prevailed.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 695, Page 1, In the Title, Lines 3-4, by striking said lines and inserting in lieu thereof the following: “relating to boards and commissions.”; and

Further amend said bill and page, section A, line 3, by inserting after all of said line the following:

“**26.305. 1. Notwithstanding any provision of law to the contrary, when the governor makes an appointment to any state board or commission when the senate is not in session, the governor shall**

notify the Missouri senate of the appointment in writing. No appointee shall be sworn in or serve in his or her official duties in the position until such time as the senate has been notified of the appointment. Once the appointment has been made and the senate is notified, the governor is prohibited from withdrawing or rescinding the appointment unless such action is authorized by the Missouri senate. In order to withdraw or rescind an appointment, when the senate reconvenes, the governor may request an appointment be sent back without prejudice. However, if the senate rejects the request or does not approve the request and the time frame by which the senate was to consider the original appointment expires without the senate giving its advice and consent, the appointee shall be deemed rejected and prohibited from being reappointed. Nothing in this section shall prohibit the governor from removing a member of a board or commission with written notice and hearing on charges of malfeasance, misfeasance, or nonfeasance in office.

2. If an appointee who has been appointed when the senate is not in session chooses to resign from his or her position prior to receiving the advice and consent of the senate, the governor shall notify the senate of the resignation and request for the nomination to be sent back without prejudice. However, if the senate rejects the request or does not approve the request, and the time frame by which the senate was to consider the original appointment expires, the appointee shall be deemed rejected and prohibited from being reappointed.

3. The governor shall be prohibited from reappointing an appointee that was appointed prior to the effective date of this section if the appointee was appointed when the senate was not in session and resigned his or her position prior to receiving the advice and consent of the senate.

4. No person whose appointment requires the advice and consent of the senate shall have the authority to act prior to receiving the advice and consent of the Senate:

(1) If such person is reappointed to a position by the governor while the senate is not in session; and

(2) Such person's prior appointment to such position on the administrative board or commission failed, for any reason, to receive the advice and consent of the senate.

5. Notwithstanding any provision of law to the contrary, at all meetings of any state board or commission only members that have received the advice and consent of the senate shall be counted for purposes of determining the existence of a quorum.”; and

Further amend said bill, page 2, section 161.026, line 39, by inserting after all of said line the following:

“161.032. The members of the board shall be citizens of high moral standards and recognized ability in their respective business or profession, who have resided in the state for not less than five years immediately preceding their appointment, and not more than one of whom shall be a resident of the same county or congressional district. At no time shall more than four members be of the same political party **and at no time shall more than two members be classified as “independent”**. No member of the board shall be connected, either as an official or as an employee, with any public, private, or denominational school, college or university, nor be the holder of or a candidate for any public office.

161.042. Each member shall take an oath to support the constitution of the United States and of this state and to faithfully demean himself or herself in office. **Each board member shall be sworn in during open session of the state board of education. The oath shall be administered by the president or vice**

**president of the state board of education.**

161.052. Any vacancy occurring in the term of office of any board member shall be filled [by appointment by the governor, by and with the advice and consent of the senate] **subject to the provisions of section 26.305**, for the unexpired term. [If a vacancy occurs while the general assembly is not in session, the governor shall make a temporary appointment until the next session of the general assembly, when he shall nominate some person to fill the office.]; and

Further amend said bill, page 3, section 161.072, line 20, by inserting after all of said line the following:

“161.082. 1. The board may act only when lawfully convened in a regular or special meeting, and it may speak only through its official records. No member of the board has any authority as an individual by reason of his official position.

2. At all meetings of the board, five members **that have received the advice and consent of the senate** are necessary to constitute a quorum for the transaction of business, but no official actions may be taken unless a majority of the whole board, **all of whom shall have received the advice and consent of the senate**, votes therefor.

**3. If at any time a quorum of the board has not received the advice and consent of the senate, the state treasurer shall distribute all necessary appropriations to school districts pursuant to state and federal law.”; and**

Further amend the title and enacting clause accordingly.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Romine, **SB 695**, as amended, was declared perfected and ordered printed.

Senator Hummel moved that **SB 681** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Hummel, **SB 681** was declared perfected and ordered printed.

Senator Onder moved that **SBs 603, 576 and 898**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SBs 603, 576 and 898**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 603, 576 and 898

An Act to repeal sections 161.670 and 167.121, RSMo, and to enact in lieu thereof two new sections relating to course access in education, with an effective date.

Was taken up.

Senator Onder moved that **SCS for SBs 603, 576 and 898** be adopted.

Senator Onder offered **SS for SCS for SBs 603, 576 and 898**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 603, 576 & 898

An Act to repeal sections 161.670 and 167.121, RSMo, and to enact in lieu thereof two new sections relating to course access in education, with an effective date.

Senator Onder moved that **SS** for **SCS** for **SBs 603, 576 and 898** be adopted.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 603, 576 & 898, Page 3, Section 161.670, Line 22 of said page, by inserting immediately after the word “school” as it appears the second time on said line the following: “; **provided that this paragraph shall not be construed to require a student seeking to enroll in Missouri course access and virtual school program courses pursuant to this subdivision to have attended a public school during the prior semester if the student has a documented medical or psychological diagnosis or condition that prevented the student from attending a school in the community during the previous semester**”.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator Romine offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 603, 576 & 898, Page 4, Section 161.670, Line 18, by inserting after the word “courses” the following: “**initially to the local school board which shall provide an enrollment decision within thirty calendar days and then**”.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

Senator Munzlinger offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 603, 576 & 898, Page 1, In the Title, Line 4, by striking the word “course access in” and inserting in lieu thereof the following: “virtual”; and

Further amend said bill, page 12, section 167.121, line 5, by inserting after all of said line the following:

“173.1101. The financial assistance program established under sections 173.1101 to 173.1107 shall be hereafter known as the “Access Missouri Financial Assistance Program”. The coordinating board and all approved private [and], public, **and virtual** institutions in this state shall refer to the financial assistance program established under sections 173.1101 to 173.1107 as the access Missouri student financial assistance program in their scholarship literature, provided that no institution shall be required to revise or amend any such literature to comply with this section prior to the date such literature would otherwise be revised, amended, reprinted or replaced in the ordinary course of such institution’s business.

173.1102. **1.** As used in sections 173.1101 to 173.1107, unless the context requires otherwise, the



following terms mean:

(1) “Academic year”, the period from July first of any year through June thirtieth of the following year;

(2) “Approved private institution”, a nonprofit institution, dedicated to educational purposes, located in Missouri which:

(a) Is operated privately under the control of an independent board and not directly controlled or administered by any public agency or political subdivision;

(b) Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a certificate or degree;

(c) Meets the standards for accreditation as determined by either the Higher Learning Commission or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to nondegree-granting institutions as established by the coordinating board for higher education;

(d) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto. Sex discrimination as used herein shall not apply to admission practices of institutions offering the enrollment limited to one sex;

(e) Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;

(3) “Approved public institution”, an educational institution located in Missouri which:

(a) Is directly controlled or administered by a public agency or political subdivision;

(b) Receives appropriations directly or indirectly from the general assembly for operating expenses;

(c) Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a degree or certificate;

(d) Meets the standards for accreditation as determined by either the Higher Learning Commission, or if a public community college created under the provisions of sections 178.370 to 178.400 meets the standards established by the coordinating board for higher education for such public community colleges, or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to the institution as established by the coordinating board for higher education;

(e) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is otherwise in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto;

(f) Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;

(4) **“Approved virtual institution”, an educational institution that meets all of the following requirements:**

**(a) Is recognized as a qualifying institution by gubernatorial executive order, unless such order is rescinded;**

**(b) Is recognized as a qualifying institution through a memorandum of understanding between the state of Missouri and the approved virtual institution;**

**(c) Is accredited by a regional accrediting agency recognized by the United States Department of Education;**

**(d) Has established and continuously maintains a physical campus or location of operation within the state of Missouri;**

**(e) Maintains at least twenty-five full-time Missouri employees, at least one-half of which shall be faculty or administrators engaged in operations;**

**(f) Enrolls at least one thousand Missouri residents as degree or certificate seeking students;**

**(g) Maintains a governing body or advisory board based in Missouri with oversight of Missouri operations;**

**(h) Is organized as a nonprofit institution; and**

**(i) Utilizes an exclusively competency-based education model;**

**(5) “Coordinating board”, the coordinating board for higher education;**

**[(5)] (6) “Expected family contribution”, the amount of money a student and family should pay toward the cost of postsecondary education as calculated by the United States Department of Education and reported on the student aid report or the institutional student information record;**

**[(6)] (7) “Financial assistance”, an amount of money paid by the state of Missouri to a qualified applicant under sections 173.1101 to 173.1107;**

**[(7)] (8) “Full-time student”, an individual who is enrolled in and is carrying a sufficient number of credit hours or their equivalent at an approved private [or], public, **or virtual** institution to secure the degree or certificate toward which he or she is working in no more than the number of semesters or their equivalent normally required by that institution in the program in which the individual is enrolled. This definition shall be construed as the successor to subdivision (7) of section 173.205 for purposes of eligibility requirements of other financial assistance programs that refer to section 173.205.**

**2. The failure of an approved virtual institution to continuously maintain all of the requirements in paragraphs (a) to (i) of subdivision (4) of subsection 1 of this section shall preclude such institution’s students or applicants from being eligible for assistance under sections 173.1104 and 173.1105.**

173.1104. 1. An applicant shall be eligible for initial or renewed financial assistance only if, at the time of application and throughout the period during which the applicant is receiving such assistance, the applicant:

(1) Is a citizen or a permanent resident of the United States;

(2) Is a resident of the state of Missouri, as determined by reference to standards promulgated by the

coordinating board;

(3) Is enrolled, or has been accepted for enrollment, as a full-time undergraduate student in an approved private [or], public, **or virtual** institution; and

(4) Is not enrolled or does not intend to use the award to enroll in a course of study leading to a degree in theology or divinity.

2. If an applicant is found guilty of or pleads guilty to any criminal offense during the period of time in which the applicant is receiving financial assistance, such applicant shall not be eligible for renewal of such assistance, provided such offense would disqualify the applicant from receiving federal student aid under Title IV of the Higher Education Act of 1965, as amended.

3. Financial assistance shall be allotted for one academic year, but a recipient shall be eligible for renewed assistance until he or she has obtained a baccalaureate degree, provided such financial assistance shall not exceed a total of ten semesters or fifteen quarters or their equivalent. Standards of eligibility for renewed assistance shall be the same as for an initial award of financial assistance, except that for renewal, an applicant shall demonstrate a grade-point average of two and five-tenths on a four-point scale, or the equivalent on another scale. This subsection shall be construed as the successor to section 173.215 for purposes of eligibility requirements of other financial assistance programs that refer to section 173.215.

173.1105. 1. An applicant who is an undergraduate postsecondary student at an approved private [or], public, **or virtual** institution and who meets the other eligibility criteria shall be eligible for financial assistance, with a minimum and maximum award amount as follows:

(1) For academic years 2010-11, 2011-12, 2012-13, and 2013-14:

(a) One thousand dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector;

(b) Two thousand one hundred fifty dollars maximum and one thousand dollars minimum for students attending institutions classified as part of the public four-year sector, including State Technical College of Missouri; and

(c) Four thousand six hundred dollars maximum and two thousand dollars minimum for students attending approved private institutions;

(2) For the 2014-15 academic year and subsequent years:

(a) One thousand three hundred dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector; and

(b) Two thousand eight hundred fifty dollars maximum and one thousand five hundred dollars minimum for students attending institutions classified as part of the public four-year sector, including State Technical College of Missouri, [or] approved private institutions, **or approved virtual institutions**.

2. All students with an expected family contribution of twelve thousand dollars or less shall receive at least the minimum award amount for his or her institution. Maximum award amounts for an eligible student with an expected family contribution above seven thousand dollars shall be reduced by ten percent of the maximum expected family contribution for his or her increment group. Any award amount shall be reduced

by the amount of a student's payment from the A+ schools program or any successor program to it. For purposes of this subsection, the term "increment group" shall mean a group organized by expected family contribution in five hundred dollar increments into which all eligible students shall be placed.

3. If appropriated funds are insufficient to fund the program as described, the maximum award shall be reduced across all sectors by the percentage of the shortfall. If appropriated funds exceed the amount necessary to fund the program, the additional funds shall be used to increase the number of recipients by raising the cutoff for the expected family contribution rather than by increasing the size of the award.

4. Every three years, beginning with academic year 2009-10, the award amount may be adjusted to increase no more than the Consumer Price Index for All Urban Consumers (CPI-U), 1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States Department of Labor, or its successor agency, for the previous academic year. The coordinating board shall prepare a report prior to the legislative session for use of the general assembly and the governor in determining budget requests which shall include the amount of funds necessary to maintain full funding of the program based on the baseline established for the program upon the effective date of sections 173.1101 to 173.1107. Any increase in the award amount shall not become effective unless an increase in the amount of money appropriated to the program necessary to cover the increase in award amount is passed by the general assembly.

173.1107. A recipient of financial assistance may transfer from one approved public [or], private, **or virtual** institution to another without losing eligibility for assistance under sections 173.1101 to 173.1107, but the coordinating board shall make any necessary adjustments in the amount of the award. If a recipient of financial assistance at any time is entitled to a refund of any tuition, fees, or other charges under the rules and regulations of the institution in which he or she is enrolled, the institution shall pay the portion of the refund which may be attributed to the state grant to the coordinating board. The coordinating board will use these refunds to make additional awards under the provisions of sections 173.1101 to 173.1107."; and

Further amend the title and enacting clause accordingly.

Senator Munzlinger moved that the above amendment be adopted, which motion prevailed.

Senator Onder offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 603, 576 & 898, Page 7, Section 161.670, Line 18, by striking the words "January 1," and inserting in lieu thereof the following: "**August 28**,".

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Rowden assumed the Chair.

Senator Onder moved that **SS** for **SCS** for **SBs 603, 576 and 898**, as amended, be adopted, which motion prevailed.

On motion of Senator Onder, **SS** for **SCS** for **SBs 603, 576 and 898**, as amended, was declared perfected and ordered printed.

Senator Riddle moved that **SB 813**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 813**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 813

An Act to repeal section 574.010, RSMo, and to enact in lieu thereof one new section relating to the offense of peace disturbance, with penalty provisions.

Was taken up.

Senator Riddle moved that **SCS for SB 813** be adopted.

President Parson assumed the Chair.

Senator Riddle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 813, Page 2, Section 574.010, Lines 32-33, by striking all of said lines and inserting in lieu thereof the following: **“obstruction to acquiring or receiving emergency services as defined in section 190.100.”**.

Senator Riddle moved that the above amendment be adopted.

At the request of Senator Riddle, **SB 813**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

At the request of Senator Wallingford, **SB 793** was placed on the Informal Calendar.

Senator Emery moved that **SB 727** be taken up for perfection, which motion prevailed.

Senator Schupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 727, Page 1, In the Title, Line 2, by striking the word “the” from the end of said line; and further amend line 3, by striking all of said line and inserting in lieu thereof the following: “energy.”; and

Further amend said bill, page 2, section 620.3150, line 42, by inserting immediately after said line the following:

**“5. A report shall be issued, along with the review required under this section, that shall detail any special rates approved under section 393.355 and any resulting economic impacts including, but not limited to, retained and new workforce data, changes in state tax revenue, and any effects to an applicable electrical corporation’s ratepayers.”**.

Senator Schupp moved that the above amendment be adopted, which motion failed.

On motion of Senator Emery, **SB 727** was declared perfected and ordered printed.

**SB 848** was placed on the Informal Calendar.

Senator Schatz moved that **SB 600**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 600**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 600

An Act to amend chapter 285, RSMo, by adding thereto nine new sections relating to professional employer organizations.

Was taken up.

Senator Schatz moved that **SCS for SB 600** be adopted.

Senator Schatz offered **SS for SCS for SB 600**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 600

An Act to amend chapter 285, RSMo, by adding thereto nine new sections relating to professional employer organizations.

Senator Schatz moved that **SS for SCS for SB 600** be adopted.

Senator Schatz offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 600, Page 1, In the Title, Line 4, by inserting after the word “organizations” the following: “, with penalty provisions”.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Schatz moved that **SS for SCS for SB 600**, as amended, be adopted, which motion prevailed.

On motion of Senator Schatz, **SS for SCS for SB 600**, as amended, was declared perfected and ordered printed.

Senator Cunningham moved that **SB 769**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 769**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 769

An Act to repeal sections 30.270, 67.085, 95.530, 110.010, 110.080, 110.140, 165.221, 165.231, 165.241, and 165.271, RSMo, and to enact in lieu thereof ten new sections relating to financial transactions involving public entities, with existing penalty provisions.

Was taken up.

Senator Cunningham moved that **SCS for SB 769** be adopted.

Senator Schatz offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 769, Page 1, Section A, Line 4, by inserting after all of said line the following:

**“8.301. 1. Neither the state nor any political subdivision thereof shall:**

**(1) Condition a contract upon a requirement that a bidder have a specified experience modification factor;**

**(2) Make an offer to contract conditioned upon bidder having a specified experience modification factor;**

**(3) Issue an advertisement for bids on a contract containing a requirement that the bidder have a specified experience modification factor;**

**(4) Solicit bids for a contract conditioned upon a bidder having a specified experience modification factor; or**

**(5) Weight any bidder for a contract favorably or unfavorably based upon the bidder’s experience modification factor.**

**2. For purposes of this section, the phrase “experience modification factor” shall mean the factor calculated pursuant to the provisions of chapter 287.”; and**

Further amend said bill, page 13, section 165.271, line 34, by inserting after all of said line the following:

**“386.205. 1. A public utility shall not:**

**(1) Condition a contract upon a requirement that a bidder have a specified experience modification factor;**

**(2) Make an offer to contract conditioned upon bidder having a specified experience modification factor;**

**(3) Issue an advertisement for bids on a contract containing a requirement that the bidder have a specified experience modification factor;**

**(4) Solicit bids for a contract conditioned upon a bidder having a specified experience modification factor; or**

**(5) Weight any bidder for a contract favorably or unfavorably based upon the bidder’s experience modification factor.**

**2. For purposes of this section, the phrase “experience modification factor” shall mean the factor calculated pursuant to the provisions of chapter 287.”; and**

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham offered SA 2:

## SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 769, Page 2, Section 30.270, Lines 43-44, by

striking said lines and inserting in lieu thereof the following: “and leasehold revenue bonds, provided such bonds are rated in **one of the four** highest [category] **rating categories** by at least one nationally recognized statistical rating agency;”.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Richard assumed the Chair.

Senator Holsman offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 769, Page 13, Section 165.271, Line 34, by inserting after all of said line the following:

**“362.503. 1. Whenever any account with a bank is determined to have been inactive for a period of twelve or more months, such bank shall notify the person or depositor named on the account of such inactivity through first class mail postage prepaid marked “Address Correction Requested.”.**

**2. Notwithstanding any provision of law to the contrary, for any account with a bank that has been inactive for twelve months or more, such bank shall issue annual statements to the person or depositor named on the account. A bank may charge a service fee of up to five dollars for any statement issued under this subsection, provided that such fee shall be withdrawn from the inactive account.**

**3. Whenever any account with a bank is determined to have been inactive for a period of five years, the funds from such account shall be remitted to the abandoned fund account established under section 447.543.**

**4. For purposes of this section, the word “inactive” means a prescribed period during which there is no activity or contact initiated by the person or depositor named on the account.”; and**

Further amend the title and enacting clause accordingly.

Senator Holsman moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 769, Page 6, Section 30.270, Line 164, by inserting after all of said line the following:

**“50.660. [1.] All contracts shall be executed in the name of the county, or in the name of a township in a county with a township form of government, by the head of the department or officer concerned, except contracts for the purchase of supplies, materials, equipment or services other than personal made by the officer in charge of purchasing in any county or township having the officer. No contract or order imposing any financial obligation on the county or township is binding on the county or township unless it is in writing and unless there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred and unless the contract or order bears the certification of the accounting officer so stating; except that in case of any contract for public**



works or buildings to be paid for from bond funds or from taxes levied for the purpose it is sufficient for the accounting officer to certify that the bonds or taxes have been authorized by vote of the people and that there is a sufficient unencumbered amount of the bonds yet to be sold or of the taxes levied and yet to be collected to meet the obligation in case there is not a sufficient unencumbered cash balance in the treasury. All contracts and purchases shall be let to the lowest and best bidder after due opportunity for competition, including advertising the proposed letting in a newspaper in the county or township with a circulation of at least five hundred copies per issue, if there is one[, except that the advertising is not required in case of contracts or purchases involving an expenditure of less than six thousand dollars]. It is not necessary to obtain bids on any purchase in the amount of [four] **six** thousand [five hundred] dollars or less made from any one person, firm or corporation during any period of ninety days [or, if the county is any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants or any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, it is not necessary to obtain bids on such purchases in the amount of six thousand dollars or less]. All bids for any contract or purchase may be rejected and new bids advertised for. Contracts which provide that the person contracting with the county or township shall, during the term of the contract, furnish to the county or township at the price therein specified the supplies, materials, equipment or services other than personal therein described, in the quantities required, and from time to time as ordered by the officer in charge of purchasing during the term of the contract, need not bear the certification of the accounting officer, as herein provided; but all orders for supplies, materials, equipment or services other than personal shall bear the certification. In case of such contract, no financial obligation accrues against the county or township until the supplies, materials, equipment or services other than personal are so ordered and the certificate furnished.

[2. Notwithstanding the provisions of subsection 1 of this section to the contrary, advertising shall not be required in any county in the case of contracts or purchases involving an expenditure of less than six thousand dollars.]

50.783. 1. The county commission may waive the requirement of competitive bids or proposals for supplies when the commission has determined in writing and entered into the commission minutes that there is only a single feasible source for the supplies. Immediately upon discovering that other feasible sources exist, the commission shall rescind the waiver and proceed to procure the supplies through the competitive processes as described in this chapter. A single feasible source exists when:

- (1) Supplies are proprietary and only available from the manufacturer or a single distributor; or
- (2) Based on past procurement experience, it is determined that only one distributor services the region in which the supplies are needed; or
- (3) Supplies are available at a discount from a single distributor for a limited period of time.

2. On any single feasible source purchase where the estimated expenditure is [three thousand dollars or] over **six thousand dollars**, the commission shall post notice of the proposed purchase[. Where the estimated expenditure is five thousand dollars or over, The commission shall also] **and** advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.

3. Notwithstanding subsection 2 of this section to the contrary, on any single feasible service purchase by any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants or any county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants where the estimated expenditure is **over** six thousand dollars [or over], the commission shall post notice of the proposed purchase and advertise the commission's intent to make such purchase in at least one daily and one weekly newspaper of general circulation in such places as are most likely to reach prospective bidders or offerors and may provide such information through an electronic medium available to the general public at least ten days before the contract is to be let.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham moved that **SCS for SB 769**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS for SB 769**, as amended, was declared perfected and ordered printed.

### **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 727**; **SB 695**; **SCS for SBs 632 and 675**; **SS for SB 882**; **SB 681**; **SB 806**; **SCS for SB 787**; **SS for SCS for SB 918**; and **SB 951**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1464**, entitled:

An Act to repeal sections 138.445 and 153.030, RSMo, and to enact in lieu thereof two new sections relating to property taxation of telephone companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HBs 1288, 1377 & 2050**, entitled:

An Act to repeal sections 135.090, 135.341, 135.562, 135.600, 135.630, and 135.647, RSMo, and to enact in lieu thereof six new sections relating to tax credits for contributions to certain benevolent organizations, with effective date July 1, 2020.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Rowden assumed the Chair.

### **REFERRALS**

President Pro Tem Richard referred **SCR 46** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Richard referred **SB 806** to the Committee on Fiscal Oversight.

### **RESOLUTIONS**

Senator Riddle offered Senate Resolution No. 1419, regarding Sam Hrabovsky, Fulton, which was adopted.

### **INTRODUCTION OF GUESTS**

Senator Holsman introduced to the Senate, Don Sutcliffe, Grandview.

Senator Libla introduced to the Senate, Hardy Billington, Tom Rankin, Karmen and Brandon Carson, and their children, Kamille and Keaton, Poplar Bluff; and Tyler Lappe, Cape Girardeau; and Kamille and Keaton were made honorary pages.

Senator Cunningham introduced to the Senate, Tressa Price, Melissa Williams and Deborah Pee, representatives of Agape House, Mountain View.

Senator Romine introduced to the Senate, teachers and students representing the Gifted Association of Missouri.

Senator Schupp introduced to the Senate, the Physician of the Day, Dr. Sam L. Page, Ballwin.

Senator Libla introduced to the Senate, Pastor Tom Graham and his wife, Cherie, and fourteen students from Westwood Baptist Academy, Poplar Bluff.

Senator Rowden introduced to the Senate, teachers and students from Rock Bridge High School and Hickman High School gifted programs, Columbia.

Senator Hoskins introduced to the Senate, Darlene Buckstead, Kevin Buckstead, Ryan Cox, Violet Corbett, Dona Phillips Proffitt, Jo Ellen Black, Jim Proffitt, Bill Robinson, Emma Downing, Cameron Lee, Logan Lee, Charlie Ebbesmeyer, Jeanne Ann Pollard and Michael Pollard, representatives of Missouri Farm Bureau.

Senator Emery introduced to the Senate, Sharon Arnold, and Kevin and Mary Fisher, representatives of Bates County Farm Bureau.

Senator Koenig introduced to the Senate, his parents, Paul and Diana Koenig, Ballwin; his aunt and uncle, Mark and Teresa Koenig, St. Charles; and his cousin, Ruth Timmy, Jefferson City.

On motion of Senator Kehoe, the Senate adjourned under the rules.

SENATE CALENDAR

---

THIRTY-SECOND DAY—WEDNESDAY, FEBRUARY 28, 2018

---

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1021-Dixon and Wallingford	SB 1036-Koenig
SB 1022-Dixon	SB 1037-Wasson
SB 1023-Dixon	SB 1038-Dixon
SRB 1024-Dixon	SB 1039-Hegeman
SB 1025-Dixon	SB 1040-Cunningham
SB 1026-Nasheed, et al	SB 1041-Schaaf
SB 1027-Cierpiot	SB 1042-Onder
SB 1028-Wieland	SB 1043-Cierpiot
SB 1029-Curls	SB 1044-Romine
SB 1030-Curls	SB 1045-Romine
SB 1031-Curls	SB 1046-Crawford
SB 1032-Wallingford	SB 1047-Sater
SB 1033-Riddle	SB 1048-Rowden
SB 1034-Riddle	SJR 35-Cierpiot
SB 1035-Koenig	

HOUSE BILLS ON SECOND READING

HB 1620-Rehder	HB 1421-Pfautsch
HB 1389-Fitzpatrick	HCS for HB 1455
HB 1460-Evans	HCS for HB 1606
HB 1409-Fitzpatrick	HCS for HB 1940
HCS for HB 1685	HB 1291-Henderson
HCS for HB 1690	HB 1858-Christofanelli
HB 1598-Fraker	HB 1630-Evans
HB 1650-Cornejo	HCS for HB 1796
HB 1329-Remole	HCS for HB 1710
HB 1371-Sommer	HB 1608-Kelly (141)

HB 1247-Pike	HB 2044-Taylor
HB 1349-Black	HCS for HB 2034
HB 1355-Phillips	HCS for HB 1300
HB 1375-Ruth	HCS for HB 1572
HB 1481-Wiemann	HB 1887-Bahr
HB 1552-Neely	HCS for HB 1366
HB 1351-Beard	HB 1998-Bondon
HCS for HB 1597	HB 1383-Miller
HB 1660-Swan	HB 1558-Neely
HCS for HB 1663	HB 1809-Tate
HB 1675-Redmon	HCS for HB 1268
HB 1676-Redmon	HB 1464-Berry
HB 1905-Walker (3)	HCS for HBs 1288, 1377 & 2050

### THIRD READING OF SENATE BILLS

- |   |   |
|---|---|
| 1. SS for SB 579-Libla (In Fiscal Oversight)  | 9. SCS for SBs 632 & 675-Dixon            |
| 2. SS for SB 699-Sifton (In Fiscal Oversight) | 10. SS for SB 882-Hoskins                 |
| 3. SS for SB 597-Riddle (In Fiscal Oversight) | 11. SB 681-Hummel                         |
| 4. SB 818-Brown (In Fiscal Oversight)         | 12. SB 806-Crawford (In Fiscal Oversight) |
| 5. SCS for SB 574-Wallingford                 | 13. SCS for SB 787-Curls                  |
| 6. SCS for SB 644-Cunningham                  | 14. SS for SCS for SB 918-Munzlinger      |
| 7. SB 727-Emery                               | 15. SB 951-Crawford                       |
| 8. SB 695-Wallingford                         |   |

### SENATE BILLS FOR PERFECTION

- |                                       |                                   |
|---------------------------------------|-----------------------------------|
| 1. SB 860-Koenig, with SCS            | 11. SB 881-Eigel                  |
| 2. SB 592-Hegeman, with SCS           | 12. SB 840-Rowden                 |
| 3. SB 774-Munzlinger                  | 13. SB 660-Riddle                 |
| 4. SB 752-Schatz, with SCS            | 14. SB 892-Walsh, with SCS        |
| 5. SB 861-Hegeman, with SCS           | 15. SB 757-Schatz                 |
| 6. SB 596-Riddle, with SCS            | 16. SB 909-Dixon                  |
| 7. SB 849-Kehoe and Schupp, with SCS  | 17. SB 871-Romine                 |
| 8. SBs 617, 611 & 667-Eigel, with SCS | 18. SB 865-Kehoe                  |
| 9. SB 674-Koenig                      | 19. SBs 894 & 921-Libla, with SCS |
| 10. SB 767-Hoskins, with SCS          | 20. SB 743-Sater                  |

- |  |                              |
|--|------------------------------|
| 21. SB 780-Curls                       | 31. SB 704-Hegeman           |
| 22. SB 800-Libla                       | 32. SB 870-Hegeman           |
| 23. SB 796-Koenig                      | 33. SB 893-Sater, with SCS   |
| 24. SB 814-Riddle, with SCS            | 34. SB 953-Sater, with SCS   |
| 25. SBs 627 & 925-Munzlinger, with SCS | 35. SB 850-Wallingford       |
| 26. SB 707-Schatz, with SCS            | 36. SB 672-Koenig, with SCS  |
| 27. SB 683-Wasson                      | 37. SB 578-Romine            |
| 28. SB 773-Hoskins                     | 38. SB 666-Onder             |
| 29. SB 768-Hoskins                     | 39. SB 802-Nasheed, with SCS |
| 30. SB 837-Rowden                      |                              |

#### HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| SB 546-Munzlinger, with SS#2, SA 1 &<br>SSA 2 for SA 1 (pending)                                    | SB 602-Onder, with SCS                                  |
| SB 547-Munzlinger, with SCS   | SB 612-Koenig, with SCS, SS for SCS &<br>SA 2 (pending) |
| SB 550-Wasson, with SCS   | SB 663-Schatz, with SCS (pending)                       |
| SB 552-Dixon, with SS (pending)   | SB 705-Riddle   |
| SBs 555 & 609-Brown, with SCS   | SB 730-Wallingford, with SCS & SA 1 (pending)           |
| SB 561-Sater, with SA 1 (pending)   | SB 751-Schatz   |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                           | SB 786-Schupp, with SA 3 (pending)                      |
| SB 590-Hegeman, with SCS, SS for SCS,<br>SA 1, SSA 1 for SA 1 & SA 1 to SSA 1<br>for SA 1 (pending) | SB 793-Wallingford                                      |
| SB 591-Hegeman, with SCS  | SB 813-Riddle, with SCS & SA 1 (pending)                |
| SB 598-Riddle, with SCS   | SB 832-Rowden, with SCS                                 |
| SB 599-Schatz   | SB 848-Riddle   |
|   | SB 907-Kehoe, with SCS                                  |
|   | SB 912-Rowden, with SCS & SS#3 for SCS<br>(pending)     |

CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 631-Wasson

SBs 946 & 947-Dixon, with SCS

Reported 2/22

SB 819-Cunningham

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-SECOND DAY—WEDNESDAY, FEBRUARY 28, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“If I take the wings of the morning and dwell in the uttermost parts of the sea even there Your hand will lead me and your right hand hold me fast.” Psalm 139:8-9

Blessed Lord, Help us remember that where ever we may be and whatever the circumstances we find ourselves You are there for us, present in our lives, our joys and sorrows, our successes and failures. Help us remember that whatever our circumstances we are living through You are there, even when we are here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Rowden offered Senate Resolution No. 1420, regarding Florence Chestnutt Friedrichs, Pilot Grove, which was adopted.

Senator Rowden offered Senate Resolution No. 1421, regarding Shakira Cross, which was adopted.

Senator Emery offered Senate Resolution No. 1422, regarding Sawyer Lynn Crusha, Garden City, which was adopted.

Senator Wallingford offered Senate Resolution No. 1423, regarding Brice Jansen, Leopold, which was adopted.

Senator Sater offered Senate Resolution No. 1424, regarding Gale Huffmaster, Monett, which was adopted.

Senator Romine offered Senate Resolution No. 1425, regarding Girls A basketball team at Saint Paul Lutheran School, Farmington, which was adopted.

The Senate observed a moment of silence in memory of Carmen Schentrup.

**CONCURRENT RESOLUTIONS**

Senator Schupp offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 47**

Relating to the establishment of the task force on trauma-informed care for veterans.

Whereas, the state of Missouri has the fifteenth largest veteran population in the nation; and

Whereas, many veterans may experience trauma before, during, or following their military service, which can have a significant impact upon their health, treatment needs, employment, and home life; and

Whereas, trauma is associated with a multitude of mental health conditions including posttraumatic stress disorder, depression, anxiety, and substance use disorders; and

Whereas, trauma-informed care is framework for providing services to traumatized individuals that requires changes to the practices, policies, and cultures of an entire organization; and

Whereas, trauma-informed care approaches in workplaces, communities, and government programs can aid in preventing mental, emotional, physical, and social issues for veterans impacted by toxic stress or trauma; and

Whereas, all entities, public and private, serving veterans play a pivotal role in supporting their recovery from trauma; and

Whereas, it is in the public's interest for the state to establish a Task Force on Trauma-Informed Care for Veterans in order to promote the healthy recovery of and provide support for veterans and their families living in Missouri communities who have been affected by trauma:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby create the Missouri Task Force on Trauma-Informed Care for Veterans; and

Be It Further Resolved that the mission of the Task Force shall be to fully consider and study:

(1) The current unmet needs of veterans and their families affected by trauma, and the accessibility of services for such service men and women;

(2) The number of service providers, public and private, in the state who have implemented trauma-informed approaches in veteran service settings;

(3) The development and implementation of education and training in providing trauma-informed care for staff in state-funded programs serving veterans and their families; and

(4) Ways to promote and facilitate interagency cooperation in addressing the needs of veterans and their families affected by trauma and providing resources regarding trauma-informed care to the public; and

Be It Further Resolved that the Task Force shall consist of the following members:

(1) Two members of the Senate, one to be appointed by the President Pro Tempore of the Senate and one to be appointed by the Minority

Leader of the Senate;

(2) Two members of the House of Representatives, one to be appointed by the Speaker of the House of Representatives and one to be appointed by the Minority Leader of the House of Representatives;

(3) The Executive Director of the Missouri Veterans Commission, or his or her designee;

(4) The Director of the Department of Health and Senior Services, or his or her designee;

(5) The Director of the Department of Mental Health, or his or her designee;

(6) The Director of the Department of Social Services, or his or her designee;

(7) The Director of the Veterans Center, University of Missouri, or his or her designee;

(8) One representative from the VA St. Louis Health Care System Hope Recovery Center, who specializes in the rehabilitation and recovery of veterans, appointed by the Speaker of the House of Representatives;

(9) Four members from the private sector with knowledge of trauma-informed care methods, one of whom shall be appointed by the Speaker of the House of Representatives, one of whom shall be appointed by the Minority Leader of the House of Representatives, one of whom shall be appointed by the President Pro Tempore of the Senate, and one whom shall be appointed by the Minority Leader of the Senate; and

Be It Further Resolved that the members shall elect a chair from the members who are members of the General Assembly, and that the Task Force, its members, and any staff assigned to the committee shall be reimbursed for travel and other expenses actually and necessarily included in the performance of their duties; and

Be It Further Resolved that the staffs of Senate Research, House Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Task Force may require in the performance of its duties; and

Be It Further Resolved that the Task Force shall terminate by either a majority of members voting for termination, or by December 31, 2020, whichever occurs first; and

Be It Further Resolved that on the date of termination, the Task Force shall deliver a report of findings and recommendations to the General Assembly and the Veterans Commission; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Veterans Commission, the Director of the Department of Health and Senior Services, the Director of the Department of Mental Health, and the Director of the Department of Social Services; and

Be It Further Resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

**Read 1st time.**

**Senator Eigel offered the following concurrent resolution:**

**SENATE CONCURRENT RESOLUTION NO. 48**

Whereas, Article I of the United States Constitution begins “All legislative powers herein granted shall be vested in a Congress”; and

Whereas, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are “reserved to the states respectively, or to the people” as the Tenth Amendment affirms and the rights “retained by the people” to which the Ninth Amendment refers; and

Whereas, in Federalist No. 10, James Madison wrote that “No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and,....with greater reason, a body of men are unfit to be both judges and parties at the same time”; and

Whereas, this same principle was emphasized in the 1798 Kentucky Resolutions (drafted by Thomas Jefferson) that the United States government “was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers”; and

Whereas, the Congress has latent but neglected powers to correct such judicial supremacy by means of Article III Section 2 regulations on appellate jurisdiction, yet by similar reasoning such regulatory powers should be additionally extended to the several states, heeding Jefferson’s warnings that we not make the Constitution “a mere thing of wax in the hands of the judiciary” for “to consider the judges as the ultimate arbiters of all constitutional questions” would then “place us under the despotism of an oligarchy”, rather “the people themselves” are the “true corrective of constitutional abuses” and the states remain the closest and most representative voice of the people; and

Whereas, the United States Constitution should then be amended to enable the several states to correct violations of the limited powers by the United States and thereby restore the proper balance between the powers of Congress and those of the several states, and better prevent the denial or disparagement of the rights retained by the people:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly urge the Congress of the United States to propose the following amendment, known as the State Powers Amendment, or SPA:

“Section 1. Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of a Representative Majority of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed. A Representative Majority of the several states is a majority of the states also having together a majority of the apportioned Representatives in Congress.

Section 2. The several states shall have power to make regulations and exceptions to the appellate jurisdiction of the Supreme Court and all inferior courts and tribunals of the United States, and such regulations and exceptions shall be effective when the legislatures of a Representative Majority of the several states approve identical resolutions for this purpose no more than five years apart.”; and

Be It Further Resolved that should the Congress fail to act after two-thirds of the several states petition alike in substance for a State Powers Amendment, then a “convention to propose amendments” under Article V of the United States Constitution shall be the proper course and that delegates to such convention should be selected by the legislatures in the several states and should vote by state, according to the practices established by the 1787 Federal Convention in Philadelphia; and

Be It Further Resolved that the state of Missouri reserves its further right to petition in the same manner for further amendments as the General Assembly may deem warranted; and

Be It Further Resolved that copies of this resolution be forwarded to the legislatures of all the several states inviting them to likewise join in support of this petition; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri congressional delegation.

## INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

### **SB 1049**—By Kehoe.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of memorial infrastructure.

### **SB 1050**—By Schatz.

An Act to repeal sections 108.120, 137.555, 227.240, 292.606, 301.010, 301.020, 301.055, 301.130, 301.350, 304.001, 304.005, 304.044, and 307.175, RSMo, and to enact in lieu thereof fifteen new sections relating to transportation, with existing penalty provisions and an emergency clause for a certain section.

### **SB 1051**—By Walsh.

An Act to repeal section 571.070, RSMo, and to enact in lieu thereof one new section relating to the offense of unlawful use of a weapon, with an existing penalty provision.

### **SB 1052**—By Schaaf.

An Act to repeal section 130.047, RSMo, and to enact in lieu thereof one new section relating to requiring reports of noncommittee independent expenditures.

### **SB 1053**—By Koenig.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to the limitation on the power to regulate a person’s activities on sidewalks, streets, avenues, alleys, and other public places.

### **SB 1054**—By Nasheed and Hummel.

An Act to amend chapter 162, RSMo, by adding thereto two new sections relating to school districts.

### **SB 1055**—By Hegeman.

An Act to repeal sections 334.104 and 334.735, RSMo, and to enact in lieu thereof two new sections

relating to physicians entering into supervisory agreements.

**SB 1056**—By Wasson.

An Act to repeal section 173.670, RSMo, and to enact in lieu thereof one new section relating to the science, technology, engineering and mathematics (STEM) initiative.

**SB 1057**—By Schupp.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to unanticipated out-of-network health care services.

**SB 1058**—By Schupp.

An Act to repeal section 571.070, RSMo, and to enact in lieu thereof one new section relating to the offense of unlawful use of a weapon, with an existing penalty provision.

**SB 1059**—By Hummel.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a property tax for certain education broadcasting.

**SB 1060**—By Sifton.

An Act to amend chapter 34, RSMo, by adding thereto three new sections relating to disclosures required by entities entering into contracts with a public agency.

**SB 1061**—By Hoskins.

An Act to repeal sections 302.134 and 302.173, RSMo, and to enact in lieu thereof two new sections relating to motorcycle safety education programs.

**SB 1062**—By Cierpiot.

An Act to repeal section 198.082, RSMo, and to enact in lieu thereof one new section relating to certified nursing assistants.

**SB 1063**—By Rizzo.

An Act to repeal section 99.848, RSMo, and to enact in lieu thereof one new section relating to emergency service districts.

**SB 1064**—By Rizzo.

An Act to repeal sections 290.400, 290.410, 290.440, and 290.450, RSMo, and to enact in lieu thereof three new sections relating to employment practices relating to gender.

**SB 1065**—By Eigel.

An Act to repeal sections 67.1153 and 67.1158, RSMo, and to enact in lieu thereof two new sections relating to certain county convention and sports facilities authorities.

**SB 1066**—By Eigel.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to hardening of the electric grid against certain storms.

**SB 1067**—By Eigel.

An Act to repeal sections 115.225 and 115.237, RSMo, and to enact in lieu thereof two new sections relating to the use of paper ballots, with an effective date.

**SB 1068**—By Sater.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to pharmacy technicians.

**SB 1069**—By Crawford.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to dogs.

**SB 1070**—By Crawford.

An Act to repeal section 214.160, RSMo, and to enact in lieu thereof one new section relating to cemetery trust funds.

**SB 1071**—By Wieland.

An Act to repeal sections 376.960, 376.961, 376.962, 376.964, 376.966, 376.970, and 376.987, RSMo, and to enact in lieu thereof sixteen new sections relating to the Missouri reinsurance plan.

**SB 1072**—By Wieland.

An Act to repeal section 376.1350, RSMo, and to enact in lieu thereof two new sections relating to payments for hospital-based health care services.

**SB 1073**—By Cunningham.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to civil penalties for violating certain provisions relating to eggs, with a penalty provision.

**SB 1074**—By Rowden.

An Act to repeal section 376.1224, RSMo, and to enact in lieu thereof two new sections relating to health care for persons with disabilities.

**SJR 36**—By Schatz.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to transportation funding.

### REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred SCS for **SB 769**; SS for SCS for **SB 600**; and SS for SCS for **SBs 603, 576 and 898**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1873**, entitled:

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to poaching, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1428**, entitled:

An Act to repeal sections 49.060 and 105.030, RSMo, and to enact in lieu thereof two new sections relating to vacancies in county elected offices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Parson.

### REFERRALS

President Pro Tem Richard referred **SS** for **SB 882**; **SS** for **SCS** for **SBs 603, 576 and 898**; **SS** for **SCS** for **SB 600**; and **SCS** for **SBs 632 and 675** to the Committee on Fiscal Oversight.

### SENATE BILLS FOR PERFECTION

Senator Koenig moved that **SB 860**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 860**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 860

An Act to repeal sections 191.671, 376.429, 376.452, 376.454, 376.779, 376.782, 376.811, 376.845, 376.1199, 376.1209, 376.1210, 376.1215, 376.1218, 376.1219, 376.1220, 376.1224, 376.1225, 376.1230, 376.1235, 376.1250, 376.1253, 376.1257, 376.1275, 376.1550, and 376.1900, RSMo, and to enact in lieu thereof twenty-six new sections relating to short-term major medical insurance.

Was taken up.

Senator Koenig moved that **SCS** for **SB 860** be adopted.

Senator Koenig offered **SS** for **SCS** for **SB 860**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 860

An Act to repeal sections 191.671, 376.385, 376.429, 376.446, 376.452, 376.454, 376.779, 376.781, 376.782, 376.811, 376.845, 376.1199, 376.1200, 376.1209, 376.1210, 376.1215, 376.1218, 376.1219, 376.1220, 376.1224, 376.1225, 376.1230, 376.1232, 376.1235, 376.1250, 376.1253, 376.1257, 376.1275, 376.1290, 376.1550, and 376.1900, RSMo, and to enact in lieu thereof thirty-two new sections relating to short-term major medical insurance.

Senator Koenig moved that **SS** for **SCS** for **SB 860** be adopted.

Senator Schupp offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 860, Pages 38-41, Section 376.1210, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Rizzo, Schaaf, Sifton and Walsh.

At the request Senator Koenig, **SCS** for **SB 860**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Hegeman moved that **SB 592**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 592**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 592

An Act to repeal sections 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.013, 115.023, 115.049, 115.061, 115.063, 115.065, 115.077, 115.078, 115.125, 115.127, 115.155, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.493, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, and 115.910, RSMo, and to enact in lieu thereof forty new sections relating to elections, with existing penalty provisions and effective dates for certain sections.

Was taken up.

Senator Hegeman moved that **SCS** for **SB 592** be adopted.

Senator Hegeman offered **SS** for **SCS** for **SB 592**, entitled;

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 592

An Act to repeal sections 65.610, 65.620, 88.770, 94.900, 115.001, 115.002, 115.003, 115.005, 115.007,

115.009, 115.013, 115.023, 115.049, 115.061, 115.063, 115.065, 115.077, 115.078, 115.124, 115.125, 115.127, 115.155, 115.157, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, 115.910, and 162.441, RSMo, and to enact in lieu thereof forty-seven new sections relating to elections, with existing penalty provisions and effective dates for certain sections.

Senator Hegeman moved that SS for SCS for **SB 592** be adopted.

Senator Dixon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 592, Page 2, Section A, Line 6, by inserting after all of said line the following:

“21.110. If the governor receives any resignation or notice of vacancy, or if he is satisfied of the death of any member of either house, during the recess, he shall, [without delay] **within thirty days**, issue a writ of election to supply the vacancy.

**26.018. In case of death, resignation, removal from office, conviction after impeachment, or vacancy from any cause in the office of lieutenant governor at any time prior to one hundred twenty days before the general election after the lieutenant governor’s term begins, the governor shall, within thirty days, issue a writ of election to fill the vacancy for the remainder of the term in which such vacancy occurred and until the successor is elected, commissioned, and qualified. Such election shall be held at the next general election. The candidates for the election shall be nominated and placed on the ballot in accordance with the provisions of sections 115.305 to 115.405. In the case of impeachment, the office shall remain vacant until such impeachment is determined. If acquitted, the lieutenant governor shall be reinstated in office. If any vacancy from any cause occurs in the office of lieutenant governor after one hundred twenty days before the first general election after the lieutenant governor’s term begins, the office shall remain vacant for the remainder of the term in which such vacancy occurred and until a successor is elected, commissioned, and qualified.**

**27.016. In case of death, resignation, removal from office, impeachment, or vacancy from any cause in the office of attorney general at any time prior to one hundred twenty days before the first general election after the attorney general’s term begins, the governor shall immediately appoint a qualified person to fill such vacancy until a successor is duly elected at the next general election, commissioned, and qualified to fill the office for the remainder of the term in which the vacancy occurred; and the governor shall take charge of the office and superintend its business until such person is appointed, commissioned, and qualified; except that in cases of impeachment, the governor shall appoint a qualified person to serve only until such impeachment is determined, when the suspended officer, if acquitted, shall be reinstated in office, or if the suspended officer is convicted, a new appointment shall be made by the governor in the manner provided in this section.**

**28.190. In case of death, resignation, removal from office, impeachment or vacancy from any cause in the office of secretary of state at any time prior to one hundred twenty days before the first general election after the secretary of state’s term begins, the governor shall immediately appoint a qualified person to fill such vacancy [for the remainder of the term in which such vacancy occurred and until his]**



**until a successor is duly elected [or appointed] at the next general election, commissioned and qualified to fill the office for the remainder of the term in which the vacancy occurred;** and the governor shall take charge of the office and superintend its business until such person is appointed, commissioned and qualified; except that in case of impeachment, the governor shall appoint a qualified person to serve only until such impeachment is determined, when the suspended officer, if acquitted, shall be reinstated in office, or if the suspended officer is convicted, a new appointment shall be made by the governor [as in the case of other vacancies] **in the manner provided in this section.**

29.280. [When a vacancy occurs in the office of state auditor the governor shall immediately appoint an auditor to fill such vacancy for the residue of the term in which the vacancy occurred, and until his successor is elected or appointed, commissioned and qualified.] **In case of death, resignation, removal from office, impeachment, or vacancy from any cause in the office of state auditor at any time prior to one hundred twenty days before the first general election after the auditor's term begins, the governor shall immediately appoint a qualified state auditor to fill such vacancy until a successor is duly elected at the next general election, commissioned, and qualified to fill the office for the remainder of the term in which the vacancy occurred; and the governor shall take charge of the office and superintend its business until such person is appointed, commissioned and qualified; except that in cases of impeachment, the governor shall appoint a qualified person to serve only until such impeachment is determined, when the suspended officer, if acquitted, shall be reinstated in office, or if the suspended officer is convicted, a new appointment shall be made by the governor in the manner provided in this section.**

30.060. [In case of death, resignation, removal from office, impeachment or vacancy from any cause, in the office of the state treasurer, the governor shall take charge of such office and superintend the business thereof until a successor is appointed, commissioned and qualified except in case of impeachment, when no appointment shall be made until a determination of the matter is had, when, in the event of an acquittal, the suspended officer shall be reinstated in office.] **In case of death, resignation, removal from office, impeachment, or vacancy from any cause in the office of state treasurer at any time prior to one hundred twenty days before the first general election after the state treasurer's term begins, the governor shall immediately appoint a qualified person to fill such vacancy until a successor is duly elected at the next general election, commissioned, and qualified to fill the office for the remainder of the term in which the vacancy occurred; and the governor shall take charge of the office and superintend its business until such person is appointed, commissioned, and qualified; except that in cases of impeachment, the governor shall appoint a qualified person to serve only until such impeachment is determined, when the suspended officer, if acquitted, shall be reinstated in office, or if the suspended officer is convicted, a new appointment shall be made by the governor in the manner provided in this section.”; and**

Further amend said bill, section 94.900, page 12, line 16 by inserting after all of said line the following:

“105.050. If any vacancy shall happen from any cause in the office of [the attorney general, circuit attorney, prosecuting attorney or assistant] **circuit or** prosecuting attorney, the governor, upon being satisfied that such vacancy exists, shall appoint some competent person to fill the same until the next [regular] **general** election [for attorney general, prosecuting attorney or assistant prosecuting attorney, as the case may be]; provided, in the case of a vacancy in the office of prosecuting attorney, if there is no qualified person in the county who can or will accept such appointment, then the governor may appoint any

person who possesses all the qualifications set forth in section 56.010, except the qualification as to residence.”; and

Further amend the title and enacting clause accordingly.

Senator Dixon moved that the above amendment be adopted.

President Pro Tem Richard assumed the Chair.

At the request of Senator Hegeman, **SB 592**, with SCS, SS for SCS and **SA 1** (pending), was placed on the Informal Calendar.

Senator Wallingford moved that **SB 793** be taken up for perfection, which motion prevailed.

Senator Wallingford offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 793, Page 25, Section 211.431, Line 4, by inserting after all of said line the following:

**“211.435. There is hereby created in the state treasury the “Juvenile Justice Preservation Fund”, which shall consist of moneys collected under section 488.315. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of the juvenile justice system. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and**

Further amend said bill and page, section 221.044, line 6, by inserting after all of said line the following:

**“488.315. In addition to all other costs associated with civil actions, there shall be assessed and collected a surcharge of three dollars and fifty cents in all civil actions filed in the state. The clerk responsible for collecting court costs in civil cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the juvenile justice preservation fund under section 211.435.”; and**

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 793, Page 25, Section 221.044, Line 6, by inserting after all of said line the following:

**“567.020. 1. A person commits the offense of prostitution if he or she engages in or offers or agrees to**

engage in sexual conduct with another person in return for something of value to be received by any person.

2. The offense of prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. The use of condoms is not a defense to this offense.

3. As used in this section, “HIV” means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.

4. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class B misdemeanor offense, upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. The judge, however, has discretion to take into consideration successful completion of a drug or alcohol treatment program in determining the defendant’s sentence.

**5. In addition to the affirmative defense provided in subsection 2 of section 566.223, it shall be an affirmative defense to prosecution pursuant to this section that the defendant was under the age of eighteen and was acting under the influence of an agent at the time of the offense charged.**

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

(1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or

(2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or

(3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value.

2. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen years of age or older.

3. The offense of patronizing prostitution is a class B misdemeanor, unless the individual who the person patronizes is less than eighteen years of age but older than fourteen years of age, in which case patronizing prostitution is a class [A misdemeanor] **E felony**.

4. The offense of patronizing prostitution is a class [E] **D felony** if the individual who the person patronizes is fourteen years of age or younger. Nothing in this section shall preclude the prosecution of an individual for the offenses of:

(1) Statutory rape in the first degree pursuant to section 566.032;

(2) Statutory rape in the second degree pursuant to section 566.034;

(3) Statutory sodomy in the first degree pursuant to section 566.062; or

(4) Statutory sodomy in the second degree pursuant to section 566.064.

567.060. 1. A person commits the offense of promoting prostitution in the second degree if he or she knowingly:

(1) Promotes prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes; **or**

(2) **Promotes prostitution of a person sixteen or seventeen years of age.**

2. The offense of promoting prostitution in the second degree is a class D felony.

589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless such person is exempted from registering under subsection 8 of this section; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the first degree when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or kidnapping in the second degree when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home or sexual conduct with a nursing facility resident or vulnerable person in the first or second degree; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; **patronizing prostitution if the individual the person patronizes is less than eighteen years of age;** or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(6) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241,

which shall include any attempt or conspiracy to commit such offense;

(7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under tribal, federal, or military law; or

(8) Any person who has been or is required to register in another state or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:

(1) All offenses requiring registration are reversed, vacated or set aside;

(2) The registrant is pardoned of the offenses requiring registration;

(3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of subsection 6 of this section; or

(4) The registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the court orders the removal or exemption of such person from the registry.

4. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

5. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

6. Any person currently on the sexual offender registry for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious

restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

7. Any person currently on the sexual offender registry for having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register.

8. Effective August 28, 2009, any person on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

9. (1) The court may grant such relief under subsection 7 or 8 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.

10. Any nonresident worker or nonresident student shall register for the duration of such person's employment or attendance at any school of higher education and is not entitled to relief under the provisions of subsection 9 of this section. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency and is not entitled to the provisions of subsection 9 of this section.

11. Any person whose name is removed or exempted from the sexual offender registry under subsection 7 or 8 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

President Parson assumed the Chair.

Senator Nasheed offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Bill No. 793, Page 25, Section 221.044, Line 6, by inserting after all of said line the following:

“567.020. 1. A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

2. The offense of prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. The use of condoms is not a defense to this offense.

3. As used in this section, “HIV” means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.

4. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class B misdemeanor offense, upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. The judge, however, has discretion to take into consideration successful completion of a drug or alcohol treatment program in determining the defendant's sentence.

**5. In addition to the affirmative defense provided in subsection 2 of section 566.223, it shall be an affirmative defense to prosecution pursuant to this section that the defendant was under the age of eighteen and was acting under the coercion, as defined in section 566.200, of an agent at the time of the offense charged.**

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

(1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or

(2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or

(3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value.

2. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen years of age or older.

3. The offense of patronizing prostitution is a class B misdemeanor, unless the individual who the person patronizes is less than eighteen years of age but older than fourteen years of age, in which case patronizing prostitution is a class [A misdemeanor] **E felony**.

4. The offense of patronizing prostitution is a class [E] **D felony** if the individual who the person patronizes is fourteen years of age or younger. Nothing in this section shall preclude the prosecution of an individual for the offenses of:

(1) Statutory rape in the first degree pursuant to section 566.032;

(2) Statutory rape in the second degree pursuant to section 566.034;

(3) Statutory sodomy in the first degree pursuant to section 566.062; or

(4) Statutory sodomy in the second degree pursuant to section 566.064.

567.050. 1. A person commits the offense of promoting prostitution in the first degree if he or she knowingly:

(1) Promotes prostitution by compelling a person to enter into, engage in, or remain in prostitution; or

(2) Promotes prostitution of a person less than sixteen years of age.

2. The term “compelling” includes:

(1) The use of forcible compulsion;

(2) The use of a drug or intoxicating substance to render a person incapable of controlling his conduct or appreciating its nature;

(3) Withholding or threatening to withhold dangerous drugs or a narcotic from a drug dependent person.

3. The offense of promoting prostitution in the first degree **under subdivision (1) of subsection 1 of this section** is a class B felony. **The offense of promoting prostitution in the first degree under subdivision (2) of subsection 1 of this section is a felony punishable by a term of imprisonment not less than ten years and not to exceed fifteen years.**

567.060. 1. A person commits the offense of promoting prostitution in the second degree if he or she knowingly:

(1) Promotes prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes; **or**



**(2) Promotes prostitution of a person sixteen or seventeen years of age.**

2. The offense of promoting prostitution in the second degree is a class D felony.

589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless such person is exempted from registering under subsection 8 of this section; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the first degree when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or kidnapping in the second degree when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home or sexual conduct with a nursing facility resident or vulnerable person in the first or second degree; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; **patronizing prostitution if the individual the person patronizes is less than eighteen years of age**; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(6) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or

has been or is required to register under tribal, federal, or military law; or

(8) Any person who has been or is required to register in another state or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri. “Part-time” in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless:

(1) All offenses requiring registration are reversed, vacated or set aside;

(2) The registrant is pardoned of the offenses requiring registration;

(3) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of subsection 6 of this section; or

(4) The registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the court orders the removal or exemption of such person from the registry.

4. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

5. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

6. Any person currently on the sexual offender registry for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious restraint when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

7. Any person currently on the sexual offender registry for having been convicted of, found guilty of,

or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register.

8. Effective August 28, 2009, any person on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

9. (1) The court may grant such relief under subsection 7 or 8 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.

10. Any nonresident worker or nonresident student shall register for the duration of such person's employment or attendance at any school of higher education and is not entitled to relief under the provisions of subsection 9 of this section. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency and is not entitled to the provisions of subsection 9 of this section.

11. Any person whose name is removed or exempted from the sexual offender registry under subsection

7 or 8 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.

**610.131. 1. Notwithstanding the provisions of section 610.140 to the contrary, an individual who has pleaded guilty or has been convicted for the offense of prostitution under section 567.020 may apply to the court in which he or she pled guilty or was sentenced for an order to expunge from all official records all recordations of his or her arrest, plea, trial, or conviction. If the court determines, after a hearing, that such person was acting under the influence of an agent when committing the offense that resulted in a plea of guilty or conviction under section 567.020, the court shall enter an order of expungement.**

**2. Upon granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea, or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above substitute amendment be adopted.

Senator Riddle offered SA 1 to SSA 1 for SA 2:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Bill No. 793, Page 11, Section 610.131, Line 20, by striking the word “influence” and inserting in lieu of the following: **“coercion, as defined in section 566.200,”**.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Onder offered SA 2 to SSA 1 for SA 2, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Bill No. 793, Page 11, Section 610.131, Line 14, by inserting after the word “who” the following:

**“at the time of the offense was under the age of eighteen, and”**.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed moved that **SSA 1** for **SA 2**, as amended, be adopted, which motion prevailed.

On motion of Senator Wallingford, **SB 793**, as amended, was declared perfected and ordered printed.

On motion of Senator Kehoe, the Senate recessed until 6:30 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Parson.

Photographers from Mooshido Productions/News 9 were given permission to take pictures in the Senate Chamber.

### SENATE BILLS FOR PERFECTION

Senator Munzlinger moved that **SB 546**, with **SS No. 2**, **SA 1** and **SSA 2** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Munzlinger, **SS No. 2** for **SB 546** was withdrawn, rendering **SA 1** and **SSA 2** for **SA 1** moot.

Senator Munzlinger offered **SS No. 3** for **SB 546**, entitled:

#### SENATE SUBSTITUTE NO. 3 FOR SENATE BILL NO. 546

An Act to repeal sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, and to enact in lieu thereof five new sections relating to civil procedure.

Senator Munzlinger moved that **SS No. 3** for **SB 546** be adopted.

President Pro Tem Richard assumed the Chair.

Senator Munzlinger offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 546, Page 2, Section 507.040, Line 12, by inserting after the word “plaintiff” the following: “, **except a plaintiff having proper venue in a county having a population of seventy-five thousand or less inhabitants may join in another action currently pending in a proper venue of another county with a population of seventy-five thousand inhabitants or less**”.

Senator Munzlinger moved that the above amendment be adopted.

Senator Schaaf offered **SA 1** to **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 3 for Senate Bill No. 546, Page 1, Line 4, by striking the words “seventy-five thousand” and inserting in lieu thereof the following: “Five million”;

And further amend line 6 by striking the words “seventy-five thousand” and inserting in lieu thereof the following: “Five million”.

Senator Schaaf moved that the above amendment be adopted.

A quorum was established by the following vote:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Rowden
Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

Absent—Senators

Hummel	Libla	Romine—3
--------	-------	----------

Absent with leave—Senators—None

Vacancies—1

At the request of Senator Munzlinger, **SS No. 3** for **SB 546** was withdrawn, rendering **SA 1** and **SA 1** to **SA 1** moot.

Senator Munzlinger offered **SS No. 4** for **SB 546**, entitled:

SENATE SUBSTITUTE NO. 4 FOR  
SENATE BILL NO. 546

An Act to repeal sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, and to enact in lieu thereof five new sections relating to civil procedure.

Senator Munzlinger moved that **SS No. 4** for **SB 546** be adopted.

At the request of Senator Munzlinger, **SB 546**, with **SS No. 4** (pending), was placed on the Informal Calendar.

**REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 793**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**RESOLUTIONS**

Senator Crawford offered Senate Resolution No. 1426, regarding Mari-Ellin Witt, which was adopted.

Senator Eigel offered Senate Resolution No. 1427, regarding Brenda Rubach Thurmer, St. Peters, which was adopted.

Senator Crawford offered Senate Resolution No. 1428, regarding Eagle Scout Robert Benjamin Hillhouse, Lebanon, which was adopted.

**INTRODUCTION OF GUESTS**

Senator Libla introduced to the Senate, Jeff Shawan, Poplar Bluff.

On behalf of Senator Crawford and himself, Senator Cunningham introduced to the Senate, 45 students, Junior Class, from Conway High School.

Senator Schupp introduced to the Senate, Will Kroeger, Debbie Johnson, Abby Buckhouse and Ellen O'Neill.

On behalf of the President and herself, Senator Crawford introduced to the Senate, Don Woods, Bolivar.

Senator Cierpiot introduced to the Senate, the Physician of the Day, Dr. Jonathan Patterson, Lee's Summit.

Senator Wasson introduced to the Senate, his sister, Hattie Carter and her husband, Collin, Nixa.

On behalf of the President and herself, Senator Crawford introduced to the Senate, Sue Entlicher, Addie Stewart and Audri Detlor, Bolivar.

On behalf of Senator Cunningham and himself, Senator Dixon introduced to the Senate, Ray Williams, West Plains.

Senator Nasheed introduced to the Senate, Marty Murray, Jr., St. Louis.

On motion of Senator Kehoe, the Senate adjourned under the rules.

**SENATE CALENDAR**


---

THIRTY-THIRD DAY—THURSDAY, MARCH 1, 2018

---

**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 1021-Dixon and Wallingford  
 SB 1022-Dixon  
 SB 1023-Dixon  
 SRB 1024-Dixon  
 SB 1025-Dixon  
 SB 1026-Nasheed, et al  
 SB 1027-Cierpiot  
 SB 1028-Wieland  
 SB 1029-Curls  
 SB 1030-Curls  
 SB 1031-Curls  
 SB 1032-Wallingford  
 SB 1033-Riddle

SB 1034-Riddle  
 SB 1035-Koenig  
 SB 1036-Koenig  
 SB 1037-Wasson  
 SB 1038-Dixon  
 SB 1039-Hegeman  
 SB 1040-Cunningham  
 SB 1041-Schaaf  
 SB 1042-Onder  
 SB 1043-Cierpiot  
 SB 1044-Romine  
 SB 1045-Romine  
 SB 1046-Crawford

SB 1047-Sater	SB 1062-Cierpiot
SB 1048-Rowden	SB 1063-Rizzo
SB 1049-Kehoe	SB 1064-Rizzo
SB 1050-Schatz	SB 1065-Eigel
SB 1051-Walsh	SB 1066-Eigel
SB 1052-Schaaf	SB 1067-Eigel
SB 1053-Koenig	SB 1068-Sater
SB 1054-Nasheed and Hummel	SB 1069-Crawford
SB 1055-Hegeman	SB 1070-Crawford
SB 1056-Wasson	SB 1071-Wieland
SB 1057-Schupp	SB 1072-Wieland
SB 1058-Schupp	SB 1073-Cunningham
SB 1059-Hummel	SB 1074-Rowden
SB 1060-Sifton	SJR 35-Cierpiot
SB 1061-Hoskins	SJR 36-Schatz

#### HOUSE BILLS ON SECOND READING

HB 1620-Rehder	HB 1481-Wiemann
HB 1389-Fitzpatrick	HB 1552-Neely
HB 1460-Evans	HB 1351-Beard
HB 1409-Fitzpatrick	HCS for HB 1597
HCS for HB 1685	HB 1660-Swan
HCS for HB 1690	HCS for HB 1663
HB 1598-Fraker	HB 1675-Redmon
HB 1650-Cornejo	HB 1676-Redmon
HB 1329-Remole	HB 1905-Walker (3)
HB 1371-Sommer	HB 2044-Taylor
HB 1421-Pfautsch	HCS for HB 2034
HCS for HB 1455	HCS for HB 1300
HCS for HB 1606	HCS for HB 1572
HCS for HB 1940	HB 1887-Bahr
HB 1291-Henderson	HCS for HB 1366
HB 1858-Christofanelli	HB 1998-Bondon
HB 1630-Evans	HB 1383-Miller
HCS for HB 1796	HB 1558-Neely
HCS for HB 1710	HB 1809-Tate
HB 1608-Kelly (141)	HCS for HB 1268
HB 1247-Pike	HB 1464-Berry
HB 1349-Black	HCS for HBs 1288, 1377 & 2050
HB 1355-Phillips	HCS for HB 1873
HB 1375-Ruth	HB 1428-Muntzel



## THIRD READING OF SENATE BILLS

- |   |  |
|---|--|
| 1. SS for SB 579-Libla (In Fiscal Oversight)            | 11. SB 681-Hummel  |
| 2. SS for SB 699-Sifton (In Fiscal Oversight)           | 12. SB 806-Crawford (In Fiscal Oversight)                            |
| 3. SS for SB 597-Riddle (In Fiscal Oversight)           | 13. SCS for SB 787-Curls   |
| 4. SB 818-Brown (In Fiscal Oversight)                   | 14. SS for SCS for SB 918-Munzlinger                                 |
| 5. SCS for SB 574-Wallingford                           | 15. SB 951-Crawford  |
| 6. SCS for SB 644-Cunningham                            | 16. SCS for SB 769-Cunningham  |
| 7. SB 727-Emery   | 17. SS for SCS for SB 600-Schatz<br>(In Fiscal Oversight)            |
| 8. SB 695-Wallingford                                   | 18. SS for SCS for SBs 603, 576 &<br>898-Onder (In Fiscal Oversight) |
| 9. SCS for SBs 632 & 675-Dixon<br>(In Fiscal Oversight) | 19. SB 793-Wallingford   |
| 10. SS for SB 882-Hoskins (In Fiscal Oversight)         |  |

## SENATE BILLS FOR PERFECTION

- |                                       |  |
|---------------------------------------|--|
| 1. SB 774-Munzlinger                  | 20. SB 800-Libla                       |
| 2. SB 752-Schatz, with SCS            | 21. SB 796-Koenig                      |
| 3. SB 861-Hegeman, with SCS           | 22. SB 814-Riddle, with SCS            |
| 4. SB 596-Riddle, with SCS            | 23. SBs 627 & 925-Munzlinger, with SCS |
| 5. SB 849-Kehoe and Schupp, with SCS  | 24. SB 707-Schatz, with SCS            |
| 6. SBs 617, 611 & 667-Eigel, with SCS | 25. SB 683-Wasson                      |
| 7. SB 674-Koenig                      | 26. SB 773-Hoskins                     |
| 8. SB 767-Hoskins, with SCS           | 27. SB 768-Hoskins                     |
| 9. SB 881-Eigel                       | 28. SB 837-Rowden                      |
| 10. SB 840-Rowden                     | 29. SB 704-Hegeman                     |
| 11. SB 660-Riddle                     | 30. SB 870-Hegeman                     |
| 12. SB 892-Walsh, with SCS            | 31. SB 893-Sater, with SCS             |
| 13. SB 757-Schatz                     | 32. SB 953-Sater, with SCS             |
| 14. SB 909-Dixon                      | 33. SB 850-Wallingford                 |
| 15. SB 871-Romine                     | 34. SB 672-Koenig, with SCS            |
| 16. SB 865-Kehoe                      | 35. SB 578-Romine                      |
| 17. SBs 894 & 921-Libla, with SCS     | 36. SB 666-Onder                       |
| 18. SB 743-Sater                      | 37. SB 802-Nasheed, with SCS           |
| 19. SB 780-Curls                      |  |

## HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)

SB 547-Munzlinger, with SCS

SB 550-Wasson, with SCS  
SB 552-Dixon, with SS (pending)  
SBs 555 & 609-Brown, with SCS  
SB 561-Sater, with SA 1 (pending)  
SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 590-Hegeman, with SCS, SS for SCS,  
SA 1, SSA 1 for SA 1 & SA 1 to SSA 1  
for SA 1 (pending)  
SB 591-Hegeman, with SCS  
SB 592-Hegeman, with SCS, SS for SCS &  
SA 1 (pending)  
SB 598-Riddle, with SCS  
SB 599-Schatz  
SB 602-Onder, with SCS  
SB 612-Koenig, with SCS, SS for SCS &  
SA 2 (pending)

SB 663-Schatz, with SCS (pending)  
SB 705-Riddle  
SB 730-Wallingford, with SCS & SA 1  
(pending)  
SB 751-Schatz  
SB 786-Schupp, with SA 3 (pending)  
SB 813-Riddle, with SCS & SA 1 (pending)  
SB 832-Rowden, with SCS  
SB 848-Riddle  
SB 860-Koenig, with SCS, SS for SCS &  
SA 1 (pending)  
SB 907-Kehoe, with SCS  
SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)

#### CONSENT CALENDAR

##### Senate Bills

Reported 2/15

SB 631-Wasson

SBs 946 & 947-Dixon, with SCS

Reported 2/22

SB 819-Cunningham

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

To be Referred

SCR 47-Schupp

SCR 48-Eigel

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-THIRD DAY—THURSDAY, MARCH 1, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Whoever serves must do so with the strength that God supplies, so that God may be glorified...” (1Peter 4:11)

It has been a week that has challenged us to get things done, people to see and listen to and it is good to bring this week to an end here. Let us enjoy our time home with loved ones and find ways to rest and recreate and find time with You our God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Richard offered Senate Resolution No. 1429, regarding Neal Group Construction, LLC, Joplin, which was adopted.

Senator Schaaf offered Senate Resolution No. 1430, regarding Eagle Scout Jacob A. Magyar, Kansas City, which was adopted.

Senator Schaaf offered Senate Resolution No. 1431, regarding Eagle Scout Jackson Scott Garrett, Kansas City, which was adopted.

Senator Hoskins offered Senate Resolution No. 1432, regarding the death of Frank Mattivi, Sr., Excelsior Springs, which was adopted.

The Senate observed a moment of silence in memory of Helena Ramsay.

**CONCURRENT RESOLUTIONS**

Senator Schatz offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 49**

Relating to the election date for the referendum on Senate Substitute #2 for Senate Bill 19 as enacted by the Ninety-ninth General Assembly, First Regular Session.

Whereas, the voters of Missouri through the referendum process have ordered an election on the enactment of Senate Substitute #2 for Senate Bill 19; and

Whereas, Senate Substitute #2 for Senate Bill 19 provides that no person shall be required to pay dues to a union without his or her affirmative consent; and

Whereas, there is substantial need for the protection of a person's right to support or refrain from supporting a union; and

Whereas, the Constitution of Missouri provides in Article III, Section 52(b) in part "...all elections on measures referred to the people shall be had at the general state elections, except when the General Assembly shall order a special election...":

Now Therefore Be It Resolved by the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the referendum on Senate Substitute #2 for Senate Bill 19 of the Ninety-ninth General Assembly, First Regular Session, officially entitled on the ballot as an act "which prohibits as a condition of employment the forced membership in a labor organization (union) or forced payments of dues in full or pro-rata (fair-share); makes any activity which violates employees' rights illegal and ineffective; allows legal remedies for anyone injured as a result of another person violating or threatening to violate employees' rights; and which shall not apply to union agreements entered into before the effective date of Senate Bill 19" be submitted to the voters of Missouri at a statewide election to be held on August 7, 2018; and

Be It Further Resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senator Hegeman offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 50**

Relating to the replacement of a statue in the Statuary Hall of the Capitol of the United States.

Whereas, 40 U.S.C. Section 187 permits a state to ask the Joint Committee on the Library of Congress for replacement of a statue it provided for display in the National Statuary Hall in the Capitol of the United States after the passage of the required display time period specified in 40 U.S.C. Section 187a; and

Whereas, that request must be made by a resolution adopted by the legislature of the state and approved by the Governor; and

Whereas, in 1895, the Missouri General Assembly authorized placement of statues of Thomas Hart Benton and Francis Preston Blair in Statuary Hall, which statues were placed there in 1899; and

Whereas, Thomas Hart Benton was a five-term United States Senator from Missouri and was an architect and champion of westward expansion by the United States; and

Whereas, Harry S Truman was the most important statesman Missouri ever gave the nation, an outstanding county official, United States Senator, Vice President and President of the United States who brought the Second World War to completion, led the free world at the beginning of the Cold War, and stood for fairness and opportunity for all Americans:

Now Therefore Be It Resolved by the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby request approval from the Joint Committee on the Library of Congress to replace the statue of Thomas Hart Benton with a statue of Harry S Truman as one of the two statues Missouri is entitled to display in the Statuary Hall of the United States Capitol; and

Be It Further Resolved that the Missouri General Assembly requests the Statue of Thomas Hart Benton be returned to the State of Missouri as permitted under 40 U.S.C. Section 187a(d); and

Be It Further Resolved that Secretary of the Senate be instructed to send copies of this resolution for the Joint Committee on the Library of Congress in care of the chair of the committee and to each member of the Missouri Congressional delegation; and

Be It Further Resolved that the Secretary of the Senate be instructed to send a properly inscribed copy of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senator Crawford offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 51

Relating to Scoliosis Awareness Day in Missouri.

Whereas, scoliosis is an abnormal curvature of the spine most often found in adolescents ages ten to eighteen; and

Whereas, roughly three million new cases of the condition are diagnosed in the United States each year; and

Whereas, screening for scoliosis is simple, noninvasive and only takes thirty seconds, yet parents and students are not educated as to how to catch early stage scoliosis with home evaluations; and

Whereas, if not detected or left untreated, scoliosis may worsen, leading to chronic back pain and spinal deformity, and can impact heart and lung function; and

Whereas, school screenings, education programs and other scheduled events help raise awareness for early detection and prevention of progressive spinal deformity:

Now Therefore Be It Resolved by the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby proclaim that September first of each year shall be "Scoliosis Awareness Day in Missouri"; and

Be It Further Resolved that the Secretary of the Senate be instructed to send a properly inscribed copy of this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

**INTRODUCTION OF BILLS**

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

**SB 1075**—By Riddle.

An Act to repeal section 332.081, RSMo, and to enact in lieu thereof one new section relating to dental practices at federally qualified health centers.

**SB 1076**—By Curls.

An Act to repeal section 307.179, RSMo, and to enact in lieu thereof one new section relating to child passenger restraint systems, with penalty provisions.

**SB 1077**—By Holsman.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to innovation schools.

**SB 1078**—By Holsman.

An Act to repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to the

offense of forgery.

**SB 1079**—By Hegeman.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to civil claims for relief due to silica exposure.

**SB 1080**—By Rizzo.

An Act to repeal sections 217.810 and 548.241, RSMo, and to enact in lieu thereof two new sections relating to the supervision of certain persons.

**SB 1081**—By Rizzo.

An Act to repeal section 565.020, RSMo, and to enact in lieu thereof two new sections relating to murder in the first degree, with a penalty provision.

**SB 1082**—By Rizzo.

An Act to repeal sections 338.315, 338.330, 338.333, 338.337, and 338.340, RSMo, and to enact in lieu thereof five new sections relating to pharmaceutical entities, with existing penalty provisions.

**SB 1083**—By Walsh.

An Act to repeal section 208.217, RSMo, and to enact in lieu thereof one new section relating to department of mental health contracts, with existing penalty provisions.

**SB 1084**—By Schatz.

An Act to repeal section 303.026, RSMo, and to enact in lieu thereof one new section relating to the motor vehicle financial responsibility law, with existing penalty provisions.

**SB 1085**—By Chappelle-Nadal.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Nat Turner day in Missouri.

**SB 1086**—By Crawford.

An Act to repeal section 54.140, RSMo, and to enact in lieu thereof one new section relating to duties of county officials, with an existing penalty provision.

**SB 1087**—By Rowden.

An Act to amend chapter 590, RSMo, by adding thereto eight new sections relating to automated license plate reader systems, with penalty provisions.

**SB 1088**—By Rowden.

An Act to repeal sections 436.218, 436.221, 436.224, 436.227, 436.230, 436.233, 436.236, 436.239, 436.242, 436.245, 436.248, 436.251, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof sixteen new sections relating to contracts involving student athletes, with penalty provisions.

**SB 1089**—By Wallingford.

An Act to repeal section 287.280, RSMo, and to enact in lieu thereof one new section relating to the use

of a third-party administrator in the course of certain workers' compensation proceedings.

**SB 1090**—By Hummel.

An Act to repeal section 142.803, RSMo, and to enact in lieu thereof one new section relating to the taxation of motor fuel.

**SB 1091**—By Nasheed.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of memorial infrastructure.

**SB 1092**—By Hoskins.

An Act to amend chapter 644, RSMo, by adding thereto one new section relating to setback distances for large wastewater facilities.

**SB 1093**—By Hoskins.

An Act to repeal section 281.260, RSMo, and to enact in lieu thereof two new sections relating to pesticides.

**SB 1094**—By Hoskins.

An Act to repeal section 337.068, RSMo, and to enact in lieu thereof one new section relating to complaints against psychologists.

**SB 1095**—By Hoskins.

An Act to repeal section 630.745, RSMo, and to enact in lieu thereof one new section relating to department of mental health inspections.

**SB 1096**—By Romine.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to career and technical education.

**SB 1097**—By Sifton.

An Act to repeal sections 557.036, 558.021, 558.046, 559.115, 559.117, 566.030, 566.032, 566.060, 566.062, 566.125, and 589.414, RSMo, and to enact in lieu thereof twelve new sections relating to sexual offenders, with penalty provisions.

**SB 1098**—By Sater.

An Act to repeal section 376.1550, RSMo, and to enact in lieu thereof one new section relating to insurance coverage for mental health conditions.

**SJR 37**—By Kehoe.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, and 7 of article III of the Constitution of Missouri, and adopting five new sections in lieu thereof relating to the general assembly.

**SJR 38**—By Kehoe.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the

Constitution of Missouri relating to reapportionment of the general assembly.

**SJR 39**—By Kehoe.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, and 7 of article III of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to reapportionment of the general assembly.

**SJR 40**—By Rowden.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to labor organizations.

### **REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SB 806**; **SB 818**; and **SS** for **SB 597** begs leave to report that it has considered the same and recommends that the bills do pass.

### **SECOND READING OF SENATE BILLS**

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

**SB 1021**—Health and Pensions.

**SB 1022**—Small Business and Industry.

**SB 1023**—General Laws.

**SRB 1024**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1025**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1026**—Transportation, Infrastructure and Public Safety.

**SB 1027**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1028**—Small Business and Industry.

**SB 1029**—Local Government and Elections.

**SB 1030**—Local Government and Elections.

**SB 1031**—Local Government and Elections.

**SB 1032**—Local Government and Elections.

**SB 1033**—Seniors, Families and Children.

**SB 1034**—Seniors, Families and Children.

**SB 1035**—Education.

**SB 1036**—Ways and Means.



**SB 1037**—Economic Development.  
**SB 1038**—Local Government and Elections.  
**SB 1039**—Professional Registration.  
**SB 1040**—Health and Pensions.  
**SB 1041**—Rules, Joint Rules, Resolutions and Ethics.  
**SB 1042**—Local Government and Elections.  
**SB 1043**—Local Government and Elections.  
**SB 1044**—Education.  
**SB 1045**—Health and Pensions.  
**SB 1046**—Seniors, Families and Children.  
**SB 1047**—Education.  
**SB 1048**—Rules, Joint Rules, Resolutions and Ethics.  
**SB 1049**—Transportation, Infrastructure and Public Safety.  
**SJR 35**—Local Government and Elections.

#### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 1620**—Seniors, Families and Children.  
**HB 1389**—Transportation, Infrastructure and Public Safety.  
**HB 1460**—Ways and Means.  
**HB 1409**—Small Business and Industry.  
**HCS for HB 1685**—Insurance and Banking.  
**HCS for HB 1690**—Insurance and Banking.  
**HB 1598**—Professional Registration.  
**HB 1650**—Insurance and Banking.  
**HB 1329**—Health and Pensions.  
**HB 1371**—Education.  
**HB 1421**—Education.  
**HCS for HB 1455**—Education.  
**HCS for HB 1606**—Education.  
**HCS for HB 1940**—Education.

**HB 1291**—Local Government and Elections.

**HB 1858**—Ways and Means.

**HB 1630**—Seniors, Families and Children.

**HCS for HB 1796**—Insurance and Banking.

**HCS for HB 1710**—Professional Registration.

**HB 1608**—Government Reform.

**HB 1247**—General Laws.

**HB 1349**—General Laws.

**HB 1355**—Transportation, Infrastructure and Public Safety.

**HB 1375**—General Laws.

**HB 1481**—Insurance and Banking.

**HB 1552**—Veterans and Military Affairs.

## **SECOND READING OF CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 47**—Rules, Joint Rules, Resolutions and Ethics.

## **REFERRALS**

President Pro Tem Richard referred **SCR 48** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## **THIRD READING OF SENATE BILLS**

**SS for SB 597** was placed on the Informal Calendar.

**SB 818**, introduced by Senator Brown, entitled:

An Act to repeal section 208.225, RSMo, and to enact in lieu thereof one new section relating to Medicaid per diem reimbursement rates, with an emergency clause.

Was taken up.

On motion of Senator Brown, **SB 818** was read the 3rd time and passed by the following vote:

### **YEAS—Senators**

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Wallingford
Walsh	Wasson	Wieland—31				

**NAYS—Senators—None**

Absent—Senators

Hoskins            Sifton—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators

Hoskins            Sifton—2

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SCS for SB 574**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 574

An Act to repeal section 198.070, RSMo, and to enact in lieu thereof one new section relating to abuse or neglect reporting in long-term care facilities, with existing penalty provisions.

Was taken up by Senator Wallingford.

On motion of Senator Wallingford, **SCS for SB 574** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SCS for SB 644**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 644

An Act to repeal sections 447.562 and 447.581, RSMo, and to enact in lieu thereof two new sections relating to unclaimed property, with penalty provisions.

Was taken up by Senator Cunningham.

On motion of Senator Cunningham, **SCS for SB 644** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Koenig—1

Absent—Senator Richard—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 727**, introduced by Senator Emery, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the comprehensive state energy plan.

Was taken up.

On motion of Senator Emery, **SB 727** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Schaaf—1

Absent—Senator Cierpiot—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Emery, title to the bill was agreed to.

Senator Emery moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 695**, introduced by Senator Wallingford, entitled:

An Act to repeal sections 161.032, 161.042, 161.052, 161.072, and 161.082, RSMo, and to enact in lieu thereof seven new sections relating to boards and commissions.

Was taken up.

On motion of Senator Wallingford, **SB 695** was read the 3rd time and passed by the following vote:

YEAS—Senators

Crawford	Cunningham	Curls	Dixon	Eigel	Holsman	Hoskins
Hummel	Kehoe	Libla	Munzlinger	Nasheed	Onder	Rizzo
Romine	Rowden	Sater	Schatz	Sifton	Wallingford	Walsh
Wasson—22						

NAYS—Senators

Brown	Chappelle-Nadal	Emery	Hegeman	Koenig	Richard	Riddle
Schaaf	Schupp	Wieland—10				

Absent—Senator Cierpiot—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 681**, introduced by Senator Hummel, entitled:

An Act to repeal section 167.225, RSMo, and to enact in lieu thereof one new section relating to school instruction in Braille.

Was taken up.

On motion of Senator Hummel, **SB 681** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Hummel, title to the bill was agreed to.

Senator Hummel moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 806**, introduced by Senator Crawford, entitled:

An Act to repeal sections 475.050, 475.070, 475.075, 475.290, and 475.320, RSMo, and to enact in lieu thereof five new sections relating to the appointment of a guardian or conservator for certain persons.

Was taken up.

On motion of Senator Crawford, **SB 806** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle

Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

President Pro Tem Richard assumed the Chair.

**SCS for SB 787**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 787

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the Missouri senior farmers' market nutrition program.

Was taken up by Senator Curls.

On motion of Senator Curls, **SCS for SB 787** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

President Parson assumed the Chair.

**SS for SCS for SB 918**, introduced by Senator Munzlinger, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 918

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to working animals.

Was taken up.

On motion of Senator Munzlinger, **SS for SCS for SB 918** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Crawford	Cunningham	Dixon	Eigel	Emery	Hegeman
Hoskins	Hummel	Kehoe	Koenig	Libla	Munzlinger	Onder
Richard	Riddle	Romine	Rowden	Sater	Schatz	Wallingford
Wasson	Wieland—23					

NAYS—Senators

Chappelle-Nadal	Cierpiot	Curls	Holsman	Nasheed	Rizzo	Schaaf
Schupp	Sifton	Walsh—10				

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 951**, introduced by Senator Crawford, entitled:

An Act to repeal sections 197.052 and 536.031, RSMo, and to enact in lieu thereof two new sections relating to hospital regulations.

Was taken up.

On motion of Senator Crawford, **SB 951** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe



Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SCS for SB 769**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 769

An Act to repeal sections 30.270, 50.660, 50.783, 67.085, 95.530, 110.010, 110.080, 110.140, 165.221, 165.231, 165.241, and 165.271, RSMo, and to enact in lieu thereof fifteen new sections relating to financial transactions involving public entities, with existing penalty provisions.

Was taken up by Senator Cunningham.

On motion of Senator Cunningham, **SCS for SB 769** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo
Romine	Rowden	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators

Richard          Sater—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS** for **SB 597**, introduced by Senator Riddle, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 597

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to chiropractic services.

Was called from the Informal Calendar and taken up.

On motion of Senator Riddle, **SS** for **SB 597** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SENATE BILLS FOR PERFECTION**

At the request of Senator Munzlinger, **SB 774** was placed on the Informal Calendar.

Senator Schatz moved that **SB 752**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 752**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 752

An Act to repeal section 306.126, RSMo, and to enact in lieu thereof one new section relating to boat passengers.

Was taken up.

Senator Schatz moved that **SCS** for **SB 752** be adopted.

Senator Schatz offered **SS** for **SCS** for **SB 752**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 752

An Act to repeal section 306.126, RSMo, and to enact in lieu thereof one new section relating to boat passengers.

Senator Schatz moved that **SS** for **SCS** for **SB 752** be adopted, which motion prevailed.

On motion of Senator Schatz, **SS** for **SCS** for **SB 752** was declared perfected and ordered printed.

**SB 861**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Riddle, **SB 596**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kehoe, **SB 849**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Eigel, **SB 617**, **SB 611** and **SB 667**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Koenig, **SB 674** was placed on the Informal Calendar.

At the request of Senator Hoskins, **SB 767**, with **SCS**, was placed on the Informal Calendar.

Senator Eigel moved that **SB 881** be taken up for perfection, which motion prevailed.

Senator Eigel offered **SS** for **SB 881**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 881

An Act to repeal sections 301.074, 301.075, and 301.145, RSMo, and to enact in lieu thereof three new sections relating to special license plates.

Senator Eigel moved that **SS** for **SB 881** be adopted, which motion prevailed.

On motion of Senator Eigel, **SS** for **SB 881** was declared perfected and ordered printed.

Senator Rowden moved that **SB 840** be taken up for perfection, which motion prevailed.

On motion of Senator Rowden, **SB 840** was declared perfected and ordered printed.

Senator Riddle moved that **SB 660** be taken up for perfection, which motion prevailed.

On motion of Senator Riddle, **SB 660** was declared perfected and ordered printed.

Senator Walsh moved that **SB 892**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 892**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 892

An Act to repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, and 56.840, RSMo, and to enact in lieu thereof six new sections relating to the public employee retirement system for prosecuting and circuit attorneys.

Was taken up.

Senator Walsh moved that **SCS** for **SB 892** be adopted, which motion prevailed.

On motion of Senator Walsh, **SCS** for **SB 892** was declared perfected and ordered printed.

**SB 757** was placed on the Informal Calendar.

Senator Dixon moved that **SB 909** be taken up for perfection, which motion prevailed.

On motion of Senator Dixon, **SB 909** was declared perfected and ordered printed.

Senator Romine moved that **SB 871** be taken up for perfection, which motion prevailed.

On motion of Senator Romine, **SB 871** was declared perfected and ordered printed.

At the request of Senator Kehoe, **SB 865** was placed on the Informal Calendar.

Senator Libla moved that **SBs 894** and **921**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 894** and **921**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 894 and 921

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to education curriculum involving science and technology.

Was taken up.

Senator Libla moved that **SCS** for **SBs 894** and **921** be adopted.

Senator Libla offered **SS** for **SCS** for **SBs 894** and **921**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 894 and 921

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to education curriculum involving science and technology.

Senator Libla moved that **SS** for **SCS** for **SBs 894** and **921** be adopted, which motion prevailed.

On motion of Senator Libla, **SS** for **SCS** for **SBs 894** and **921** was declared perfected and ordered printed.

Senator Sater moved that **SB 743** be taken up for perfection, which motion prevailed.

On motion of Senator Sater, **SB 743** was declared perfected and ordered printed.

Senator Curls moved that **SB 780** be taken up for perfection, which motion prevailed.

On motion of Senator Curls, **SB 780** was declared perfected and ordered printed.

Senator Riddle moved that **SB 598**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 598**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 598

An Act to repeal section 227.240, RSMo, and to enact in lieu thereof one new section relating to the department of transportation utility corridor, with an existing penalty provision.

Was taken up.

Senator Riddle moved that **SCS** for **SB 598** be adopted.

Senator Munzlinger offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 598, Page 1, Section 227.240, Line 16, by striking all of said line and inserting in lieu thereof the following:

**“3. The department of transportation may establish a utility corridor”; and**

Further amend said bill and section, page 2, lines 18-25, by striking all of said lines and inserting in lieu thereof the following: **“the state highway system. Such utility corridor shall be up to twelve feet in width and placed within the existing right-of-way when space is reasonably available, with the location of the utility corridor to be determined by the state highways and transportation commission. Utility providers shall be reimbursed by the department of transportation for the expense of moving or relocating any preexisting utility facilities located on property outside an existing state highway right-of-way or utility corridor that is acquired by the state for the purpose of expanding a state highway or creating or expanding a utility corridor. The commission shall promulgate rules setting forth a”**.

Senator Munzlinger moved that the above amendment be adopted.

At the request of Senator Riddle, **SB 598**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Hegeman assumed the Chair.

President Parson assumed the Chair.

Senator Schatz moved that **SB 757** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Schatz, **SB 757** was declared perfected and ordered printed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1896**, entitled:

An Act to repeal sections 337.025, 337.029, and 337.033, RSMo, to enact in lieu thereof seventeen new sections relating to the practice of psychology, with a delayed effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 1607**, entitled:

An Act to repeal sections 260.262 and 319.129, RSMo, and to enact in lieu thereof two new sections relating to natural resources funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1928**, entitled:

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to professional registration.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1945**, entitled:

An Act to repeal sections 578.018 and 578.030, RSMo, and to enact in lieu thereof two new sections relating to the confiscation of animals, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 881**; **SS** for **SCS** for **SB 752**; **SB 909**; and **SB 840**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **REFERRALS**

President Pro Tem Richard referred **SB 793** to the Committee on Fiscal Oversight.

### **SENATE BILLS FOR PERFECTION**

Senator Riddle moved that **SB 598**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection which motion prevailed.

**SA 1** was again taken up.

Senator Munzlinger moved that the above amendment be adopted, which motion prevailed.

Senator Riddle moved that **SCS** for **SB 598**, as amended, be adopted, which motion prevailed.

On motion of Senator Riddle, **SCS** for **SB 598**, as amended, was declared perfected and ordered printed.

## **SECOND READING OF SENATE BILLS**

The following Joint Resolution was read the 2nd time and referred to the Committee indicated:

**SJR 36**—Transportation, Infrastructure and Public Safety.

## **INTRODUCTION OF BILLS**

The following Bills were read the 1st time and ordered printed:

**SB 1099**—By Hummel and Nasheed.

An Act to amend chapter 162, RSMo, by adding thereto two new sections relating to school districts.

**SB 1100**—By Riddle.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to the sale of vision correction devices, with penalty provisions.

**SB 1101**—By Schupp.

An Act to repeal sections 455.010, 455.050, 571.010, 571.020, and 571.070, RSMo, and to enact in lieu thereof five new sections relating to firearms, with penalty provisions.

**SB 1102**—By Kehoe.

An Act to repeal sections 34.378, 307.178, 407.025, 435.350, 435.355, 435.440, 507.040, 507.050, 507.060, 508.010, 508.012, 510.263, 516.105, 537.067, 537.100, 537.762, 538.205, and 538.210, RSMo, and to enact in lieu thereof twenty-four new sections relating to civil actions.

## **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 892**; **SB 871**; **SB 780**; and **SB 660**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

## **RESOLUTIONS**

Senator Wieland offered Senate Resolution No. 1433, regarding Saint Pius X High School volleyball team, which was adopted.

## **INTRODUCTION OF GUESTS**

Senator Romine introduced to the Senate, the Physician of the Day, Gregory K. Terpstra, D.O., D.A.B.F.P., Potosi.

Senator Libla introduced to the Senate, Herman Styles, Poplar Bluff.

Senator Dixon introduced to the Senate, Julie and Emma Reynolds, Rob Blevins and Jackie Douglas, Springfield.

Senator Walsh introduced to the Senate, Mikayla Woods, Lennox Turner, Shelby Winston, Olivia Thornton and Azaria Spearman, Girl Scout Troop 992, GSEM Robotics Agency, Florissant; and Mikayla, Lennox, Shelby, Olivia and Azaria were made honorary pages.

Senator Rowden introduced to the Senate, Nancy and Connor Squellati, Columbia.

Senator Wallingford introduced to the Senate, students from around the state attending STEM Day at the Capitol.

Senator Wallingford introduced to the Senate, Cheryl Hartke, Robert Michael, Heather Dodson and Jenny Schade, and forty-six seventh grade students, St. Vincent De Paul School, Cape Girardeau.

Senator Kehoe introduced to the Senate, members of the National Federation of Independent Business.

Senator Rizzo introduced to the Senate, fourth grade students from Briarcliff Elementary, Kansas City.

Senator Holsman introduced to the Senate, P. J. Wilson, Columbia; and Laura Castillo, Caguas, Puerto Rico.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, March 5, 2018.

## SENATE CALENDAR

---

THIRTY-FOURTH DAY—MONDAY, MARCH 5, 2018

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1050-Schatz	SB 1068-Sater
SB 1051-Walsh	SB 1069-Crawford
SB 1052-Schaaf	SB 1070-Crawford
SB 1053-Koenig	SB 1071-Wieland
SB 1054-Nasheed and Hummel	SB 1072-Wieland
SB 1055-Hegeman	SB 1073-Cunningham
SB 1056-Wasson	SB 1074-Rowden
SB 1057-Schupp	SB 1075-Riddle
SB 1058-Schupp	SB 1076-Curls
SB 1059-Hummel	SB 1077-Holsman
SB 1060-Sifton	SB 1078-Holsman
SB 1061-Hoskins	SB 1079-Hegeman
SB 1062-Cierpiot	SB 1080-Rizzo
SB 1063-Rizzo	SB 1081-Rizzo
SB 1064-Rizzo	SB 1082-Rizzo
SB 1065-Eigel	SB 1083-Walsh
SB 1066-Eigel	SB 1084-Schatz
SB 1067-Eigel	SB 1085-Chappelle-Nadal



SB 1086-Crawford	SB 1097-Sifton
SB 1087-Rowden	SB 1098-Sater
SB 1088-Rowden	SB 1099-Hummel and Nasheed
SB 1089-Wallingford	SB 1100-Riddle
SB 1090-Hummel	SB 1101-Schupp
SB 1091-Nasheed	SB 1102-Kehoe
SB 1092-Hoskins	SJR 37-Kehoe
SB 1093-Hoskins	SJR 38-Kehoe
SB 1094-Hoskins	SJR 39-Kehoe
SB 1095-Hoskins	SJR 40-Rowden
SB 1096-Romine	

## HOUSE BILLS ON SECOND READING

HB 1351-Beard	HB 1998-Bondon
HCS for HB 1597	HB 1383-Miller
HB 1660-Swan	HB 1558-Neely
HCS for HB 1663	HB 1809-Tate
HB 1675-Redmon	HCS for HB 1268
HB 1676-Redmon	HB 1464-Berry
HB 1905-Walker (3)	HCS for HBs 1288, 1377 & 2050
HB 2044-Taylor	HCS for HB 1873
HCS for HB 2034	HB 1428-Muntzel
HCS for HB 1300	HB 1896-Swan
HCS for HB 1572	HB 1607-Korman
HB 1887-Bahr	HCS for HB 1928
HCS for HB 1366	HB 1945-Anderson

## THIRD READING OF SENATE BILLS

- |   |   |
|---|---|
| 1. SS for SB 579-Libla (In Fiscal Oversight)                        | 7. SB 793-Wallingford (In Fiscal Oversight) |
| 2. SS for SB 699-Sifton (In Fiscal Oversight)                       | 8. SS for SB 881-Eigel                      |
| 3. SCS for SBs 632 & 675-Dixon<br>(In Fiscal Oversight)             | 9. SS for SCS for SB 752-Schatz             |
| 4. SS for SB 882-Hoskins<br>(In Fiscal Oversight)                   | 10. SB 909-Dixon                            |
| 5. SS for SCS for SB 600-Schatz<br>(In Fiscal Oversight)            | 11. SB 840-Rowden                           |
| 6. SS for SCS for SBs 603, 576 & 898-Onder<br>(In Fiscal Oversight) | 12. SCS for SB 892-Walsh                    |
|   | 13. SB 871-Romine                           |
|   | 14. SB 780-Curls                            |
|   | 15. SB 660-Riddle                           |

## SENATE BILLS FOR PERFECTION

- |                                       |                              |
|---------------------------------------|------------------------------|
| 1. SB 800-Libla                       | 10. SB 704-Hegeman           |
| 2. SB 796-Koenig                      | 11. SB 870-Hegeman           |
| 3. SB 814-Riddle, with SCS            | 12. SB 893-Sater, with SCS   |
| 4. SBs 627 & 925-Munzlinger, with SCS | 13. SB 953-Sater, with SCS   |
| 5. SB 707-Schatz, with SCS            | 14. SB 850-Wallingford       |
| 6. SB 683-Wasson                      | 15. SB 672-Koenig, with SCS  |
| 7. SB 773-Hoskins                     | 16. SB 578-Romine            |
| 8. SB 768-Hoskins                     | 17. SB 666-Onder             |
| 9. SB 837-Rowden                      | 18. SB 802-Nasheed, with SCS |

## HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 546-Munzlinger, with SS#4 (pending)  | SB 663-Schatz, with SCS (pending)                    |
| SB 547-Munzlinger, with SCS   | SB 674-Koenig  |
| SB 550-Wasson, with SCS   | SB 705-Riddle  |
| SB 552-Dixon, with SS (pending)   | SB 730-Wallingford, with SCS & SA 1 (pending)        |
| SBs 555 & 609-Brown, with SCS   | SB 751-Schatz  |
| SB 561-Sater, with SA 1 (pending)   | SB 767-Hoskins, with SCS                             |
| SB 567-Cunningham, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)                        | SB 774-Munzlinger                                    |
| SB 590-Hegeman, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & SA 1 to SSA 1 for SA 1 (pending) | SB 786-Schupp, with SA 3 (pending)                   |
| SB 591-Hegeman, with SCS  | SB 813-Riddle, with SCS & SA 1 (pending)             |
| SB 592-Hegeman, with SCS, SS for SCS & SA 1 (pending)   | SB 832-Rowden, with SCS                              |
| SB 596-Riddle, with SCS   | SB 848-Riddle  |
| SB 599-Schatz   | SB 849-Kehoe and Schupp, with SCS                    |
| SB 602-Onder, with SCS  | SB 860-Koenig, with SCS, SS for SCS & SA 1 (pending) |
| SB 612-Koenig, with SCS, SS for SCS & SA 2 (pending)  | SB 861-Hegeman, with SCS                             |
| SBs 617, 611 & 667-Eigel, with SCS  | SB 865-Kehoe   |
|   | SB 907-Kehoe, with SCS                               |
|   | SB 912-Rowden, with SCS & SS#3 for SCS (pending)     |

CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 631-Wasson

SBs 946 & 947-Dixon, with SCS

Reported 2/22

SB 819-Cunningham

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

To be Referred

SCR 49-Schatz

SCR 51-Crawford

SCR 50-Hegeman

✓

# Journal of the Senate

SECOND REGULAR SESSION

---

**THIRTY-FOURTH DAY—MONDAY, MARCH 5, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Who are they that fear the Lord? He will teach them the way that they should choose.” (Psalm 25:12)

We return with much work to do, O Lord, like the psalmist we call for help that we might be faithful to the little things that have a way of producing much power and can be overwhelming. Teach us to use the small things to be of great service to the people of Missouri. Help us to provide laws that give power to the littlest so as to accomplish great things for all Your people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 1, 2018 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Kehoe offered Senate Resolution No. 1434, regarding Eagle Scout William C. Roehl, Jefferson City, which was adopted.

Senator Richard offered Senate Resolution No. 1435, regarding Donald Wayne Cook, Joplin, which was adopted.

Senator Kehoe offered Senate Resolution No. 1436, regarding David Welch, which was adopted.

Senator Wallingford offered Senate Resolution No. 1437, regarding Marquette Tower, Cape Girardeau, which was adopted.

Senator Hummel offered Senate Resolution No. 1438, regarding Nyla Long, which was adopted.

Senator Hoskins offered Senate Resolution No. 1439, regarding the Fiftieth Anniversary of Sigma Phi Epsilon Missouri Theta chapter, which was adopted.

Senator Nasheed offered Senate Resolution No. 1440, regarding Gary and Mary Joan Wood, Cairo, which was adopted.

The Senate observed a moment of silence in memory of Peter Wang.

**SENATE BILLS FOR PERFECTION**

Senator Libla moved that **SB 800** be taken up for perfection, which motion prevailed.

Senator Koenig offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Bill No. 800, Page 2, Section 211.444, Line 26, by inserting immediately after said line the following:

“211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it appears that the information could justify the filing of a petition, the juvenile officer may take further action, including filing a petition. If it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child’s parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an “infant” means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and

could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child;  
or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

(c) The parent has voluntarily relinquished a child under section 210.950; or

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review;  
or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development.

Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566 when the child or any child in the family was a victim, or a violation of section 568.020 when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of

consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of forcible rape or rape in the first degree. When the biological father has pled guilty to, or is convicted of, the forcible rape or rape in the first degree of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(6) (a) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse including, but not limited to, specific conditions directly relating to the parent and child relationship which are determined by the court to be of a duration or nature that renders the parent unable for the reasonably foreseeable future to care appropriately for the ongoing physical, mental, or emotional needs of the child.

(b) It is presumed that a parent is unfit to be a party to the parent and child relationship upon a showing that:

a. Within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3), or (4) of this subsection or similar laws of other states;

b. If the parent is the birth mother and within eight hours after the child's birth, the child's birth mother tested positive and over .08 blood alcohol content pursuant to testing under section 577.020 for alcohol, or tested positive for cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case;

c. If the parent is the birth mother and at the time of the child's birth or within eight hours after a child's birth the child tested positive for alcohol, cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case; or

d. Within a three-year period immediately prior to the termination adjudication, the parent has pled guilty to or has been convicted of a felony involving the possession, distribution, or manufacture of cocaine, heroin, or methamphetamine, and the parent is the biological parent of at least one other child who was adjudicated an abused or neglected minor by such parent or such parent has previously failed to complete recommended treatment services by the children's division through a family-centered services case.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of



this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

- (1) The emotional ties to the birth parent;
  - (2) The extent to which the parent has maintained regular visitation or other contact with the child;
  - (3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;
  - (4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;
  - (5) The parent's disinterest in or lack of commitment to the child;
  - (6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;
  - (7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.
8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.
9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.
10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

**11. A court of competent jurisdiction may terminate the parental rights of a biological father of a child if he is an alleged perpetrator of forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape in the first degree under section 566.030 that resulted in the conception and birth of the child. The biological mother who is the victim of the forcible rape or rape in the first degree or, if she is a minor, someone on her behalf may file a petition to terminate the parental rights of the biological father. The court may terminate the parental rights of the biological father if the court finds that by:**

- (1) Clear, cogent, and convincing evidence the biological father committed the act of forcible rape or rape in the first degree against the biological mother;**
- (2) Clear, cogent, and convincing evidence the child was conceived as a result of that act of forcible rape or rape in the first degree; and**
- (3) The preponderance of the evidence the termination of the parental rights of the biological**

father is in the best interests of the child.

**12. In any action to terminate the parental rights of the biological father under subsection 11 of this section or subdivision (5) of subsection 5 of this section, a court of competent jurisdiction may order that the mother and the child conceived and born as a result of forcible rape or rape in the first degree are entitled to obtain from the biological father certain payments, support, beneficiary designations, or other financial benefits. The court shall issue such order only if the mother gives her consent; provided, that the court shall first inform the mother that such order may require or obligate the mother to have continuous or future communication and contact with the biological father. Such order shall be issued without the biological father being entitled to or granted any custody, guardianship, visitation privileges, or other parent-child relationship, and may include any or all of the following:**

**(1) Payment for the reasonable expenses of the mother or the child, or both, related to pregnancy, labor, delivery, postpartum care, newborn care, or early childhood care;**

**(2) Child support under this chapter or chapters 210, 452, or 454;**

**(3) All rights of the child to inherit under the probate code, as defined in section 472.010; provided that, for purposes of intestate succession, the biological father or his kindred shall have no right to inherit from or through the child;**

**(4) The designation of the child as the beneficiary of a life or accidental death insurance policy, annuity, contract, plan, or other product sold or issued by a life insurance company; or**

**(5) Any other payments, support, beneficiary designations, or financial benefits that are in the best interests of the child or for the reasonable expenses of the mother, or both.**

**If the mother declines to seek a court order for child support under this subsection, no state agency shall require the mother to do so in order to receive public assistance benefits for herself or the child, including, but not limited to, benefits for temporary assistance for needy families, supplemental nutrition assistance program, or MO HealthNet. The court order terminating the parental rights of the biological father under subdivision (5) of subsection 5 of this section or subsection 11 of this section shall serve as a sufficient basis for a good cause or other exemptions under 42 U.S.C. Section 654(29) and the state agency shall not require the mother or the child to otherwise provide the identity, location, income, or assets of the biological father or have contact or communicate with the biological father. However, nothing in this subsection shall prohibit a state agency from requesting that the mother assign any child support rights she receives under this subsection to the state as a condition of receipt of public assistance benefits under applicable federal and state law.”; and**

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Libla, **SB 800**, as amended, was declared perfected and ordered printed.

Senator Koenig moved that **SB 796** be taken up for perfection, which motion prevailed.

Senator Schupp offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Bill No. 796, Page 1, In the Title, Line 3, by striking “the licensure of psychologists” and

inserting in lieu thereof the following: “the licensure of health care professionals”; and

Further amend said bill and page, section A, line 3, by inserting after all of said line the following:

**“324.046. 1. For the purposes of this section, the term “health care professional” shall mean a physician, other health care practitioner, or mental health professional licensed, accredited, or certified by the state of Missouri to perform specified health services.**

**2. Any health care professional in the state of Missouri may annually complete training in the areas of suicide assessment, referral, treatment, and management, which may qualify as part of the continuing education requirements for his or her licensure.**

337.020. 1. Each person desiring to obtain a license, whether temporary, provisional or permanent, as a psychologist shall make application to the committee upon such forms and in such manner as may be prescribed by the committee and shall pay the required application fee. **The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training that meets the guidelines developed by the committee.** The application fee shall not be refundable. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration.

2. Each applicant, whether for temporary, provisional or permanent licensure, shall submit evidence satisfactory to the committee that the applicant is at least twenty-one years of age, is of good moral character, and meets the appropriate educational requirements as set forth in either section 337.021 or 337.025, or is qualified for licensure without examination pursuant to section 337.029. In determining the acceptability of the applicant’s qualifications, the committee may require evidence that it deems reasonable and proper, in accordance with law, and the applicant shall furnish the evidence in the manner required by the committee.

3. The committee with assistance from the division shall issue a permanent license to and register as a psychologist any applicant who, in addition to having fulfilled the other requirements of sections 337.010 to 337.090, passes the examination for professional practice in psychology and such other examinations in psychology which may be adopted by the committee, except that an applicant fulfilling the requirement of section 337.029 shall upon successful completion of the jurisprudence examination and completion of the oral examination be permanently licensed without having to retake the examination for professional practice in psychology.

4. The committee, with assistance from the division, shall issue a provisional license to, and register as being a provisionally licensed psychologist, any applicant who is a graduate of a recognized educational institution with a doctoral degree in psychology as defined in section 337.025, and who otherwise meets all requirements to become a licensed psychologist, except for passage of the national and state licensing exams, oral examination and completion of the required period of postdegree supervised experience as specified in subsection 2 of section 337.025.

5. A provisional license issued pursuant to subsection 4 of this section shall only authorize and permit the applicant to render those psychological services which are under the supervision and the full professional responsibility and control of such person’s postdoctoral degree licensed supervisor. A provisional license shall automatically terminate upon issuance of a permanent license, upon a finding of

cause to discipline after notice and hearing pursuant to section 337.035, upon the expiration of one year from the date of issuance whichever event first occurs, or upon termination of supervision by the licensed supervisor. The provisional license may be renewed after one year with a maximum issuance of two years total per provisional licensee. The committee by rule shall provide procedures for exceptions and variances from the requirement of a maximum issuance of two years due to vacations, illness, pregnancy and other good causes.

6. The committee, with assistance from the division, shall immediately issue a temporary license to any applicant for licensure either by reciprocity pursuant to section 337.029, or by endorsement of the score from the examination for professional practice in psychology upon receipt of an application for such licensure and upon proof that the applicant is either licensed as a psychologist in another jurisdiction, is a diplomate of the American Board of Professional Psychology, or is a member of the National Register of Health Services Providers in Psychology.

7. A temporary license issued pursuant to subsection 6 of this section shall authorize the applicant to practice psychology in this state, the same as if a permanent license had been issued. Such temporary license shall be issued without payment of an additional fee and shall remain in full force and effect until the earlier of the following events:

(1) A permanent license has been issued to the applicant following successful completion of the jurisprudence examination and the oral interview examination;

(2) In cases where the committee has found the applicant ineligible for licensure and no appeal has been taken to the administrative hearing commission, then at the expiration of such appeal time; or

(3) In cases where the committee has found the applicant ineligible for licensure and the applicant has taken an appeal to the administrative hearing commission and the administrative hearing commission has also found the applicant ineligible, then upon the rendition by the administrative hearing commission of its findings of fact and conclusions of law to such effect.

8. Written and oral examinations pursuant to sections 337.010 to 337.090 shall be administered by the committee at least twice each year to any applicant who meets the educational requirements set forth in either section 337.021 or 337.025 or to any applicant who is seeking licensure either by reciprocity pursuant to section 337.029, or by endorsement of the score from the examination of professional practice in psychology. The committee shall examine in the areas of professional knowledge, techniques and applications, research and its interpretation, professional affairs, ethics, and Missouri law and regulations governing the practice of psychology. The committee may use, in whole or in part, the examination for professional practice in psychology national examination in psychology or such other national examination in psychology which may be available.

9. If an applicant fails any examination, the applicant shall be permitted to take a subsequent examination, upon the payment of an additional reexamination fee. This reexamination fee shall not be refundable.”; and

Further amend said bill, page 7, section 337.033, line 66, by inserting immediately after said line the following:

“337.315. 1. An applied behavior analysis intervention shall produce socially significant improvements in human behavior through skill acquisition, increase or decrease in behaviors under specific environmental

conditions and the reduction of problematic behavior. An applied behavior analysis intervention shall:

(1) Be based on empirical research and the identification of functional relations between behavior and environment, contextual factors, antecedent stimuli and reinforcement operations through the direct observation and measurement of behavior, arrangement of events and observation of effects on behavior, as well as other information gathering methods such as record review and interviews; and

(2) Utilize changes and arrangements of contextual factors, antecedent stimuli, positive reinforcement, and other consequences to produce behavior change.

2. Each person wishing to practice as a licensed behavior analyst shall:

(1) Submit a complete application on a form approved by the committee **which shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training;**

(2) Pay all necessary fees as set by the committee;

(3) Submit a two-inch or three-inch photograph or passport photograph taken no more than six months prior to the application date;

(4) Provide two classified sets of fingerprints for processing by the Missouri state highway patrol under section 43.543. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files;

(5) Have passed an examination and been certified as a board-certified behavior analyst by a certifying entity, as defined in section 337.300;

(6) Provide evidence of active status as a board-certified behavior analyst; and

(7) If the applicant holds a license as a behavior analyst in another state, a statement from all issuing states verifying licensure and identifying any disciplinary action taken against the license holder by that state.

3. Each person wishing to practice as a licensed assistant behavior analyst shall:

(1) Submit a complete application on a form approved by the committee;

(2) Pay all necessary fees as set by the committee;

(3) Submit a two-inch or three-inch photograph or passport photograph taken no more than six months prior to the application date;

(4) Provide two classified sets of fingerprints for processing by the Missouri state highway patrol under section 43.543. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files;

(5) Have passed an examination and been certified as a board-certified assistant behavior analyst by a certifying entity, as defined in section 337.300;

(6) Provide evidence of active status as a board-certified assistant behavior analyst;

(7) If the applicant holds a license as an assistant behavior analyst in another state, a statement from all issuing states verifying licensure and identifying any disciplinary action taken against the license holder by that state; and

(8) Submit documentation satisfactory to the committee that the applicant will be directly supervised by a licensed behavior analyst in a manner consistent with the certifying entity.

4. The committee shall be authorized to issue a temporary license to an applicant for a behavior analyst license or assistant behavior analyst license upon receipt of a complete application, submission of a fee as set by the committee by rule for behavior analyst or assistant behavior analyst, and a showing of valid licensure as a behavior analyst or assistant behavior analyst in another state, only if the applicant has submitted fingerprints and no disqualifying criminal history appears on the family care safety registry. The temporary license shall expire upon issuance of a license or denial of the application but no later than ninety days from issuance of the temporary license. Upon written request to the committee, the holder of a temporary license shall be entitled to one extension of ninety days of the temporary license.

5. (1) The committee shall, in accordance with rules promulgated by the committee, issue a provisional behavior analyst license or a provisional assistant behavior analyst license upon receipt by the committee of a complete application, appropriate fee as set by the committee by rule, and proof of satisfaction of requirements under subsections 2 and 3 of this section, respectively, and other requirements established by the committee by rule, except that applicants for a provisional license as either a behavior analyst or assistant behavior analyst need not have passed an examination and been certified as a board-certified behavior analyst or a board-certified assistant behavior analyst to obtain a provisional behavior analyst or provisional assistant behavior analyst license.

(2) A provisional license issued under this subsection shall only authorize and permit the licensee to render behavior analysis under the supervision and the full professional responsibility and control of such licensee's licensed supervisor.

(3) A provisional license shall automatically terminate upon issuance of a permanent license, upon a finding of cause to discipline after notice and hearing under section 337.330, upon termination of supervision by a licensed supervisor, or upon the expiration of one year from the date of issuance of the provisional license, whichever first occurs. The provisional license may be renewed after one year, with a maximum issuance of two years. Upon a showing of good cause, the committee by rule shall provide procedures for exceptions and variances from the requirement of a maximum issuance of two years.

6. No person shall hold himself or herself out to be licensed behavior analysts or LBA, provisionally licensed behavior analyst or PLBA, provisionally licensed assistant behavior analyst or PLABA, temporary licensed behavior analyst or TLBA, or temporary licensed assistant behavior analyst or TLaBA, licensed assistant behavior analysts or LaBA in the state of Missouri unless they meet the applicable requirements.

7. No persons shall practice applied behavior analysis unless they are:

(1) Licensed behavior analysts;

(2) Licensed assistant behavior analysts working under the supervision of a licensed behavior analyst;

(3) An individual who has a bachelor's or graduate degree and completed course work for licensure as a behavior analyst and is obtaining supervised field experience under a licensed behavior analyst pursuant

to required supervised work experience for licensure at the behavior analyst or assistant behavior analyst level;

(4) Licensed psychologists practicing within the rules and standards of practice for psychologists in the state of Missouri and whose practice is commensurate with their level of training and experience;

(5) Provisionally licensed behavior analysts;

(6) Provisionally licensed assistant behavior analysts;

(7) Temporary licensed behavior analysts; or

(8) Temporary licensed assistant behavior analysts.

8. Notwithstanding the provisions in subsection 6 of this section, any licensed or certified professional may practice components of applied behavior analysis, as defined in section 337.300 if he or she is acting within his or her applicable scope of practice and ethical guidelines.

9. All licensed behavior analysts and licensed assistant behavior analysts shall be bound by the code of conduct adopted by the committee by rule.

10. Licensed assistant behavior analysts shall work under the direct supervision of a licensed behavior analyst as established by committee rule.

11. Persons who provide services under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400, et seq., or Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, or are enrolled in a course of study at a recognized educational institution through which the person provides applied behavior analysis as part of supervised clinical experience shall be exempt from the requirements of this section.

12. A violation of this section shall be punishable by probation, suspension, or loss of any license held by the violator.

337.320. 1. The division shall mail a renewal notice to the last known address of each licensee or registrant prior to the renewal date.

2. Each person wishing to renew the behavior analyst license or the assistant behavior analyst license shall:

(1) Submit a complete application on a form approved by the committee **which shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training;**

(2) Pay all necessary fees as set by the committee; and

(3) Submit proof of active certification and fulfillment of all requirements for renewal and recertification with the certifying entity.

3. Failure to provide the division with documentation required by subsection 2 of this section or other information required for renewal shall effect a revocation of the license after a period of sixty days from the renewal date.

4. Each person wishing to restore the license, within two years of the renewal date, shall:

- (1) Submit a complete application on a form approved by the committee;
- (2) Pay the renewal fee and a delinquency fee as set by the committee; and
- (3) Submit proof of current certification from a certifying body approved by the committee.

5. A new license to replace any certificate lost, destroyed, or mutilated may be issued subject to the rules of the committee, upon payment of a fee established by the committee.

6. The committee shall set the amount of the fees authorized by sections 337.300 to 337.345 and required by rules promulgated under section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 337.300 to 337.345.

7. The committee is authorized to issue an inactive license to any licensee who makes written application for such license on a form provided by the committee and remits the fee for an inactive license established by the committee. An inactive license may be issued only to a person who has previously been issued a license to practice as a licensed behavior analyst or a licensed assistant behavior analyst who is no longer regularly engaged in such practice and who does not hold himself or herself out to the public as being professionally engaged in such practice in this state. Each inactive license shall be subject to all provisions of this chapter, except as otherwise specifically provided. Each inactive license may be renewed by the committee subject to all provisions of this section and all other provisions of this chapter. The inactive licensee shall not be required to submit evidence of completion of continuing education as required by this chapter.

8. An inactive licensee may apply for a license to regularly engage in the practice of behavioral analysis by:

- (1) Submitting a complete application on a form approved by the committee;
- (2) Paying the reactivation fee as set by the committee; and
- (3) Submitting proof of current certification from a certifying body approved by the committee.

337.507. 1. Applications for examination and licensure as a professional counselor shall be in writing, submitted to the division on forms prescribed by the division and furnished to the applicant. **The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training.** The application shall contain the applicant's statements showing his education, experience and such other information as the division may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the registration renewal date. Failure to provide the division with the information required for registration, or to pay the registration fee after such notice shall effect a revocation of the license after a period of sixty days from the registration renewal date. The license shall be restored if, within two years of the registration date, the applicant provides written application and the payment of the registration fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the



rules of the committee, upon payment of a fee.

4. The committee shall set the amount of the fees which sections 337.500 to 337.540 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.500 to 337.540. All fees provided for in sections 337.500 to 337.540 shall be collected by the director who shall deposit the same with the state treasurer in a fund to be known as the "Committee of Professional Counselors Fund".

5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the committee's fund for the preceding fiscal year or, if the committee requires by rule renewal less frequently than yearly then three times the appropriation from the committee's fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the committee's fund for the preceding fiscal year.

6. The committee shall hold public examinations at least two times per year, at such times and places as may be fixed by the committee, notice of such examinations to be given to each applicant at least ten days prior thereto.

337.510. 1. Each applicant for licensure as a professional counselor shall furnish evidence to the committee that the applicant is at least eighteen years of age, is of good moral character, is a United States citizen or is legally present in the United States; and

(1) The applicant has completed a course of study as defined by the board rule leading to a master's, specialist's, or doctoral degree with a major in counseling; and

(2) The applicant has completed acceptable supervised counseling as defined by board rule. If the applicant has a master's degree with a major in counseling as defined by board rule, the applicant shall complete at least two years of acceptable supervised counseling experience subsequent to the receipt of the master's degree. The composition and number of hours comprising the acceptable supervised counseling experience shall be defined by board rule. An applicant may substitute thirty semester hours of post master's graduate study for one of the two required years of acceptable supervised counseling experience if such hours are clearly related to counseling;

(3) After August 28, 2007, each applicant shall have completed a minimum of three hours of graduate level coursework in diagnostic systems either in the curriculum leading to a degree or as post master's graduate level course work;

(4) Upon examination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications, research and its interpretation, and professional affairs and ethics.

2. Any person who previously held a valid unrevoked, unsuspended license as a professional counselor in this state and who held a valid license as a professional counselor in another state at the time of application to the committee shall be granted a license to engage in professional counseling in this state upon application to the committee accompanied by the appropriate fee as established by the committee pursuant to section 337.507.

3. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States to practice as a professional counselor who is at least eighteen years of age, is of good moral character, and is a United States citizen or is legally present in the United States may be granted a license without examination to engage in the practice of professional counseling in this state upon the application to the board, payment of the required fee as established by the board, and satisfying one of the following requirements:

(1) Approval by the American Association of State Counseling Boards (AASCB) or its successor organization according to the eligibility criteria established by AASCB. The successor organization shall be defined by board rule; or

(2) In good standing and currently certified by the National Board for Certified Counselors or its successor organization and has completed acceptable supervised counseling experience as defined by board rule. The successor organization shall be defined by board rule; or

(3) Determination by the board that the requirements of the other state or territory are substantially the same as Missouri and certified by the applicant's current licensing entity that the applicant has a current license. The applicant shall also consent to examination of any disciplinary history.

4. The committee shall issue a license to each person who files an application and fee and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of this act and has taken and passed a written, open-book examination on Missouri laws and regulations governing the practice of professional counseling as defined in section 337.500. The division shall issue a provisional professional counselor license to any applicant who meets all requirements of this section, but who has not completed the required acceptable supervised counseling experience and such applicant may reapply for licensure as a professional counselor upon completion of such acceptable supervised counseling experience.

5. All persons licensed to practice professional counseling in this state shall pay on or before the license renewal date a renewal license fee and shall furnish to the committee satisfactory evidence of the completion of the requisite number of hours of continuing education as required by rule, **including two hours of suicide assessment, referral, treatment, and management training**, which shall be no more than forty hours biennially. The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of the illness of the licensee or for other good cause.

337.612. 1. Applications for licensure as a clinical social worker, baccalaureate social worker, advanced macro social worker or master social worker shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. **The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training.** The application shall contain the applicant's statements showing the applicant's education, experience, and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The committee shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the committee with the information required for licensure, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days

from the licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a fee.

4. The committee shall set the amount of the fees which sections 337.600 to 337.689 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.600 to 337.689. All fees provided for in sections 337.600 to 337.689 shall be collected by the director who shall deposit the same with the state treasurer in a fund to be known as the "Clinical Social Workers Fund". After August 28, 2007, the clinical social workers fund shall be called the "Licensed Social Workers Fund" and after such date all references in state law to the clinical social workers fund shall be considered references to the licensed social workers fund.

5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the clinical social workers fund for the preceding fiscal year or, if the committee requires by rule renewal less frequently than yearly, then three times the appropriation from the committee's fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the clinical social workers fund for the preceding fiscal year.

337.618. Each license issued pursuant to the provisions of sections 337.600 to 337.689 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months. The committee shall require a minimum number of thirty clock hours of continuing education for renewal of a license issued pursuant to sections 337.600 to 337.689, **including two hours of suicide assessment, referral, treatment, and management training**. The committee shall renew any license upon application for a renewal, completion of the required continuing education hours and upon payment of the fee established by the committee pursuant to the provisions of section 337.612. As provided by rule, the board may waive or extend the time requirements for completion of continuing education for reasons related to health, military service, foreign residency, or for other good cause. All requests for waivers or extensions of time shall be made in writing and submitted to the board before the renewal date.

337.662. 1. Applications for licensure as a baccalaureate social worker shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. **The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training.** The application shall contain the applicant's statements showing the applicant's education, experience and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the committee.

2. The committee shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the committee with the information required for licensure **as provided in subsection 1 of this section**, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be

restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a fee.

4. The committee shall set the amount of the fees which sections 337.650 to 337.689 authorize and require by rules and regulations promulgated pursuant to chapter 536. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.650 to 337.689. All fees provided for in sections 337.650 to 337.689 shall be collected by the director who shall deposit the same with the state treasurer in the clinical social workers fund established in section 337.612.

337.712. 1. Applications for licensure as a marital and family therapist shall be in writing, submitted to the committee on forms prescribed by the committee and furnished to the applicant. **The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training.** The application shall contain the applicant's statements showing the applicant's education, experience and such other information as the committee may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the division.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the division with the information required for license, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the license renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the division upon payment of a fee.

4. The committee shall set the amount of the fees authorized. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.700 to 337.739. All fees provided for in sections 337.700 to 337.739 shall be collected by the director who shall deposit the same with the state treasurer to a fund to be known as the "Marital and Family Therapists' Fund".

5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the marital and family therapists' fund for the preceding fiscal year or, if the division requires by rule renewal less frequently than yearly then three times the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the marital and family therapists' fund for the preceding fiscal year.

337.718. 1. Each license issued pursuant to the provisions of sections 337.700 to 337.739 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months; however, the director may establish a shorter term for the first licenses issued pursuant to sections 337.700 to 337.739.

The division shall renew any license upon application for a renewal and upon payment of the fee established by the division pursuant to the provisions of section 337.712. Effective August 28, 2008, as a prerequisite for renewal, each licensed marital and family therapist shall furnish to the committee satisfactory evidence of the completion of the requisite number of hours of continuing education as defined by rule, which shall be no more than forty contact hours biennially. **At least two hours of continuing education shall be in suicide assessment, referral, treatment, and management training.** The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of illness or for other good cause.

2. The committee may issue temporary permits to practice under extenuating circumstances as determined by the committee and defined by rule.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp move that the above amendment be adopted, which motion prevailed.

Senator Sifton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 796, Page 7, Section 337.033, Line 66, by inserting immediately after said line the following:

**“337.100. 1. Sections 337.100 to 337.165 shall be known as the “Psychology Interjurisdictional Compact”. The party states find that:**

**(1) States license psychologists, in order to protect the public through verification of education, training and experience and ensure accountability for professional practice;**

**(2) This compact is intended to regulate the day to day practice of telepsychology, the provision of psychological services using telecommunication technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;**

**(3) This compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for thirty days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;**

**(4) This compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state;**

**(5) This compact recognizes that states have a vested interest in protecting the public’s health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;**

**(6) This compact does not apply when a psychologist is licensed in both the home and receiving states; and**

**(7) This compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.**

**2. The general purposes of this compact are to:**

**(1) Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;**

**(2) Enhance the states' ability to protect the public's health and safety, especially client/patient safety;**

**(3) Encourage the cooperation of compact states in the areas of psychology licensure and regulation;**

**(4) Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions and disciplinary history;**

**(5) Promote compliance with the laws governing psychological practice in each compact state; and**

**(6) Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.**

**337.105. As used in this compact, the following terms shall mean:**

**(1) "Adverse action", any action taken by a state psychology regulatory authority which finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record;**

**(2) "Association of State and Provincial Psychology Boards (ASPPB)", the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada;**

**(3) "Authority to practice interjurisdictional telepsychology", a licensed psychologist's authority to practice telepsychology, within the limits authorized under this compact, in another compact state;**

**(4) "Bylaws", those bylaws established by the psychology interjurisdictional compact commission pursuant to section 337.145 for its governance, or for directing and controlling its actions and conduct;**

**(5) "Client/patient", the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, or consulting services;**

**(6) "Commissioner", the voting representative appointed by each state psychology regulatory authority pursuant to section 337.145;**

**(7) "Compact state", a state, the District of Columbia, or United States territory that has enacted this compact legislation and which has not withdrawn pursuant to subsection 3 of section 337.160 or been terminated pursuant to subsection 2 of section 337.155;**

**(8) "Coordinated licensure information system" also referred to as "coordinated database", an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities;**

(9) “Confidentiality”, the principle that data or information is not made available or disclosed to unauthorized persons or processes;

(10) “Day”, any part of a day in which psychological work is performed;

(11) “Distant state”, the compact state where a psychologist is physically present, not through the use of telecommunications technologies, to provide temporary in-person, face-to-face psychological services;

(12) “E.Passport”, a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines;

(13) “Executive board”, a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission;

(14) “Home state”, a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed;

(15) “Identity history summary”, a summary of information retained by the Federal Bureau of Investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service;

(16) “In-person, face-to-face”, interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies;

(17) “Interjurisdictional practice certificate (IPC)”, a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily, and verification of one’s qualifications for such practice;

(18) “License”, authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization;

(19) “Noncompact state”, any state which is not at the time a compact state;

(20) “Psychologist”, an individual licensed for the independent practice of psychology;

(21) “Psychology interjurisdictional compact commission” also referred to as “commission”, the national administration of which all compact states are members;

(22) “Receiving state”, a compact state where the client/patient is physically located when the telepsychological services are delivered;

(23) “Rule”, a written statement by the psychology interjurisdictional compact commission

promulgated pursuant to section 337.150 of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal or suspension of an existing rule;

**(24) “Significant investigatory information”:**

(a) Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

(b) Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and had an opportunity to respond;

**(25) “State”,** a state, commonwealth, territory, or possession of the United States, the District of Columbia;

**(26) “State psychology regulatory authority”,** the board, office or other agency with the legislative mandate to license and regulate the practice of psychology;

**(27) “Telepsychology”,** the provision of psychological services using telecommunication technologies;

**(28) “Temporary authorization to practice”,** a licensed psychologist’s authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state;

**(29) “Temporary in-person, face-to-face practice”,** where a psychologist is physically present, not through the use of telecommunications technologies, in the distant state to provide for the practice of psychology for thirty days within a calendar year and based on notification to the distant state.

**337.110. 1.** The home state shall be a compact state where a psychologist is licensed to practice psychology.

**2.** A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

**3.** Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

**4.** Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by temporary authorization to practice under the terms of this compact.

**5.** A home state’s license authorizes a psychologist to practice in a receiving state under the



**authority to practice interjurisdictional telepsychology only if the compact state:**

**(1) Currently requires the psychologist to hold an active E.Passport;**

**(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;**

**(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;**

**(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and**

**(5) Complies with the bylaws and rules of the commission.**

**6. A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:**

**(1) Currently requires the psychologist to hold an active IPC;**

**(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;**

**(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;**

**(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and**

**(5) Complies with the bylaws and rules of the commission.**

**337.115. 1. Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice telepsychology in receiving states in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.**

**2. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:**

**(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:**

**(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or**

**(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National**

Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;

(2) Hold a graduate degree in psychology that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall consist of an integrated, organized sequence of study;

(e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

(f) The designated director of the program shall be a psychologist and a member of the core faculty;

(g) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;

(i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degree and a minimum of one academic year of full-time graduate study for master's degree;

(j) The program includes an acceptable residency as defined by the rules of the commission;

(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

(4) Have no history of adverse action that violate the rules of the commission;

(5) Have no criminal record history reported on an identity history summary that violates the rules of the commission;

(6) Possess a current, active E.Passport;

(7) Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) Meet other criteria as defined by the rules of the commission.

3. The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

**4. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.**

**5. If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.**

**337.120. 1. Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice temporarily in distant states in which the psychologist is not licensed, as provided in the compact.**

**2. To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:**

**(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:**

**(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or**

**(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;**

**(2) Hold a graduate degree in psychology that meets the following criteria:**

**(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;**

**(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;**

**(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;**

**(d) The program shall consist of an integrated, organized sequence of study;**

**(e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;**

**(f) The designated director of the program shall be a psychologist and a member of the core faculty;**

**(g) The program shall have an identifiable body of students who are matriculated in that program for a degree;**

**(h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;**

**(i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;**

**(j) The program includes an acceptable residency as defined by the rules of the commission;**

**(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;**

**(4) No history of adverse action that violate the rules of the commission;**

**(5) No criminal record history that violates the rules of the commission;**

**(6) Possess a current, active IPC;**

**(7) Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and**

**(8) Meet other criteria as defined by the rules of the commission.**

**3. A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.**

**4. A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the commission.**

**5. If a psychologist's license in any home state, another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.**

**337.125. A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances:**

**(1) The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state;**

**(2) Other conditions regarding telepsychology as determined by rules promulgated by the commission.**

**337.130. 1. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.**

**2. A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.**

**3. (1) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked.**

**(2) All home state disciplinary orders which impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.**

**(3) In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.**

**(4) Other actions may be imposed as determined by the rules promulgated by the commission.**

**4. A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.**

**5. A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization practice which occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.**

**6. Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the compact state's law. Compact states shall require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.**

**7. No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to subsection 3 of this section.**

**337.135. 1. In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to:**

**(1) Issue subpoenas, for both hearings and investigations, which require the attendance and**

testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses, or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located; and

(2) Issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice.

2. During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his or her home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

337.140. 1. The commission shall provide for the development and maintenance of a coordinated licensure information system "coordinated database" and reporting system containing licensure and disciplinary action information on all psychologist individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.

2. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:

- (1) Identifying information;
- (2) Licensure data;
- (3) Significant investigatory information;
- (4) Adverse actions against a psychologist's license;
- (5) An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;
- (6) Nonconfidential information related to alternative program participation information;
- (7) Any denial of application for licensure, and the reasons for such denial; and
- (8) Other information which may facilitate the administration of this compact, as determined by the rules of the commission.

3. The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

**4. Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.**

**5. Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.**

**337.145. 1. The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.**

**(1) The commission is a body politic and an instrumentality of the compact states.**

**(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.**

**(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.**

**2. The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:**

**(1) Executive director, executive secretary or similar executive;**

**(2) Current member of the state psychology regulatory authority of a compact state; or**

**(3) Designee empowered with the appropriate delegate authority to act on behalf of the compact state.**

**3. (1) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.**

**(2) Each commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.**

**(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.**

**(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 337.150.**

**(5) The commission may convene in a closed, nonpublic meeting if the commission shall discuss:**

**(a) Noncompliance of a compact state with its obligations under the compact;**

**(b) The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices**

and procedures;

- (c) Current, threatened, or reasonably anticipated litigation against the commission;
- (d) Negotiation of contracts for the purchase or sale of goods, services or real estate;
- (e) Accusation against any person of a crime or formally censuring any person;
- (f) Disclosure of trade secrets or commercial or financial information which is privileged or confidential;
- (g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (h) Disclosure of investigatory records compiled for law enforcement purposes;
- (i) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact;
- (j) Matters specifically exempted from disclosure by federal and state statute.

(6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of subsection 3 of this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

4. The commission shall, by a majority vote of the commissioners, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

- (1) Establishing the fiscal year of the commission;
- (2) Providing reasonable standards and procedures:
  - (a) For the establishment and meetings of other committees; and
  - (b) Governing any general or specific delegation of any authority or function of the commission;
- (3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed;
- (4) Establishing the titles, duties and authority and reasonable procedures for the election of the



**officers of the commission;**

**(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission;**

**(6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;**

**(7) Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations.**

**5. (1) The commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states;**

**(2) The commission shall maintain its financial records in accordance with the bylaws; and**

**(3) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.**

**6. The commission shall have the following powers:**

**(1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rule shall have the force and effect of law and shall be binding in all compact states;**

**(2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;**

**(3) To purchase and maintain insurance and bonds;**

**(4) To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state;**

**(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;**

**(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest;**

**(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;**

**(8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;**

**(9) To establish a budget and make expenditures;**

**(10) To borrow money;**

**(11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;**

**(12) To provide and receive information from, and to cooperate with, law enforcement agencies;**

**(13) To adopt and use an official seal; and**

**(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.**

**7. (1) The elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact.**

**(2) The executive board shall be comprised of six members:**

**(a) Five voting members who are elected from the current membership of the commission by the commission;**

**(b) One ex officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.**

**(3) The ex officio member shall have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.**

**(4) The commission may remove any member of the executive board as provided in bylaws.**

**(5) The executive board shall meet at least annually.**

**(6) The executive board shall have the following duties and responsibilities:**

**(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees;**

**(b) Ensure compact administration services are appropriately provided, contractual or otherwise;**

**(c) Prepare and recommend the budget;**

**(d) Maintain financial records on behalf of the commission;**

**(e) Monitor compact compliance of member states and provide compliance reports to the commission;**

**(f) Establish additional committees as necessary; and**

**(g) Other duties as provided in rules or bylaws.**

**8. (1) The commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.**

**(2) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.**

(3) The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission which shall promulgate a rule binding upon all compact states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

9. (1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

337.150. 1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

2. If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further

force and effect in any compact state.

**3. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.**

**4. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:**

**(1) On the website of the commission; and**

**(2) On the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.**

**5. The notice of proposed rulemaking shall include:**

**(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;**

**(2) The text of the proposed rule or amendment and the reason for the proposed rule;**

**(3) A request for comments on the proposed rule from any interested person;**

**(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.**

**6. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.**

**7. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:**

**(1) At least twenty-five persons who submit comments independently of each other;**

**(2) A governmental subdivision or agency; or**

**(3) A duly appointed person in an association that has at least twenty-five members.**

**8. (1) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.**

**(2) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.**

**(3) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.**

**(4) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.**

**(5) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules**

may be grouped for the convenience of the commission at hearings required by this section.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

10. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

11. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

12. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

- (1) Meet an imminent threat to public health, safety, or welfare;
- (2) Prevent a loss of commission or compact state funds;
- (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
- (4) Protect public health and safety.

13. (1) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule.

(2) A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

337.155. 1. (1) The executive, legislative and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

**2. (1) If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:**

**(a) Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default or any other action to be taken by the commission; and**

**(b) Provide remedial training and specific technical assistance regarding the default.**

**(2) If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.**

**(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.**

**(4) A compact state which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.**

**(5) The commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.**

**(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.**

**3. (1) Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact which arise among compact states and between compact and noncompact states.**

**(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.**

**4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.**

**(2) By majority vote, the commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.**

**(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.**

**337.160. 1. The compact shall come into effect on the date on which the compact is enacted into**

law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

2. Any state which joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule which has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

3. (1) Any compact state may withdraw from this compact by enacting a statute repealing the same.

(2) A compact state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(3) Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

4. Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a noncompact state which does not conflict with the provisions of this compact.

5. This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

**337.165.** This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states.

Section B. The enactment of sections 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140, 337.145, 337.150, 337.155, 337.160, and 337.165 of this act shall become effective upon notification by the commission to the revisor of statutes that seven states have adopted the psychology interjurisdictional compact.”; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Koenig, **SB 796**, as amended, was declared perfected and ordered printed.

Senator Riddle moved that **SB 814**, with SCS, be taken up for perfection, which motion prevailed.

SCS for **SB 814**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 814

An Act to repeal section 302.174, RSMo, and to enact in lieu thereof one new section relating to driver's licenses for persons who are deaf or hard of hearing.

Was taken up.

Senator Riddle moved that **SCS** for **SB 814** be adopted, which motion prevailed.

On motion of Senator Riddle, **SCS** for **SB 814** was declared perfected and ordered printed.

### **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 598**; **SB 743**; **SS** for **SCS** for **SBs 894** and **921**; and **SB 757**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **REFERRALS**

President Pro Tem Richard referred **SS** for **SB 881** and **SCS** for **SBs 894** and **921** to the Committee on Fiscal Oversight.

### **SECOND READING OF CONCURRENT RESOLUTIONS**

The following Concurrent Resolutions were read the 2nd time and referred to the Committee indicated:

**SCR 49**—Rules, Joint Rules, Resolutions and Ethics.

**SCR 50**—Rules, Joint Rules, Resolutions and Ethics.

**SCR 51**—Rules, Joint Rules, Resolutions and Ethics.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1618**, entitled:

An Act to repeal section 195.070, RSMo, and to enact in lieu thereof two new sections relating to the disposal of unused controlled substances, with an emergency clause.

Emergency Clause Adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2079**, entitled:

An Act to repeal sections 58.095 and 193.145, RSMo, and to enact in lieu thereof three new sections relating to coroners.



In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1265**, entitled:

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to declarations of candidacy.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### RESOLUTIONS

Senator Hoskins offered Senate Resolution No. 1441, regarding Old Drum Day Festival, which was adopted.

### COMMUNICATIONS

President Pro Tem Richard submitted the following:

March 5, 2018

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to RsMO 536.037, I am appointing Senator Bob Onder to replace former Senator Ryan Silvey on the Joint Committee on Administrative Rules.

Please do not hesitate to contact my office if you have any questions.

Sincerely,



Ron Richard  
President Pro Tem

### INTRODUCTION OF GUESTS

Senator Kehoe introduced to the Senate, Commander Kevin Moller, Chief of the Boat Mark Szymanski, Petty Officer Aspen Serr, Petty Officer Rudy Garay and Seaman Justin King, crew members of the U.S.S. Jefferson City; and Mayor Carrie Tergin, Marti Thruston and Hal Dulle, Jefferson City.

Senator Sater introduced to the Senate, Glen Cope, Barry County.

On behalf of Senator Nasheed and himself, Senator Eigel introduced to the Senate, former State Representative Vicky Schneider, St. Charles.

On motion of Senator Kehoe, the Senate adjourned until 2:00 p.m., Tuesday, March 6, 2018.

SENATE CALENDAR

---

THIRTY-FIFTH DAY—TUESDAY, MARCH 6, 2018

---

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1050-Schatz	SB 1079-Hegeman
SB 1051-Walsh	SB 1080-Rizzo
SB 1052-Schaaf	SB 1081-Rizzo
SB 1053-Koenig	SB 1082-Rizzo
SB 1054-Nasheed and Hummel	SB 1083-Walsh
SB 1055-Hegeman	SB 1084-Schatz
SB 1056-Wasson	SB 1085-Chappelle-Nadal
SB 1057-Schupp	SB 1086-Crawford
SB 1058-Schupp	SB 1087-Rowden
SB 1059-Hummel	SB 1088-Rowden
SB 1060-Sifton	SB 1089-Wallingford
SB 1061-Hoskins	SB 1090-Hummel
SB 1062-Cierpiot	SB 1091-Nasheed
SB 1063-Rizzo	SB 1092-Hoskins
SB 1064-Rizzo	SB 1093-Hoskins
SB 1065-Eigel	SB 1094-Hoskins
SB 1066-Eigel	SB 1095-Hoskins
SB 1067-Eigel	SB 1096-Romine
SB 1068-Sater	SB 1097-Sifton
SB 1069-Crawford	SB 1098-Sater
SB 1070-Crawford	SB 1099-Hummel and Nasheed
SB 1071-Wieland	SB 1100-Riddle
SB 1072-Wieland	SB 1101-Schupp
SB 1073-Cunningham	SB 1102-Kehoe
SB 1074-Rowden	SJR 37-Kehoe
SB 1075-Riddle	SJR 38-Kehoe
SB 1076-Curls	SJR 39-Kehoe
SB 1077-Holsman	SJR 40-Rowden
SB 1078-Holsman	

## HOUSE BILLS ON SECOND READING

HB 1351-Beard	HB 1558-Neely
HCS for HB 1597	HB 1809-Tate
HB 1660-Swan	HCS for HB 1268
HCS for HB 1663	HB 1464-Berry
HB 1675-Redmon	HCS for HBs 1288, 1377 & 2050
HB 1676-Redmon	HCS for HB 1873
HB 1905-Walker (3)	HB 1428-Muntzel
HB 2044-Taylor	HB 1896-Swan
HCS for HB 2034	HB 1607-Korman
HCS for HB 1300	HCS for HB 1928
HCS for HB 1572	HB 1945-Anderson
HB 1887-Bahr	HCS for HB 1618
HCS for HB 1366	HCS for HB 2079
HB 1998-Bondon	HB 1265-Schroer
HB 1383-Miller	

## THIRD READING OF SENATE BILLS

- |   |   |
|---|---|
| 1. SS for SB 579-Libla (In Fiscal Oversight)                        | 9. SS for SCS for SB 752-Schatz                                 |
| 2. SS for SB 699-Sifton (In Fiscal Oversight)                       | 10. SB 909-Dixon  |
| 3. SCS for SBs 632 & 675-Dixon<br>(In Fiscal Oversight)             | 11. SB 840-Rowden   |
| 4. SS for SB 882-Hoskins<br>(In Fiscal Oversight)                   | 12. SCS for SB 892-Walsh  |
| 5. SS for SCS for SB 600-Schatz<br>(In Fiscal Oversight)            | 13. SB 871-Romine   |
| 6. SS for SCS for SBs 603, 576 &<br>898-Onder (In Fiscal Oversight) | 14. SB 780-Curls  |
| 7. SB 793-Wallingford (In Fiscal Oversight)                         | 15. SB 660-Riddle   |
| 8. SS for SB 881-Eigel (In Fiscal Oversight)                        | 16. SCS for SB 598-Riddle                                       |
|   | 17. SB 743-Sater  |
|   | 18. SS for SCS for SBs 894 & 921-Libla<br>(In Fiscal Oversight) |
|   | 19. SB 757-Schatz   |

## SENATE BILLS FOR PERFECTION

- |                                       |                   |
|---------------------------------------|-------------------|
| 1. SBs 627 & 925-Munzlinger, with SCS | 4. SB 773-Hoskins |
| 2. SB 707-Schatz, with SCS            | 5. SB 768-Hoskins |
| 3. SB 683-Wasson                      | 6. SB 837-Rowden  |

- |                            |                              |
|----------------------------|------------------------------|
| 7. SB 704-Hegeman          | 12. SB 672-Koenig, with SCS  |
| 8. SB 870-Hegeman          | 13. SB 578-Romine            |
| 9. SB 893-Sater, with SCS  | 14. SB 666-Onder             |
| 10. SB 953-Sater, with SCS | 15. SB 802-Nasheed, with SCS |
| 11. SB 850-Wallingford     |                              |

HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| SB 546-Munzlinger, with SS#4 (pending)  | SB 663-Schatz, with SCS (pending)                       |
| SB 547-Munzlinger, with SCS   | SB 674-Koenig   |
| SB 550-Wasson, with SCS   | SB 705-Riddle   |
| SB 552-Dixon, with SS (pending)   | SB 730-Wallingford, with SCS & SA 1 (pending)           |
| SBs 555 & 609-Brown, with SCS   | SB 751-Schatz   |
| SB 561-Sater, with SA 1 (pending)   | SB 767-Hoskins, with SCS                                |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                           | SB 774-Munzlinger                                       |
| SB 590-Hegeman, with SCS, SS for SCS,<br>SA 1, SSA 1 for SA 1 & SA 1 to SSA 1<br>for SA 1 (pending) | SB 786-Schupp, with SA 3 (pending)                      |
| SB 591-Hegeman, with SCS  | SB 813-Riddle, with SCS & SA 1 (pending)                |
| SB 592-Hegeman, with SCS, SS for SCS &<br>SA 1 (pending)  | SB 832-Rowden, with SCS                                 |
| SB 596-Riddle, with SCS   | SB 848-Riddle   |
| SB 599-Schatz   | SB 849-Kehoe and Schupp, with SCS                       |
| SB 602-Onder, with SCS  | SB 860-Koenig, with SCS, SS for SCS &<br>SA 1 (pending) |
| SB 612-Koenig, with SCS, SS for SCS &<br>SA 2 (pending)   | SB 861-Hegeman, with SCS                                |
| SBs 617, 611 & 667-Eigel, with SCS  | SB 865-Kehoe  |
|   | SB 907-Kehoe, with SCS                                  |
|   | SB 912-Rowden, with SCS & SS#3 for SCS<br>(pending)     |

CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 631-Wasson

SBs 946 & 947-Dixon, with SCS

Reported 2/22

SB 819-Cunningham

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-FIFTH DAY—TUESDAY, MARCH 6, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“All the paths of the Lord are steadfast love and faithfulness for those who keep his covenant and his decrees.” (Psalm 25:9)

Gracious God, You are an ever-present help full of grace and love for Your children. We pray that You will be especially close to us this week as we face the difficulties of this day and those ahead. Provide us wisdom so we may more clearly discern what is most helpful and important for us to accomplish. Renew us so we see our relationships with one another as a means for us to grow and understand this world in which we live. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Schaaf offered Senate Resolution No. 1442, regarding Allyah Smith, which was adopted.

Senator Hegeman offered Senate Resolution No. 1443, regarding Mel Tjeerdsma, which was adopted.

Senator Hegeman offered Senate Resolution No. 1444, regarding the Association of Missouri Electric Cooperatives, which was adopted.

Senator Hegeman offered Senate Resolution No. 1445, regarding the Fiftieth Wedding Anniversary of Daryl and Gloria Swalley, Jamesport, which was adopted.

Senator Hegeman offered Senate Resolution No. 1446, regarding the Fiftieth Wedding Anniversary of Larry and Patty Lager, Conception Junction, which was adopted.

Senator Hegeman offered Senate Resolution No. 1447, regarding the Sixtieth Wedding Anniversary of Charles and Shirley Ocker, Cameron, which was adopted.

Senator Hegeman offered Senate Resolution No. 1448, regarding the Sixtieth Wedding Anniversary of Randall and Deanna Swan, King City, which was adopted.

Senator Riddle offered Senate Resolution No. 1449, regarding the bicentennial of Lincoln County, which was adopted.

Senator Wallingford offered Senate Resolution No. 1450, regarding Harry E. Rediger, Cape Girardeau, which was adopted.

Senator Nasheed offered Senate Resolution No. 1451, regarding the Ninetieth birthday of Myrtle Petty, St. Louis, which was adopted.

Senator Sater offered Senate Resolution No. 1452, regarding Oscar Ortiz, Pineville, which was adopted.

Senator Sater offered Senate Resolution No. 1453, regarding Brenden Kleiboeker, which was adopted.

Senator Sater offered Senate Resolution No. 1454, regarding Dr. Luis Hinojosa, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Emery offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 52**

Whereas, pornography perpetuates a sexually toxic environment; and

Whereas, efforts to prevent pornography exposure and addiction, to educate individuals and families concerning its harms, and to develop recovery programs should be addressed systematically in ways that hold broader influences accountable; and

Whereas, pornography may contribute to the hypersexualization of teenagers, and even prepubescent children, in our society; and

Whereas, owing to advances in technology and the universal availability of the internet, young children can be exposed to what used to be referred to as hardcore, but is now considered mainstream, pornography at an alarming rate; and

Whereas, the average age of exposure to pornography is now 11 to 12 years of age;

Whereas, this early exposure can lead to low self-esteem and body image disorders, an increase in problematic sexual activity at younger ages, and an increased desire among adolescents to engage in risky sexual behavior; and

Whereas, exposure to pornography may serve as children's and youth's sex education and may shape their sexual templates; and

Whereas, pornography may normalize violence and abuse; and

Whereas, pornography often depicts rape and abuse as if such acts are harmless; and

Whereas, pornography equates violence with sex and pain with pleasure, which increases the demand for sex trafficking, prostitution, images of child sexual abuse, and child pornography; and

Whereas, use of pornography can potentially negatively affect brain development and functioning, contribute to emotional and medical illnesses, shape deviant sexual arousal, and lead to difficulty in forming or maintaining intimate relationships as well as problematic or harmful sexual behaviors and addiction; and

Whereas, use of pornography, by either partner, is linked to an increased likelihood that individuals will engage in group intercourse; and

Whereas, recent research indicates that pornography is potentially biologically addictive, which means the user requires more novelty, often in the form of more shocking material, in order to be satisfied; and

Whereas, this biological addiction may lead to increasing themes of risky sexual behaviors, extreme degradation, violence, child sexual abuse, and child pornography; and

Whereas, pornography use is linked to lessening desire to marry, dissatisfaction in marriage, and infidelity; and

Whereas, this link demonstrates that pornography has a detrimental effect on the family unit:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby recognize pornography as leading to individual and societal harms and recognize the need for education, prevention, research, and policy change at the community and societal level.

The Senate observed a moment of silence in memory of Gina Montalto.

### **SENATE BILLS FOR PERFECTION**

Senator Hegeman moved that **SB 592**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Dixon, **SA 1** was withdrawn.

Senator Hegman moved that **SS** for **SCS** for **SB 592** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS** for **SCS** for **SB 592** was declared perfected and ordered printed.

Senator Munzlinger moved that **SB 547**, with **SCS**, be taken up for perfection, which motion prevailed.

Senator Munzlinger moved that **SB 547**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 547**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 547**

An Act to repeal sections 195.010, 195.017, and 196.070, RSMo, and to enact in lieu thereof sixteen new sections relating to industrial hemp, with penalty provisions.

Was taken up.

Senator Munzlinger moved that **SCS** for **SB 547** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **SB 547**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 547**

An Act to repeal sections 195.010, 195.017, and 196.070, RSMo, and to enact in lieu thereof sixteen new sections relating to industrial hemp, with penalty provisions.

Senator Munzlinger moved that **SS** for **SCS** for **SB 547** be adopted, which motion prevailed.

Having voted on the prevailing side, Senator Schaaf moved that the vote by which **SS** for **SCS** for



**SB 547** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Chappelle-Nadal	Crawford	Curls	Dixon	Eigel	Emery	Hegeman
Holsman	Hoskins	Hummel	Kehoe	Koenig	Munzlinger	Nasheed
Onder	Rizzo	Romine	Rowden	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—26		

NAYS—Senators

Brown	Cunningham	Richard	Riddle	Sater—5
-------	------------	---------	--------	---------

Absent—Senators

Cierpiot	Libla—2
----------	---------

Absent with leave—Senators—None

Vacancies—1

**SS** for **SCS** for **SB 547** was again taken up.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 547, Page 54, Section 195.755, Line 5 of said page, by inserting after all of said line the following:

**“195.756. In the growing and handling of industrial hemp consistent with sections 195.740 to 195.773, no retailer of pesticides as defined at 7 U.S.C. Section 136, or agricultural chemicals shall be liable for the sale, application, or handling of such products by a producer or applicator in any manner or for any purpose not approved by applicable state and federal agencies. No producer or applicator may use or apply pesticides or agricultural chemicals in the growing or handling of industrial hemp except as approved by state and federal law.”; and**

Further amend the title and enacting clause accordingly.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 547, Page 53, Section 195.749, Lines 4-6 of said page, by a striking all of said lines and inserting in lieu thereof the following: **“plot of land that is more than two hundred acres by a single registrant or permittee,”**.

Senator Eigel moved that the above amendment be adopted.

Senator Eigel offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 547, Page 53, Section

195.749, Line 5, by striking “hundred” and inserting in lieu thereof the following: “**thousand**”; and

Further amend said bill, page 56, section 195.767, line 15, by striking “hundred” and inserting in lieu thereof the following: “**thousand**”.

Senator Eigel moved that the above substitute amendment be adopted, which motion prevailed.

Senator Munzlinger moved the SS for SCS for **SB 547**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, SS for SCS for **SB 547**, as amended, was declared perfected and ordered printed.

Senator Hoskins moved that **SB 767**, with SCS, be taken up for perfection, which motion prevailed.

SCS for **SB 767**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 767

An Act to amend chapter 313, RSMo, by adding thereto seven new sections relating to video lottery, with penalty provisions.

Was taken up.

Senator Hoskins moved that SCS for **SB 767** be adopted.

Senator Hoskins offered SS for SCS for **SB 767**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 767

An Act to repeal section 313.800, RSMo, and to enact in lieu thereof nineteen new sections relating to wagering on certain games, with penalty provisions.

Senator Hoskins moved that SS for SCS for **SB 767** be adopted.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 767, Page 30, Section 313.1004, Line 17 of said page, by inserting after all of said line the following:

**“(8) Use in all sports wagering only statistics, results, outcomes, and other data relating to a sporting event that have been obtained from the relevant sports governing body or an entity expressly authorized by the sports governing body to provide such information to sports wagering operators.”.**

Senator Hoskins moved that the above amendment be adopted, which motion failed.

President Pro Tem Richard assumed the Chair.

Senator Sater offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 767, Page 1, Section 313.427, Line 14 of said page, by striking “or “lottery commission””; and further amend line 15 of said page, by striking “the lottery” and inserting in lieu thereof the following: “**gaming**”; and further amend line 16 of said page, by striking “313.215” and inserting in lieu thereof the following: “**313.004**”; and

Further amend said bill and section, Page 2, Line 25 of said page, by striking the word “lottery”; and

Further amend said bill, Page 11, Section 313.429, Lines 5-7 of said page, by striking said lines and inserting in lieu thereof the following: “**lottery game handlers;**”; and

Further amend said bill and section, Page 13, Lines 12-14 of said page, by striking said lines and inserting in lieu thereof the following: “**gross receipts, which shall be deposited in the gaming proceeds for education fund after**”; and further amend line 24 of said page, by striking “lottery proceeds” and inserting in lieu thereof the following: “**gaming proceeds for education**”; and

Further amend said bill and section, Page 14, line 20 of said page, by striking “state lottery” and inserting in lieu thereof the following: “**gaming commission**”; and further amend line 21 of said page, by striking “state lottery” and inserting in lieu thereof the following: “**gaming commission**”; and

Further amend said bill and section, page 15, line 2 of said page, by striking “state lottery” and inserting in lieu thereof the following: “**gaming commission**”; and further amend line 7 of said page, by striking “state lottery” and inserting in lieu thereof the following: “**gaming commission**”; and further amend lines 13-14 of said page, by striking “state lottery” and inserting in lieu thereof the following: “**gaming commission**”; and further amend line 18 of said page, by striking “state lottery” and inserting in lieu thereof the following: “**gaming commission**”; and further amend line 26 of said page, by striking “state lottery” and inserting in lieu thereof the following: “**gaming commission**”.

Senator Sater moved that the above amendment be adopted.

At the request of Senator Hoskins, **SB 767**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Koenig moved that **SB 612**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 2** was again taken up.

At the request of Senator Koenig, **SS** for **SCS** for **SB 612** was withdrawn, rendering **SA 2** moot.

Senator Koenig offered **SS No. 2** for **SCS** for **SB 612**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 612

An Act to amend chapters 135, 166, and 167, RSMo, by adding thereto twelve new sections relating to alternative education options for elementary and secondary education students, with penalty provisions and a contingent effective date.

Senator Koenig moved that **SS No. 2** for **SCS** for **SB 612** be adopted.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 612, Page 1, In the Title, Lines 3-4 of said title, by striking the following: “alternative education options for” and further amend line 5 of said title, by striking the word “students”; and further amend said line, by inserting immediately

after the word “provisions” the following: “, an emergency clause, a delayed effective date,”; and

Further amend said bill, page 9, section 135.719, line 1 of said page, by inserting immediately after said line the following:

“160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 178, the following terms mean:

(1) “District” or “school district”, when used alone, may include seven-director, urban, and metropolitan school districts;

(2) “Elementary school”, a public school giving instruction in a grade or grades not higher than the eighth grade;

(3) “Family literacy programs”, services of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in families that include:

(a) Interactive literacy activities between parents and their children;

(b) Training of parents regarding how to be the primary teacher of their children and full partners in the education of their children;

(c) Parent literacy training that leads to high school completion and economic self sufficiency; and

(d) An age-appropriate education to prepare children of all ages for success in school;

(4) “Graduation rate”, the [quotient of the number of graduates in the current year as of June thirtieth divided by the sum of the number of graduates in the current year as of June thirtieth plus the number of twelfth graders who dropped out in the current year plus the number of eleventh graders who dropped out in the preceding year plus the number of tenth graders who dropped out in the second preceding year plus the number of ninth graders who dropped out in the third preceding year] **graduation rate as defined by the Missouri school improvement program;**

(5) “High school”, a public school giving instruction in a grade or grades not lower than the ninth nor higher than the twelfth grade;

(6) “Metropolitan school district”, any school district the boundaries of which are coterminous with the limits of any city which is not within a county;

(7) “Public school” includes all elementary and high schools operated at public expense;

(8) “School board”, the board of education having general control of the property and affairs of any school district;

(9) “School term”, a minimum of one hundred seventy-four school days, as that term is defined in section 160.041, for schools with a five-day school week or a minimum of one hundred forty-two school days, as that term is defined in section 160.041, for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance as scheduled by the board pursuant to section 171.031 during a twelve-month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district. **In school year 2018-19 and subsequent years, one thousand forty-four hours of actual pupil attendance shall also be required.** A school term may be within a school year or may consist of parts of two consecutive school years, but does not include

summer school. A district may choose to operate two or more terms for different groups of children. A school term for students participating in a school flex program as established in section 160.539 may consist of a combination of actual pupil attendance and attendance at college or technical career education or approved employment aligned with the student's career academic plan for a total of [one thousand forty-four] **the required number of hours as provided in this subdivision;**

(10) "Secretary", the secretary of the board of a school district;

(11) "Seven-director district", any school district which has seven directors and includes urban districts regardless of the number of directors an urban district may have unless otherwise provided by law;

(12) "Taxpayer", any individual who has paid taxes to the state or any subdivision thereof within the immediately preceding twelve-month period or the spouse of such individual;

(13) "Town", any town or village, whether or not incorporated, the plat of which has been filed in the office of the recorder of deeds of the county in which it is situated;

(14) "Urban school district", any district which includes more than half of the population or land area of any city which has not less than seventy thousand inhabitants, other than a city which is not within a county.

160.041. 1. The "minimum school day" consists of three hours for schools with a five-day school week or four hours for schools with a four-day school week in which the pupils are under the guidance and direction of teachers in the teaching process. A "school month" consists of four weeks of five days each for schools with a five-day school week or four weeks of four days each for schools with a four-day school week. The "school year" commences on the first day of July and ends on the thirtieth day of June following.

2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of education is authorized to reduce the required number of hours [and] **or** days in which the pupils are under the guidance and direction of teachers in the teaching process if:

(1) There is damage to or destruction of a public school facility which requires the dual utilization of another school facility; or

(2) Flooding or other inclement weather as defined in subsection 1 of section 171.033 prevents students from attending the public school facility.

Such reduction shall not extend beyond two calendar years in duration.

160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program;

(3) Nonresident pupils who transfer from an unaccredited district under section [167.131] **167.826**, provided that the charter school is an approved charter school, as defined in section [167.131] **167.826**, and subject to all other provisions of section [167.131] **167.826**;

(4) In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil from the same or an adjacent county who resides in a residential care facility, a transitional living group home, or an independent living program whose last school of enrollment is in the

school district where the charter school is established, who submits a timely application; and

(5) In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission and does not discriminate based on parents' ability to pay fees or tuition except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education;

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school; and

(3) Charter alternative and special purpose schools may also give a preference for admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these students through its proposed mission, curriculum, teaching methods, and services.

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level. Charter schools may limit admission based on gender only when the school is a single-gender school. Students of a charter school who have been enrolled for a full academic year shall be counted in the performance of the charter school on the statewide assessments in that calendar year, unless otherwise exempted as English language learners. For purposes of this subsection, "full academic year" means the last Wednesday in September through the administration of the Missouri assessment program test without transferring out of the school and re-enrolling.

4. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

(1) The school's charter;

(2) The school's most recent annual report card published according to section 160.522;

(3) The results of background checks on the charter school's board members; and

(4) If a charter school is operated by a management company, a copy of the written contract between the governing board of the charter school and the educational management organization or the charter management organization for services. The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies of documents under this subsection.

5. When a student attending a charter school who is a resident of the school district in which the charter

school is located moves out of the boundaries of such school district, the student may complete the current semester and shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

6. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a student attending a charter school prior to such change no longer resides in a school district in which the charter school is located, then the student may complete the current academic year at the charter school. The student shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

7. The provisions of sections 167.018 and 167.019 concerning foster children's educational rights are applicable to charter schools.

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free and reduced price lunch, special education, or limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside. The charter school shall report the average daily attendance data, free and reduced price lunch count, special education pupil count, and limited English proficiency pupil count to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter schools shall be as described in this subsection.

(1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers' funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) If the department overpays or underpays the amount due to the charter school, such overpayment or underpayment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year.

(4) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(5) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following the receipt of any such funds. The department of elementary and secondary education shall pay the amounts due when it acts as the disbursal agent within five days of the required due date.

3. A workplace charter school shall receive payment for each eligible pupil as provided under subsection 2 of this section, except that if the student is not a resident of the district and is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the same as provided under section 162.1060.

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter school declares itself as a local educational agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

5. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to this section, the amount of overpayment or underpayment shall be adjusted equally in the next twelve payments by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536. During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school setting.

6. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

7. In the case of a proposed charter school that intends to contract with an education service provider for substantial educational services or management services, the request for proposals shall additionally require the charter school applicant to:

(1) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(2) Provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff, and the service provider; scope of services and resources to be provided by the service provider; performance evaluation measures and time lines; compensation structure, including clear identification of all fees to be paid to the service provider; methods



of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract;

(3) Disclose any known conflicts of interest between the school governing board and proposed service provider or any affiliated business entities;

(4) Disclose and explain any termination or nonrenewal of contracts for equivalent services for any other charter school in the United States within the past five years;

(5) Ensure that the legal counsel for the charter school shall report directly to the charter school's governing board; and

(6) Provide a process to ensure that the expenditures that the education service provider intends to bill to the charter school shall receive prior approval of the governing board or its designee.

8. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

9. A charter school shall be eligible for transportation state aid pursuant to section 163.161 and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

10. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school shall provide the special services provided pursuant to section 162.705 and may provide the special services pursuant to a contract with a school district or any provider of such services.

11. A charter school may not charge tuition or impose fees that a school district is prohibited from charging or imposing, except that a charter school may receive tuition payments from districts in the same or an adjoining county for nonresident students who transfer to an approved charter school, as defined in section [167.131] **167.826**, from an unaccredited district.

12. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Except as otherwise specifically provided in sections 160.400 to 160.425, upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy all its financial obligations within twelve months of notice from the sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a charter school shall return any remaining state and federal funds to the department of elementary and secondary education for disposition as stated in subdivision (17) of subsection 1 of section 160.405. The department of elementary and secondary education may withhold funding at a level the department determines to be adequate during a school's last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.

13. Charter schools shall not have the power to acquire property by eminent domain.

14. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

162.081. 1. Whenever any school district in this state fails or refuses in any school year to provide for the minimum school term required by section 163.021 or is classified unaccredited, the state board of education shall, upon a district's initial classification or reclassification as unaccredited:

(1) Review the governance of the district to establish the conditions under which the existing school board shall continue to govern; or

(2) Determine the date the district shall lapse and determine an alternative governing structure for the district.

2. If at the time any school district in this state shall be classified as unaccredited, the department of elementary and secondary education shall conduct at least two public hearings at a location in the unaccredited school district regarding the accreditation status of the school district. The hearings shall provide an opportunity to convene community resources that may be useful or necessary in supporting the school district as it attempts to return to accredited status, continues under revised governance, or plans for continuity of educational services and resources upon its attachment to a neighboring district. The department may request the attendance of stakeholders and district officials to review the district's plan to return to accredited status, if any; offer technical assistance; and facilitate and coordinate community resources. Such hearings shall be conducted at least twice annually for every year in which the district remains unaccredited or provisionally accredited.

3. Upon classification of a district as unaccredited, the state board of education may:

(1) Allow continued governance by the existing school district board of education under terms and conditions established by the state board of education; or

(2) Lapse the corporate organization of **all or part of** the unaccredited district and:

(a) Appoint a special administrative board for the operation of all or part of the district. **If a special administrative board is appointed for the operation of a part of a school district, the state board of education shall determine an equitable apportionment of state and federal aid for the part of the district and the school district shall provide local revenue in proportion to the weighted average daily attendance of the part.** The number of members of the special administrative board shall not be less than five, the majority of whom shall be residents of the district. The members of the special administrative board shall reflect the population characteristics of the district and shall collectively possess strong experience in school governance, management and finance, and leadership. **The state board of education may appoint members of the district's elected school board to the special administrative board, but members of the elected school board shall not comprise more than forty-nine percent of the special administrative board's membership.** Within fourteen days after the appointment by the state board of education, the special administrative board shall organize by the election of a president, vice president, secretary and a treasurer, with their duties and organization as enumerated in section 162.301. The special administrative board shall appoint a superintendent of schools to serve as the chief executive officer of the school district, **or a subset of schools**, and to have all powers and duties of any other general superintendent of schools in

a seven-director school district. Any special administrative board appointed under this section shall be responsible for the operation of the district **or part of the district** until such time that the district is classified by the state board of education as provisionally accredited for at least two successive academic years, after which time the state board of education may provide for a transition pursuant to section 162.083; or

(b) Determine an alternative governing structure for the district including, at a minimum:

a. A rationale for the decision to use an alternative form of governance and in the absence of the district's achievement of full accreditation, the state board of education shall review and recertify the alternative form of governance every three years;

b. A method for the residents of the district to provide public comment after a stated period of time or upon achievement of specified academic objectives;

c. Expectations for progress on academic achievement, which shall include an anticipated time line for the district to reach full accreditation; and

d. Annual reports to the general assembly and the governor on the progress towards accreditation of any district that has been declared unaccredited and is placed under an alternative form of governance, including a review of the effectiveness of the alternative governance; or

(c) Attach the territory of the lapsed district to another district or districts for school purposes; or

(d) Establish one or more school districts within the territory of the lapsed district, with a governance structure specified by the state board of education, with the option of permitting a district to remain intact for the purposes of assessing, collecting, and distributing property taxes, to be distributed equitably on a weighted average daily attendance basis, but to be divided for operational purposes, which shall take effect sixty days after the adjournment of the regular session of the general assembly next following the state board's decision unless a statute or concurrent resolution is enacted to nullify the state board's decision prior to such effective date.

4. If a district remains under continued governance by the school board under subdivision (1) of subsection 3 of this section and either has been unaccredited for three consecutive school years and failed to attain accredited status after the third school year or has been unaccredited for two consecutive school years and the state board of education determines its academic progress is not consistent with attaining accredited status after the third school year, then the state board of education shall proceed under subdivision (2) of subsection 3 of this section in the following school year.

5. A special administrative board **or any other form of governance** appointed under this section shall retain the authority granted to a board of education for the operation of the lapsed school district under the laws of the state in effect at the time of the lapse and may enter into contracts with accredited school districts or other education service providers in order to deliver high-quality educational programs to the residents of the district. If a student graduates while attending a school building in the district that is operated under a contract with an accredited school district as specified under this subsection, the student shall receive his or her diploma from the accredited school district. The authority of the special administrative board **or any other form of governance appointed under this section** shall expire at the end of the third full school year following its appointment, unless extended by the state board of education. If the lapsed district is reassigned, the [special administrative board] **governing board prior to lapse** shall

provide an accounting of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and liabilities of the lapsed district as determined by the state board of education. Neither the special administrative board **nor any other form of governance appointed under this section** nor its members or employees shall be deemed to be the state or a state agency for any purpose, including section 105.711, et seq. The state of Missouri, its agencies and employees shall be absolutely immune from liability for any and all acts or omissions relating to or in any way involving the lapsed district, [the] a special administrative board, [its] **any other form of governance appointed under this section, or the members or employees of the lapsed district, a special administrative board, or any other form of governance appointed under this section.** Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards of education, their members and their employees shall be available to the special administrative board[, its] **or any other form of governance appointed under this section and the members and employees of the special administrative board or any other form of governance appointed under this section.**

6. Neither the special administrative board **nor any other form of governance appointed under this section** nor any district or other entity assigned territory, assets or funds from a lapsed district shall be considered a successor entity for the purpose of employment contracts, unemployment compensation payment pursuant to section 288.110, or any other purpose.

7. If additional teachers are needed by a district as a result of increased enrollment due to the annexation of territory of a lapsed or dissolved district, such district shall grant an employment interview to any permanent teacher of the lapsed or dissolved district upon the request of such permanent teacher.

8. In the event that a school district with an enrollment in excess of five thousand pupils lapses, no school district shall have all or any part of such lapsed school district attached without the approval of the board of the receiving school district.

**9. If the state board of education reasonably believes that a school district is unlikely to provide for the minimum school term required by section 163.021 because of financial difficulty, the state board of education may, prior to the start of the school term:**

**(1) Allow continued governance by the existing district school board under terms and conditions established by the state board of education; or**

**(2) Lapse the corporate organization of the district and implement one of the options available under subdivision (2) of subsection 3 of this section.**

**10. The provisions of subsection 9 of this section shall not apply to any district solely on the basis of financial difficulty resulting from paying tuition and providing transportation for transfer students under sections 167.826 and 167.827.**

**162.1310. 1. For purposes of this section, “attendance center” means a public school building, public school buildings, or part of a public school building that offers education in a grade or grades not higher than the twelfth grade and that constitutes one unit for accountability and reporting purposes for the department of elementary and secondary education.**

**2. (1) If an attendance center receives two or more consecutive annual performance report scores consistent with a classification of unaccredited, the district in which the attendance center is located shall notify the parent or guardian of any student enrolled in the attendance center of the annual**

**performance report scores within fourteen business days.**

**(2) If the state board of education classifies any district as unaccredited, the district shall notify the parent or guardian of any student enrolled in the unaccredited district of the loss of accreditation within fourteen business days.**

**3. The district's notice shall include an explanation of which students may be eligible to transfer, the transfer process under sections 167.826 and 167.827, and any services students may be entitled to receive. The district's notice shall be written in a clear, concise, and easy-to-understand manner.**

**4. (1) If the notice concerns an attendance center's annual performance report scores, the district shall post the notice in a conspicuous and accessible place in the attendance center.**

**(2) If the notice concerns a district's loss of accreditation, the district shall post the notice in a conspicuous and accessible place in each district attendance center.**

**5. The district shall send any notice described under this section to each municipality located within the boundaries of the district.**

163.021. 1. A school district shall receive state aid for its education program only if it:

**(1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all-day students or six hours for one-half-day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033. In school year 2018-19 and subsequent years, one thousand forty-four hours of actual pupil attendance shall be required for each pupil or group of pupils; except that, the board shall provide a minimum of five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils;**

**(2) Maintains adequate and accurate records of attendance, personnel and finances, as required by the state board of education, which shall include the preparation of a financial statement which shall be submitted to the state board of education the same as required by the provisions of section 165.111 for districts;**

**(3) Levies an operating levy for school purposes of not less than one dollar and twenty-five cents after all adjustments and reductions on each one hundred dollars assessed valuation of the district; and**

**(4) Computes average daily attendance as defined in subdivision (2) of section 163.011 as modified by section 171.031. Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed.**

**2. For the 2006-07 school year and thereafter, no school district shall receive more state aid, as**

calculated under subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for school purposes, as determined pursuant to section 163.011, of not less than two dollars and seventy-five cents after all adjustments and reductions. Any district which is required, pursuant to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required under this subsection shall not be construed to be in violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of Article X of the state constitution, a school district may levy the operating levy for school purposes required by this subsection less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school district is guaranteed to receive an amount not less than the amount the school district received per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply to any school district located in a county of the second classification which has a nuclear power plant located in such district or to any school district located in a county of the third classification which has an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative except that such school districts may levy for current school purposes and capital projects an operating levy not to exceed two dollars and seventy-five cents less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution.

3. No school district shall receive more state aid, as calculated in section 163.031, for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-94, if the state board of education determines that the district was not in compliance in the preceding school year with the requirements of section 163.172, until such time as the board determines that the district is again in compliance with the requirements of section 163.172.

4. No school district shall receive state aid, pursuant to section 163.031, if such district was not in compliance, during the preceding school year, with the requirement, established pursuant to section 160.530 to allocate revenue to the professional development committee of the district.

5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, if the district did not comply in the preceding school year with the requirements of subsection 5 of section 163.031.

6. Any school district that levies an operating levy for school purposes that is less than the performance levy, as such term is defined in section 163.011, shall provide written notice to the department of elementary and secondary education asserting that the district is providing an adequate education to the students of such district. If a school district asserts that it is not providing an adequate education to its students, such inadequacy shall be deemed to be a result of insufficient local effort. The provisions of this subsection shall not apply to any special district established under sections 162.815 to 162.940.

163.073. 1. When an education program, as approved under section 219.056, is provided for pupils by the division of youth services in one of the facilities operated by the division for children who have been assigned there by the courts, the division of youth services shall be entitled to state aid for pupils being

educated by the division of youth services in an amount to be determined as follows: the total amount apportioned to the division of youth services shall be an amount equal to the average per weighted average daily attendance amount apportioned for the preceding school year under section 163.031, multiplied by the number of full-time equivalent students served by facilities operated by the division of youth services. The number of full-time equivalent students shall be determined by dividing by one hundred seventy-four days the number of student-days of education service provided by the division of youth services to elementary and secondary students who have been assigned to the division by the courts and who have been determined as inappropriate for attendance in a local public school. A student day shall mean one day of education services provided for one student. **In school year 2018-19 and subsequent years, the number of full-time equivalent students shall be the quotient of the number of student-hours of education service provided by the division of youth services to elementary and secondary students who have been assigned to the division by the courts, and who have been determined as inappropriate for attendance in a local public school, divided by one thousand forty-four hours. A student hour shall mean one hour of education services provided for one student.** In addition, other provisions of law notwithstanding, the division of youth services shall be entitled to funds under section 163.087. The number of full-time equivalent students as defined in this section shall be considered as “September membership” and as “average daily attendance” for the apportioning of funds under section 163.087.

2. The educational program approved under section 219.056 as provided for pupils by the division of youth services shall qualify for funding for those services provided to handicapped or severely handicapped children. The department of elementary and secondary education shall cooperate with the division of youth services in arriving at an equitable funding for the services provided to handicapped children in the facilities operated by the division of youth services.

3. Each local school district or special school district constituting the domicile of a child placed in programs or facilities operated by the division of youth services or residing in another district pursuant to assignment by the division of youth services shall pay toward the per pupil cost of educational services provided by the serving district or agency an amount equal to the average sum produced per child by the local tax effort of that district. A special school district shall pay the average sum produced per child by the local tax efforts of the component districts. This amount paid by the local school district or the special school district shall be on the basis of full-time equivalence as determined in section 163.011, not to exceed the actual per pupil local tax effort.”; and

Further amend said bill, page 20, section 167.125, line 5 of said page, by inserting after all of said line the following:

“167.131. 1. The board of education of each district in this state that does not maintain [an accredited] **a high school** [pursuant to the authority of the state board of education to classify schools as established in section 161.092] **offering work through the twelfth grade** shall pay [the] tuition [of] **as calculated by the receiving district under subsection 2 of this section** and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein **who has completed the work of the highest grade offered in the schools of the district and** who attends an accredited **public high** school in another district of the same or an adjoining county [or who attends an approved charter school in the same or an adjoining county].

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district’s grade level grouping which includes the school attended. [The rate

of tuition to be charged by the approved charter school attended and paid by the sending district is the per pupil cost of maintaining the approved charter school's grade level grouping. For a district,] The cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. [For an approved charter school, the cost of maintaining a grade level grouping shall be determined by the approved charter school but in no case shall it exceed all amounts spent by the district in which the approved charter school is located for teachers' wages, incidental purposes, debt service, maintenance, and replacements.] The term "debt service", as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

[3. For purposes of this section, "approved charter school" means a charter school that has existed for less than three years or a charter school with a three-year average score of seventy percent or higher on its annual performance report.]

**167.132. 1. For purposes of this section, the following terms mean:**

**(1) "Receiving approved charter school", an approved charter school, as defined under section 167.826, receiving transfer students under section 167.826;**

**(2) "Receiving district", a school district receiving transfer students under section 167.826;**

**(3) "Sending district", a school district from which students are transferring to a receiving district or approved charter school, as allowed under section 167.826;**

**(4) "State adequacy target", the same meaning given to the term under section 163.011.**

**2. Notwithstanding any other provision of law, the tuition rate paid by a sending district to the receiving district or the receiving approved charter school for transfer students shall be the lesser of:**

**(1) The tuition rate set by the receiving district or the receiving approved charter school under the policy adopted in accordance with section 167.826; or**

**(2) The state adequacy target plus the average sum produced per child by the local tax effort above the state adequacy target of the sending district.**

**167.151. 1.** The school board of any district, in its discretion, may admit to the school pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as provided in sections 167.121 [and], 167.131, **167.132, and 167.826.**

**2.** Orphan children, children with only one parent living, and children whose parents do not contribute to their support—if the children are between the ages of six and twenty years and are unable to pay tuition—may attend the schools of any district in the state in which they have a permanent or temporary home without paying a tuition fee.

**3.** Any person who pays a school tax in any other district than that in which he resides may send his children to any public school in the district in which the tax is paid and receive as a credit on the amount



charged for tuition the amount of the school tax paid to the district; except that any person who owns real estate of which eighty acres or more are used for agricultural purposes and upon which his residence is situated may send his children to public school in any school district in which a part of such real estate, contiguous to that upon which his residence is situated, lies and shall not be charged tuition therefor; so long as thirty-five percent of the real estate is located in the school district of choice. The school district of choice shall count the children in its average daily attendance for the purpose of distribution of state aid through the foundation formula.

4. Any owner of agricultural land who, pursuant to subsection 3 of this section, has the option of sending his children to the public schools of more than one district shall exercise such option as provided in this subsection. Such person shall send written notice to all school districts involved specifying to which school district his children will attend by June thirtieth in which such a school year begins. If notification is not received, such children shall attend the school in which the majority of his property lies. Such person shall not send any of his children to the public schools of any district other than the one to which he has sent notice pursuant to this subsection in that school year or in which the majority of his property lies without paying tuition to such school district.

5. If a pupil is attending school in a district other than the district of residence and the pupil's parent is teaching in the school district or is a regular employee of the school district which the pupil is attending, then the district in which the pupil attends school shall allow the pupil to attend school upon payment of tuition in the same manner in which the district allows other pupils not entitled to free instruction to attend school in the district. The provisions of this subsection shall apply only to pupils attending school in a district which has an enrollment in excess of thirteen thousand pupils and not in excess of fifteen thousand pupils and which district is located in a county of the first classification with a charter form of government which has a population in excess of six hundred thousand persons and not in excess of nine hundred thousand persons.

167.225. 1. As used in this section, the following terms mean:

(1) ["Blind persons", individuals who:

(a) Have a visual acuity of 20/200 or less in the better eye with conventional correction, or have a limited field of vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty degrees; or

(b) Have a reasonable expectation of visual deterioration; or

(c) Cannot read printed material at a competitive rate of speed and with facility due to lack of visual acuity;] **"Assessment", the National Reading Media Assessment or another research-based, assessment or series of research-based, assessments authorized under the Individuals with Disabilities Education Act that determines a student's reading and writing skills, needs, and appropriate reading and writing media, both now and in the future, and addresses the student's academic and functional strengths, deficits, and future needs;**

(2) "Braille", the system of reading and writing through touch [commonly known as standard English braille];

(3) "Student", any student who [is blind or any student eligible for special education services for visually impaired as defined in P.L. 94-142] **has an impairment in vision that, even with correction, adversely**

**affects a child’s educational performance and who is determined eligible for special education services under the Individuals with Disabilities Education Act.**

2. All students [may] **shall** receive instruction in braille reading and writing as part of their individualized education plan **unless, as a result of an assessment, instruction in braille or the use of braille is determined not appropriate for the student.** No student shall be denied the opportunity of instruction in braille reading and writing solely because the student has some remaining vision.

3. Instruction in braille reading and writing shall be sufficient to enable each student to communicate effectively and efficiently at a level commensurate with his sighted peers of comparable grade level and intellectual functioning. The student’s individualized education plan shall specify:

(1) How braille will be implemented as the primary mode for learning through integration with normal classroom activities. If braille will not be provided to a child who is blind, the reason for not incorporating it in the individualized education plan shall be documented therein;

(2) The date on which braille instruction will commence;

(3) The level of competency in braille reading and writing to be achieved by the end of the period covered by the individualized education plan; and

(4) The duration of each session.

4. As part of the certification process, teachers certified in the education of blind and visually impaired children shall be required to demonstrate competence in reading and writing braille. The department of elementary and secondary education shall adopt assessment procedures to assess such competencies which are consistent with standards adopted by the National Library Service for the Blind and Physically Handicapped, Library of Congress, Washington, D. C.

167.241. **1. Except as otherwise provided under this section,** transportation for pupils whose tuition the district of residence is required to pay by section 167.131 or who are assigned as provided in section 167.121 shall be provided by the district of residence[; however,].

**2.** In the case of pupils covered by section 167.131, the district of residence shall be required to provide transportation only to [approved charter schools as defined in section 167.131,] school districts accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in section 161.092, and those school districts designated by the board of education of the district of residence.

**3. (1) For purposes of this subsection, “approved charter school” has the same meaning given to the term under section 167.826.**

**(2) For pupils covered by section 167.826, the district of residence shall be required to provide transportation only to school districts or approved charter schools designated by the department of elementary and secondary education or its designee. For pupils covered by section 167.826, the department of elementary and secondary education or its designee shall designate at least one accredited district or approved charter school to which the district of residence shall provide transportation. If the designated district or charter school reaches full student capacity and is unable to receive additional students, the department of elementary and secondary education or its designee shall designate at least one additional accredited district or approved charter school to which the**

**district of residence shall provide transportation.**

**167.266. 1. Beginning with the 2018-19 school year, the board of education of a school district or a charter school that is a local educational agency may establish an academic and career counseling program in cooperation with parents and the local community that is in the best interest of and meets the needs of students in the community. School districts and local educational agencies may use the Missouri comprehensive guidance and counseling program as a resource for the development of a district's or local educational agency's program. The department of elementary and secondary education shall develop a process for recognition of a school district's academic and career counseling program established in cooperation with parents and the local community no later than January 1, 2019.**

**2. The state board of education shall promulgate rules and regulations for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

**167.826. 1. For purposes of this section and section 167.827, the following terms mean:**

**(1) "Approved charter school", a charter school that has existed for less than three years or a charter school with a three-year average score consistent with a classification of accredited without provisions on its annual performance report;**

**(2) "Attendance center", a public school building, public school buildings, or part of a public school building that offers education in a grade or grades not higher than the twelfth grade and that constitutes one unit for accountability and reporting purposes for the department of elementary and secondary education;**

**(3) "Available receiving district", a school district able to receive transfer students under this section;**

**(4) "Receiving district", a school district receiving transfer students under this section;**

**(5) "Sending district", a school district from which students are transferring to a receiving district or approved charter school, as allowed under this section.**

**2. (1) Any student may transfer to another public school in the student's district of residence if such student is enrolled in and has attended, for the full semester immediately prior to requesting the transfer, an attendance center:**

**(a) That is located within an unaccredited district; and**

**(b) That has an annual performance report score consistent with a classification of unaccredited.**

**However, no such transfer shall result in a class size and assigned enrollment in a receiving school that exceeds the standards for class size and assigned enrollment as promulgated in the Missouri**

school improvement program's resource standards. If the student chooses to attend a magnet school, an academically selective school, or a school with a competitive entrance process within his or her district of residence that has admissions requirements, the student shall meet the admissions requirements in order to attend.

(2) The school board of each unaccredited district shall determine the capacity at each of the district's attendance centers that has an annual performance report score consistent with a classification of accredited. The district's school board shall be responsible for coordinating transfers within the district as allowed under this subsection.

(3) The school board of each unaccredited district shall annually report to the department of elementary and secondary education or its designee the number of available slots in attendance centers within the district that have annual performance report scores consistent with a classification of accredited, the number of students who request to transfer within the district, and the number of such transfer requests that are granted.

3. (1) Any student who is eligible to transfer within his or her district under subsection 2 of this section but who is unable to do so due to a lack of capacity in the attendance centers in his or her district of residence may apply to the department of elementary and secondary education or its designee to transfer to:

(a) An attendance center:

a. That is located within an accredited district that is located in the same or an adjoining county; and

b. That has an annual performance report score consistent with a classification of accredited; or

(b) An approved charter school located in another district in the same or an adjoining county.

(2) A student who is eligible to begin kindergarten or first grade at an attendance center:

(a) That is located within an unaccredited district;

(b) That has an annual performance report score consistent with a classification of unaccredited; and

(c) That offers classes above the second grade level

may apply to the department of elementary and secondary education or its designee for a transfer to a school described under paragraph (a) or (b) of subdivision (1) of this subsection if he or she resides in the attendance area of the attendance center described under this subdivision on March first preceding the school year of first attendance. A student who does not apply by March first for enrollment in any school year after the 2018-19 school year shall be required to enroll and attend the attendance center described under this subdivision for one semester to become eligible.

(3) If a student who is eligible to transfer under this subsection chooses to apply to attend a magnet school, an academically selective school, or a school with a competitive entrance process that has admissions requirements, the student shall furnish proof that he or she meets the admissions requirements.

**(4) Any student who does not maintain residency in the attendance area of his or her attendance center in the district of residence shall lose eligibility to transfer.**

**(5) Except as provided under subsection 7 of this section, any student who transfers but later withdraws shall lose eligibility to transfer.**

**(6) The transfer provisions of this subsection shall not apply to a district created under sections 162.815 to 162.840 or to any early childhood programs or early childhood special education programs.**

**4. (1) No student enrolled in and attending an attendance center that does not offer classes above the second grade level shall be eligible to transfer under this section.**

**(2) No student who is eligible to begin kindergarten or first grade at an attendance center that does not offer classes above the second grade level shall be eligible to transfer under this section.**

**5. (1) (a) No provisionally accredited district shall be eligible to receive transfer students.**

**(b) Except as provided under paragraph (c) of this subdivision, no attendance center that has an annual performance report score consistent with a classification of provisionally accredited shall be eligible to receive transfer students.**

**(c) A transfer student who chooses to attend an attendance center that has an annual performance report score consistent with a classification of provisionally accredited and that is located within his or her unaccredited district of residence shall be allowed to transfer to such attendance center if there is an available slot.**

**(2) (a) No unaccredited district shall be eligible to receive transfer students.**

**(b) No attendance center that has an annual performance report score consistent with a classification of unaccredited shall be eligible to receive transfer students.**

**(3) No district or attendance center that has received two consecutive annual performance reports consistent with a classification of provisionally accredited for the years immediately preceding the year in which it seeks to enroll transfer students shall be eligible to receive any transfer students, irrespective of its state board of education classification designation; except that, any student who was granted a transfer to such a district or attendance center prior to the effective date of this section may remain enrolled in that district or attendance center.**

**6. Notwithstanding the provisions of subsection 5 of this section, a student may transfer to an attendance center:**

**(1) That is located within an unaccredited or provisionally accredited district; and**

**(2) That has an annual performance report score consistent with a classification of accredited if the attendance center applies for and is granted a waiver by the department of elementary and secondary education or its designee to allow the attendance center to accept transfer students.**

**7. If a receiving district becomes unaccredited or provisionally accredited, or if an approved charter school loses its status as an approved charter school, any students who previously transferred to the district or charter school shall receive the opportunity to remain enrolled in the district or charter school or to transfer to another district or approved charter school without losing their**

eligibility to transfer.

**8. For a receiving district, no acceptance of a transfer student shall require any of the following actions, unless the board of education of the receiving district has approved the action:**

**(1) The hiring of additional classroom teachers; or**

**(2) The construction of additional classrooms.**

**9. (1) By July 15, 2018, the board of education of each available receiving district and the governing board of each approved charter school eligible to receive transfer students under this section shall set the number of transfer students the district or charter school is able to receive for the 2018-19 school year.**

**(2) By February first annually, the board of education of each available receiving district and the governing board of each approved charter school eligible to receive transfer students under this section shall set the number of transfer students the district or charter school is able to receive for the following school year.**

**(3) An available receiving district or approved charter school eligible to receive transfer students under this section shall publish the number set under this subsection and shall not be required to accept any transfer students under this section that would cause it to exceed the published number.**

**10. (1) Each available receiving district shall adopt a policy establishing a tuition rate for transfer students by February first annually.**

**(2) Each approved charter school eligible to receive transfer students under this section shall adopt a policy establishing a tuition rate for transfer students by February first annually.**

**(3) A sending district shall pay the receiving district or the approved charter school the amount specified under section 167.132 for each transfer student.**

**11. If an unaccredited district becomes classified as provisionally accredited or accredited without provisions by the state board of education, or if an attendance center within an unaccredited district improves its annual performance report score from a score that is consistent with a classification of unaccredited to a score that is consistent with a classification of provisionally accredited or accredited, any resident student of the unaccredited district who has transferred to an approved charter school or to an accredited district in the same or an adjoining county, as allowed under subsection 3 of this section, shall be permitted to continue his or her educational program in the receiving district or charter school through the completion of middle school, junior high school, or high school, whichever occurs first; except that, a student who attends any school serving students through high school graduation but starting at grades lower than ninth grade shall be permitted to complete high school in the school to which he or she has transferred.**

**12. Notwithstanding the provisions of subsection 10 of this section, if costs associated with the provision of special education and related services to a student with a disability exceed the tuition amount established under this section, the unaccredited district shall remain responsible for paying the excess cost to the receiving district. If the receiving district is a component district of a special school district, the unaccredited district, including any metropolitan school district, shall contract with the special school district for the entirety of the costs to provide special education and related**

services, excluding transportation in accordance with this section. The special school district may contract with an unaccredited district, including any metropolitan district, for the provision of transportation of a student with a disability or the unaccredited district may provide transportation on its own.

13. A special school district shall continue to provide special education and related services, with the exception of transportation under this section, to a student with a disability transferring from an attendance center with an annual performance report score consistent with a classification of unaccredited that is within a component district to an attendance center with an annual performance report score consistent with a classification of accredited that is within the same or a different component district within the special school district.

14. If any metropolitan school district is classified as unaccredited, it shall remain responsible for the provision of special education and related services, including transportation, to students with disabilities. A special school district in an adjoining county to a metropolitan school district may contract with the metropolitan school district for the reimbursement of special education services under sections 162.705 and 162.710 provided by the special school district for transfer students who are residents of the unaccredited district.

15. Regardless of whether transportation is identified as a related service within a student's individualized education program, a receiving district that is not part of a special school district shall not be responsible for providing transportation to a student transferring under this section. An unaccredited district may contract with a receiving district that is not part of a special school district under sections 162.705 and 162.710 for transportation of students with disabilities.

16. If a seven-director school district or urban school district is classified as unaccredited, it may contract with a receiving district that is not part of a special school district in the same or an adjoining county for the reimbursement of special education and related services under sections 162.705 and 162.710 provided by the receiving district for transfer students who are residents of the unaccredited district.

167.827. 1. (1) By July 15, 2018, and by January first annually, each accredited district, any portion of which is located in the same county as or in an adjoining county to an unaccredited district, shall report to the department of elementary and secondary education or its designee the number of available enrollment slots by grade level.

(2) By July 15, 2018, and by January first annually, each unaccredited district shall report to the department of elementary and secondary education or its designee the number of available enrollment slots in the schools of its district that have received annual performance report scores consistent with a classification of accredited.

(3) By July 15, 2018, and by January first annually, each approved charter school that is eligible to receive transfer students under section 167.826 shall report to the department of elementary and secondary education or its designee the number of available enrollment slots.

2. The department of elementary and secondary education or its designee shall make information and assistance available to parents or guardians who intend to transfer their child to an accredited district or to an approved charter school as described under section 167.826.

**3. The parent or guardian of a student who intends to transfer his or her child to an accredited district or to an approved charter school as described under section 167.826 for enrollment in that district or charter school in any school year after the 2018-19 school year shall send initial notification to the department of elementary and secondary education or its designee by March first for enrollment in the subsequent school year.**

**4. The department of elementary and secondary education or its designee shall assign those students who seek to transfer to an accredited district or to an approved charter school as described under section 167.826. When assigning transfer students to approved charter schools, the department of elementary and secondary education or its designee shall coordinate with each approved charter school and its admissions process if capacity is insufficient to enroll all students who submit a timely application. An approved charter school shall not be required to institute a lottery procedure for determining the admission of resident students. The department of elementary and secondary education or its designee shall give first priority to students who live in the same household with any family member within the first or second degree of consanguinity or affinity who already attends a school with an annual performance report score consistent with a classification of accredited and who apply to attend the same school. If insufficient grade-appropriate enrollment slots are available for a student to be able to transfer, the student shall receive first priority the following school year. The department of elementary and secondary education or its designee shall consider the following factors in assigning schools, with the student's or parent's choice as the most important factor:**

- (1) The student's or parent's choice of the receiving school;**
- (2) The best interests of the student;**
- (3) The availability of transportation funding, as provided under section 167.241; and**
- (4) Distance and travel time to a receiving school.**

**The department of elementary and secondary education or its designee shall not consider student academic performance, free and reduced price lunch status, or athletic ability in assigning a student to a school.**

**5. (1) The department of elementary and secondary education or its designee may deny a transfer to a student who in the most recent school year has been suspended from school two or more times or who has been suspended for an act of school violence under subsection 2 of section 160.261. A student whose transfer is initially precluded under this subsection may be permitted to transfer on a provisional basis as a probationary transfer student, subject to no further disruptive behavior, upon a statement from the student's current school that the student is not disruptive. A student who is denied a transfer under this subsection has the right to an in-person meeting with an employee of the department of elementary and secondary education or its designee.**

**(2) The department of elementary and secondary education shall promulgate rules to provide common standards for determining disruptive behavior that shall include, but not be limited to, criteria under section 160.261. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly**



pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

**167.890. 1. The department of elementary and secondary education shall compile and maintain student performance data scores of all students enrolled in districts other than their resident districts as provided under section 167.826 and make such data available on the Missouri comprehensive data system. No personally identifiable data shall be accessible on the database.**

**2. The department of elementary and secondary education may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.**

168.133. 1. The school district shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, authorized to have contact with pupils and prior to the individual having contact with any pupil. Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, and nurses. The school district shall also ensure that a criminal background check is conducted for school bus drivers. The district may allow such drivers to operate buses pending the result of the criminal background check. For bus drivers, the school district shall be responsible for conducting the criminal background check on drivers employed by the school district. For drivers employed by a pupil transportation company, **a municipality, or any other entity** under contract with the school district, the criminal background check shall be conducted pursuant to section 43.540 and conform to the requirements established in the National Child Protection Act of 1993, as amended by the Volunteers for Children Act. Personnel who have successfully undergone a criminal background check and a check of the family care safety registry as part of the professional license application process under section 168.021 and who have received clearance on the checks within one prior year of employment shall be considered to have completed the background check requirement. A criminal background check under this section shall include a search of any information publicly available in an electronic format through a public index or single case display.

2. In order to facilitate the criminal history background check, the applicant shall submit a set of fingerprints collected pursuant to standards determined by the Missouri highway patrol. The fingerprints shall be used by the highway patrol to search the criminal history repository and shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

3. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when he or she applies for a position authorized to have contact with pupils pursuant to this section. The department shall distribute the fees collected for the state and federal criminal histories to the Missouri highway patrol.

4. The department of elementary and secondary education shall facilitate an annual check of employed persons holding current active certificates under section 168.021 against criminal history records in the central repository under section 43.530, the sexual offender registry under sections 589.400 to 589.475, and

child abuse central registry under sections 210.109 to 210.183. The department of elementary and secondary education shall facilitate procedures for school districts to submit personnel information annually for persons employed by the school districts who do not hold a current valid certificate who are required by subsection 1 of this section to undergo a criminal background check, sexual offender registry check, and child abuse central registry check. The Missouri state highway patrol shall provide ongoing electronic updates to criminal history background checks of those persons previously submitted, both those who have an active certificate and those who do not have an active certificate, by the department of elementary and secondary education. This shall fulfill the annual check against the criminal history records in the central repository under section 43.530.

5. The school district may adopt a policy to provide for reimbursement of expenses incurred by an employee for state and federal criminal history information pursuant to section 43.530.

6. If, as a result of the criminal history background check mandated by this section, it is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a similar crime or offense committed in another state, the United States, or any other country, regardless of imposition of sentence, such information shall be reported to the department of elementary and secondary education.

7. Any school official making a report to the department of elementary and secondary education in conformity with this section shall not be subject to civil liability for such action.

8. For any teacher who is employed by a school district on a substitute or part-time basis within one year of such teacher's retirement from a Missouri school, the state of Missouri shall not require such teacher to be subject to any additional background checks prior to having contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise restricting a school district from requiring additional background checks for such teachers employed by the school district.

9. A criminal background check and fingerprint collection conducted under subsections 1 and 2 of this section shall be valid for at least a period of one year and transferrable from one school district to another district. A school district may, in its discretion, conduct a new criminal background check and fingerprint collection under subsections 1 and 2 for a newly hired employee at the district's expense. A teacher's change in type of certification shall have no effect on the transferability or validity of such records.

10. Nothing in this section shall be construed to alter the standards for suspension, denial, or revocation of a certificate issued pursuant to this chapter.

11. The state board of education may promulgate rules for criminal history background checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and void.

171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date, **days of planned attendance**, and providing a minimum term of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance. **In school year 2018-**

**19 and subsequent years, one thousand forty-four hours of actual pupil attendance shall be required for the school term.** In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033. **In school year 2018-19 and subsequent years, such calendar shall include thirty-six make-up hours for possible loss of attendance due to inclement weather, as defined in subsection 1 of section 171.033, with no minimum number of make-up days.**

2. Each local school district may set its opening date each year, which date shall be no earlier than ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless, **for school years before school year 2018-19**, the district follows the procedure set forth in subsection 3 of this section. **The procedure set forth in subsection 3 of this section shall be unavailable to school districts in preparing their calendars for school year 2018-19 and for subsequent years.**

3. **For calendars for school years before school year 2018-19**, a district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

4. If any local district violates the provisions of this section, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated under section 163.031 for each date the district was in violation of this section.

5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

[7. No school day for schools with a five-day school week shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county, and any school that adopts a four-day school week in accordance with section 171.029.]

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

2. (1) A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the days is necessary to ensure that the district's students will attend a minimum of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

(2) **Notwithstanding subdivision (1) of this subsection, in school year 2018-19 and subsequent years, a district shall be required to make up the first thirty-six hours of school lost or cancelled due**

**to inclement weather and half the number of hours lost or cancelled in excess of thirty-six if the makeup of the hours is necessary to ensure that the district's students attend a minimum of one thousand forty-four hours for the school year, except as otherwise provided under subsections 3 and 4 of this section.**

3. (1) In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

**(2) In school year 2018-19 and subsequent years, a school district may be exempt from the requirement to make up school lost or cancelled due to inclement weather in the school district when the school district has made up the thirty-six hours required under subsection 2 of this section and half the number of additional lost or cancelled hours up to forty-eight, resulting in no more than sixty total make-up hours required by this section.**

4. The commissioner of education may provide, for any school district [in which schools are in session for twelve months of each calendar year] that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week and one thousand forty-four hours of actual pupil attendance **or, in school year 2018-19 and subsequent years, one thousand forty-four hours of actual pupil attendance**, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to circumstances beyond school district control, including inclement weather, flooding or fire.

304.060. 1. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. The state board of education may adopt rules and regulations governing the use of other vehicles owned by a district or operated under contract with any school district in this state and used for the purpose of transporting school children. The operator of such vehicle shall be licensed in accordance with section 302.272, and such vehicle shall transport no more children than the manufacturer suggests as appropriate for such vehicle. The state board of education may also adopt rules and regulations governing the use of authorized common carriers for the transportation of students on field trips or other special trips for educational purposes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The state board of education shall cooperate with the state transportation department and the state highway patrol in placing suitable warning signs at intervals on the highways of the state.

**2. Notwithstanding the provisions of subsection 1 of this section, any school board in the state of Missouri may contract with any municipality for the purpose of transporting school children. Municipalities entering into any such contract shall comply with the requirements of this section and sections 162.064, 162.065, 168.133, and 307.375.**

3. Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a

school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district.

[3.] 4. Any other provision of the law to the contrary notwithstanding, in any county of the first class with a charter form of government adjoining a city not within a county, school buses may bear the word “special”.

[171.029. 1. The school board of any school district in the state, upon adoption of a resolution by the vote of a majority of all its members to authorize such action, may establish a four-day school week or other calendar consisting of less than one hundred seventy-four days in lieu of a five-day school week. Upon adoption of a four-day school week or other calendar consisting of less than one hundred seventy-four days, the school shall file a calendar with the department of elementary and secondary education in accordance with section 171.031. Such calendar shall include, but not be limited to, a minimum term of one hundred forty-two days and one thousand forty-four hours of actual pupil attendance.

2. If a school district that attends less than one hundred seventy-four days meets at least two fewer performance standards on two successive annual performance reports than it met on its last annual performance report received prior to implementing a calendar year of less than one hundred seventy-four days, it shall be required to revert to a one hundred seventy-four-day school year in the school year following the report of the drop in the number of performance standards met. When the number of performance standards met reaches the earlier number, the district may return to the four-day week or other calendar consisting of less than one hundred seventy-four days in the next school year.]”; and

Further amend said bill, page 20, section B, line 6 of said page, by inserting after “Section B.” the following: “The enactment of sections 135.712, 135.713, 135.714, 135.716, 135.719, 160.840, 166.700, 166.705, 166.710, 166.715, 166.720, 166.725, and 167.125 of”; and further amend line 15 of said page, by inserting after all of said line the following:

“Section C. Because of the importance of improving and sustaining Missouri’s elementary and secondary education system and establishing standards for student transfers to school districts, the repeal and reenactment of sections 160.011, 160.410, 160.415, 162.081, 167.131, 167.151, and 167.241, and the enactment of sections 162.1310, 167.132, 167.826, 167.827, and 167.890 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 160.011, 160.410, 160.415, 162.081, 167.131, 167.151, and 167.241, and the enactment of sections 162.1310, 167.132, 167.826, 167.827, and 167.890 of this act shall be in full force and effect on July 1, 2018, or upon its passage and approval, whichever occurs later.

Section D. The repeal of section 171.029 of this act shall become effective July 1, 2019.”; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Curls, Hummel, Rizzo and Walsh.

Senator Wallingford assumed the Chair.

Senator Walsh offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 612, Page 29, Section 167.132, Line 20 of said amendment page, by striking “shall be” and inserting in lieu thereof the following: **“shall not exceed the maximum tuition rate allowed to be paid to districts that receive students through the voluntary inter-district transfer program.”**; and further amend lines 21-27 of said amendment page, by striking all of said lines.

Senator Walsh moved that the above amendment be adopted, which motion prevailed.

Senator Onder assumed the Chair.

**SA 1**, as amended, was again taken up.

Senator Sifton moved that **SA 1**, as amended, be adopted, which motion failed by the following vote:

YEAS—Senators

Holsman	Rizzo	Romine	Sifton—4
---------	-------	--------	----------

NAYS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Munzlinger	Nasheed	Onder	Richard	Riddle	Rowden	Sater
Schaaf	Schatz	Schupp	Wallingford	Walsh	Wasson	Wieland—28

Absent—Senator Libla—1

Absent with leave—Senators—None

Vacancies—1

Senator Rizzo offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 612, Page 20, Section B, Line 10 of said page, by inserting after “163.031” the following: “for three consecutive years”.

Senator Rizzo moved that the above amendment be adopted.

Senator Rizzo offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 612, Page 4, Section 135.713, Line 5 of said page, by inserting at the end of said line the following:

**“All tax credits authorized under the program are subject to appropriation by the general assembly.”**; and

Further amend said bill, page 20, section B, line 10, by inserting after “163.031” the following: “for three consecutive years”.

Senator Rizzo moved that the above substitute amendment be adopted.

Senator Rizzo offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 612, Page 1, Line 4, by inserting after all of said line the following:

“Further amend said bill, page 17, section 166.720, line 1, by striking “A misdemeanor” and inserting in lieu thereof the following: “**D felony**”; and”.

Senator Rizzo moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Emery, Hummel, Sifton and Walsh.

At the request of Senator Koenig, **SB 612**, with **SCS**, **SS No. 2** for **SCS**, **SA 2**, **SSA 1** for **SA 2** and **SA 1** to **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

### REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 547**; **SS** for **SCS** for **SB 592**; **SB 800**; **SCS** for **SB 814**; and **SB 796**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### REFERRALS

President Pro Tem Richard referred **SS** for **SCS** for **SB 592** to the Committee on Fiscal Oversight.

### RESOLUTIONS

Senator Crawford offered Senate Resolution No. 1455, regarding Katelyn Dixon, which was adopted.

Senator Holsman offered Senate Resolution No. 1456, regarding Tempest Malone, which was adopted.

Senator Kehoe offered Senate Resolution No. 1457, regarding Eagle Scout Thomas P. McCarthy, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1458, regarding Roberta L. Broeker, CPA, which was adopted.

Senator Emery offered Senate Resolution No. 1459, regarding Beck Event Center, Harrisonville, which was adopted.

### COMMUNICATIONS

President Pro Tem Richard submitted the following:

March 6, 2018

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

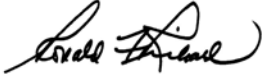
Dear Ms. Crouse:

Pursuant to RsMO 23.010, I am appointing Senator Denny Hoskins to replace former Senator Ryan Silvey on the Joint Committee on

Legislative Research.

Please do not hesitate to contact my office if you have any questions.

Sincerely,



Ron Richard

President Pro Tem

## **INTRODUCTION OF GUESTS**

Senator Schupp introduced to the Senate, Jamie Gilley, Maryland Heights.

Senator Curls introduced to the Senate, Ella Skaggs, Sage Kirkland, and students from North Kansas City High School.

Senator Richard introduced to the Senate, teachers LaHeather Fisher and Karisa Boyer; and students Phoebe Watson, Laura Anderson, Taylor Yuhas, Cassandra Chandler, Lauren Fogarty, Keaton Campbell, Savannah Huff, Samuel Peterson, Josie Phillips, Carly Short and Casie Geddry, Joplin High School.

Senator Richard introduced to the Senate, Lieutenant Colonel, USA Retired, Joshua Reitz, 1<sup>st</sup> Sergeant Richard Banks, Maggie Johnson, Mike Woodruff, Lori Linam; and students Sebastian Agee, Jordan Archer, Matthew Barnhart, Brendan Belden, Tim Berry, Jason Bogue, Aidan Boydston, Ryan Byers, Allysen Cantero, Trevyn Couch, Nathan Culbertson, Arianna Dobbs, Zach Downs, Mikayla Farino, Dillion Farmer, Dione Franklin, Korey Gradwohl, Heylee Griffith, David Heimberg, Destiny Jennings, Josh Johnson, Nicholas Jones, Adriana Kennison, Abby Lewis, Gavin Malone, Liam Marsh, Tanner Marshall, Samantha McCullum, Charissa Miller, Ty Paulk, Cheyann Pierce, Kyle Poe, John Pogue, Gabby Randolph, Morgan Reed, Merideth Reed, Andrea Staffne, Darian Steele, Cole Storie, Brennan Thomason, Ben Watkins, Emma Willerton, Alyssa White, Kayla White, Gracie Woodruff and Brecken Zortman, JROTC, Joplin High School.

Senator Schaaf introduced to the Senate, Jass Jackson, Susanne Eichenmueller, Teresa Shirrell, Andrea Cole and Shaina Spooner, members of the Junior League of St. Joseph.

Senator Koenig introduced to the Senate, the Physician of the Day, Thomas E. Saak, M.D., Ballwin.

On motion of Senator Kehoe, the Senate adjourned until 2:00 p.m., Wednesday, March 7, 2018.

## **SENATE CALENDAR**

---

**THIRTY-SIXTH DAY—WEDNESDAY, MARCH 7, 2018**

---

## **FORMAL CALENDAR**

## **SECOND READING OF SENATE BILLS**

SB 1050-Schatz

SB 1051-Walsh

SB 1052-Schaaf

SB 1053-Koenig

SB 1054-Nasheed and Hummel

SB 1055-Hegeman



SB 1056-Wasson	SB 1082-Rizzo
SB 1057-Schupp	SB 1083-Walsh
SB 1058-Schupp	SB 1084-Schatz
SB 1059-Hummel	SB 1085-Chappelle-Nadal
SB 1060-Sifton	SB 1086-Crawford
SB 1061-Hoskins	SB 1087-Rowden
SB 1062-Cierpiot	SB 1088-Rowden
SB 1063-Rizzo	SB 1089-Wallingford
SB 1064-Rizzo	SB 1090-Hummel
SB 1065-Eigel	SB 1091-Nasheed
SB 1066-Eigel	SB 1092-Hoskins
SB 1067-Eigel	SB 1093-Hoskins
SB 1068-Sater	SB 1094-Hoskins
SB 1069-Crawford	SB 1095-Hoskins
SB 1070-Crawford	SB 1096-Romine
SB 1071-Wieland	SB 1097-Sifton
SB 1072-Wieland	SB 1098-Sater
SB 1073-Cunningham	SB 1099-Hummel and Nasheed
SB 1074-Rowden	SB 1100-Riddle
SB 1075-Riddle	SB 1101-Schupp
SB 1076-Curls	SB 1102-Kehoe
SB 1077-Holsman	SJR 37-Kehoe
SB 1078-Holsman	SJR 38-Kehoe
SB 1079-Hegeman	SJR 39-Kehoe
SB 1080-Rizzo	SJR 40-Rowden
SB 1081-Rizzo	

## HOUSE BILLS ON SECOND READING

HB 1351-Beard	HB 1558-Neely
HCS for HB 1597	HB 1809-Tate
HB 1660-Swan	HCS for HB 1268
HCS for HB 1663	HB 1464-Berry
HB 1675-Redmon	HCS for HBs 1288, 1377 & 2050
HB 1676-Redmon	HCS for HB 1873
HB 1905-Walker (3)	HB 1428-Muntzel
HB 2044-Taylor	HB 1896-Swan
HCS for HB 2034	HB 1607-Korman
HCS for HB 1300	HCS for HB 1928
HCS for HB 1572	HB 1945-Anderson
HB 1887-Bahr	HCS for HB 1618
HCS for HB 1366	HCS for HB 2079
HB 1998-Bondon	HB 1265-Schroer
HB 1383-Miller	

THIRD READING OF SENATE BILLS

- |   |   |
|---|---|
| 1. SS for SB 579-Libla (In Fiscal Oversight)                        | 12. SCS for SB 892-Walsh  |
| 2. SS for SB 699-Sifton (In Fiscal Oversight)                       | 13. SB 871-Romine   |
| 3. SCS for SBs 632 & 675-Dixon<br>(In Fiscal Oversight)             | 14. SB 780-Curls  |
| 4. SS for SB 882-Hoskins<br>(In Fiscal Oversight)                   | 15. SB 660-Riddle   |
| 5. SS for SCS for SB 600-Schatz<br>(In Fiscal Oversight)            | 16. SCS for SB 598-Riddle                                       |
| 6. SS for SCS for SBs 603, 576 & 898-Onder<br>(In Fiscal Oversight) | 17. SB 743-Sater  |
| 7. SB 793-Wallingford (In Fiscal Oversight)                         | 18. SS for SCS for SBs 894 & 921-Libla<br>(In Fiscal Oversight) |
| 8. SS for SB 881-Eigel (In Fiscal Oversight)                        | 19. SB 757-Schatz   |
| 9. SS for SCS for SB 752-Schatz                                     | 20. SS for SCS for SB 547-Munzlinger                            |
| 10. SB 909-Dixon  | 21. SS for SCS for SB 592-Hegeman<br>(In Fiscal Oversight)      |
| 11. SB 840-Rowden   | 22. SB 800-Libla  |
|   | 23. SCS for SB 814-Riddle                                       |
|   | 24. SB 796-Koenig   |

SENATE BILLS FOR PERFECTION

- |                                       |                              |
|---------------------------------------|------------------------------|
| 1. SBs 627 & 925-Munzlinger, with SCS | 9. SB 893-Sater, with SCS    |
| 2. SB 707-Schatz, with SCS            | 10. SB 953-Sater, with SCS   |
| 3. SB 683-Wasson                      | 11. SB 850-Wallingford       |
| 4. SB 773-Hoskins                     | 12. SB 672-Koenig, with SCS  |
| 5. SB 768-Hoskins                     | 13. SB 578-Romine            |
| 6. SB 837-Rowden                      | 14. SB 666-Onder             |
| 7. SB 704-Hegeman                     | 15. SB 802-Nasheed, with SCS |
| 8. SB 870-Hegeman                     |                              |

HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 546-Munzlinger, with SS#4 (pending)   | SA 1 & SA 1 to SA 1 (pending)   |
| SB 550-Wasson, with SCS                  | SB 590-Hegeman, with SCS, SS for SCS,<br>SA 1, SSA 1 for SA 1 & SA 1 to SSA 1<br>for SA 1 (pending) |
| SB 552-Dixon, with SS (pending)          | SB 591-Hegeman, with SCS  |
| SBs 555 & 609-Brown, with SCS            | SB 596-Riddle, with SCS   |
| SB 561-Sater, with SA 1 (pending)        |   |
| SB 567-Cunningham, with SCS, SS for SCS, |   |

SB 599-Schatz  
 SB 602-Onder, with SCS  
 SB 612-Koenig, with SCS, SS#2 for SCS,  
   SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
   for SA 2 (pending)  
 SBs 617, 611 & 667-Eigel, with SCS  
 SB 663-Schatz, with SCS (pending)  
 SB 674-Koenig  
 SB 705-Riddle  
 SB 730-Wallingford, with SCS & SA 1  
   (pending)  
 SB 751-Schatz  
 SB 767-Hoskins, with SCS, SS for SCS &  
   SA 2 (pending)

SB 774-Munzlinger  
 SB 786-Schupp, with SA 3 (pending)  
 SB 813-Riddle, with SCS & SA 1 (pending)  
 SB 832-Rowden, with SCS  
 SB 848-Riddle  
 SB 849-Kehoe and Schupp, with SCS  
 SB 860-Koenig, with SCS, SS for SCS &  
   SA 1 (pending)  
 SB 861-Hegeman, with SCS  
 SB 865-Kehoe  
 SB 907-Kehoe, with SCS  
 SB 912-Rowden, with SCS & SS#3 for SCS  
   (pending)

#### CONSENT CALENDAR

##### Senate Bills

Reported 2/15

SB 631-Wasson

SBs 946 & 947-Dixon, with SCS

Reported 2/22

SB 819-Cunningham

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

To be Referred

SCR 52-Emery

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-SIXTH DAY—WEDNESDAY, MARCH 7, 2018**

---

The Senate met pursuant to adjournment.

President Pro Tem Richard in the Chair.

Reverend Carl Gauck offered the following prayer:

“Keep your heart with all diligence, for out of it are the issues of life.” (Proverbs 4:23)

Heavenly Father, we acknowledge that the heart is seen as the seat of human emotions and it does us well to search it thoroughly to make sure all is in order, for we know that it teaches us what is right and needed in our relationship with one another. May our hearts shout for joy as we experience Your presence guiding us and see the good we are capable of accomplishing as we work together. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Wieland offered Senate Resolution No. 1460, regarding Terry C. Soer, Cedar Hill, which was adopted.

Senator Schatz offered Senate Resolution No. 1461, regarding Ann Truka, which was adopted.

Senator Schatz offered Senate Resolution No. 1462, regarding William “Will” Bray, Union, which was adopted.

Senator Kehoe offered Senate Resolution No. 1463, regarding Anna Knoerle, Versailles, which was adopted.

Senator Kehoe offered Senate Resolution No. 1464, regarding Grace Unger, Versailles, which was adopted.

Senator Kehoe offered Senate Resolution No. 1465, regarding Jennifer Hassler, Jefferson City, which was adopted.

The Senate observed a moment of silence in memory of Clinton Police Officer Christopher Ryan Morton.

The Senate observed a moment of silence in memory of Alyssa Alhadeff.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 7, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ron T. Darrah, HC 73 Box 28D, Mountain Grove, Douglas County, Missouri 65711, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2020, and until his successor is duly appointed and qualified; vice, Ryan S. Cook, term expired.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

March 7, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeffrey S. Glaser, Republican, 6 Chipper Road, Frontenac, Saint Louis County, Missouri 63131, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2019, and until his successor is duly appointed and qualified; vice, James B. Kelly Jr., withdrawn.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

March 7, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael J. Grewe, Republican, 27 Seven Oaks, Clarkson Valley, Saint Louis County, Missouri 63005, as a member of the State Lottery Commission, for a term ending September 7, 2020, and until his successor is duly appointed and qualified; vice, John R. Twitty, term expired.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

March 7, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Fred R. Kostecki, 9914 Sappington Road, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2022, and until his successor is duly appointed and qualified; vice, John J. Sheehan, term expired.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

March 7, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kenneth “Brooks” Miller, Republican, 7344 North Farm Road 159, Springfield, Greene County, Missouri 65803, as a member of the Truman State University Board of Governors, for a term ending January 1, 2024, and until his successor is duly appointed and qualified; vice, Susan Plassmeyer, term expired.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

March 7, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Opeoluwa Sotonwa, 5413 Scherr Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri 911 Service

Board, for a term ending April 9, 2019, and until his successor is duly appointed and qualified; vice, Brian J. Robb, term expired.

Respectfully submitted,

Eric R. Greitens

Governor

President Pro Tem Richard referred the above appointments to the Committee on Gubernatorial Appointments.

### SENATE BILLS FOR PERFECTION

Senator Munzlinger moved that **SB 627** and **SB 925**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 627** and **925**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 627 and 925

An Act to repeal sections 137.016, 137.021, 137.115, 144.010, 262.900, 265.300, 267.565, 276.606, and 277.020, RSMo, and to enact in lieu thereof nine new sections relating to agriculture.

Was taken up.

Senator Munzlinger moved that **SCS** for **SBs 627** and **925** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **SBs 627** and **925**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 627 and 925

An Act to repeal sections 137.016, 137.021, 137.115, 144.010, 254.075, 254.150, 254.160, 254.170, 254.180, 254.210, 262.900, 265.300, 265.490, 265.494, 267.565, 276.606, 277.020, and 414.032, RSMo, and to enact in lieu thereof fourteen new sections relating to agriculture.

Senator Munzlinger moved that **SS** for **SCS** for **SBs 627** and **925** be adopted.

Senator Wallingford offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 627 & 925, Page 35, Section 265.300, Line 5 of said page, by striking the opening bracket “[”, the closing bracket “]”, and all of the underlined language from said line; and further amend lines 18-23 of said page, by striking the opening brackets “[”, the closing brackets “]”, and all of the underlined language from said lines; and

Further amend said bill and section, page 36, lines 10-11 of said page, by striking the opening brackets “[”, the closing brackets “]”, and all of the underlined language from said lines.

Senator Wallingford moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators

**SA 1** failed of adoption by the following vote:

YEAS—Senators

Dixon

Eigel

Hummel

Romine

Schaaf

Schatz

Schupp

Sifton                      Wallingford                      Walsh—10

NAYS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Emery
Hegeman	Holsman	Hoskins	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Rizzo	Rowden	Wasson	Wieland—21

Absent—Senator Nasheed—1

Absent with leave—Senator Sater—1

Vacancies—1

Senator Hegeman offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 627 and 925, Page 42, Section 265.494, Line 1 of said page, by inserting after all of said line the following:

**“266.600. 1. No political subdivision shall adopt or enforce any ordinance, rule, or regulation relating to the labeling, cultivation, or other use of seeds or fertilizers as such terms are defined or used in sections 266.021 and 266.291, respectively. The provisions of this section shall not apply to any ordinance, rule, or regulation enacted prior to August 28, 2018.**

**2. This section shall not apply to rice seed.”; and**

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Hoskins offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 627 and 925, Page 20, Section 144.010, Line 14, by inserting after “other equine,” the following: **“honey bees,”**.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator Munzlinger moved that SS for SCS for SBs 627 and 925, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, SS for SCS for SBs 627 and 925, as amended, was declared perfected and ordered printed.

Senator Schatz moved that SB 707, with SCS, be taken up for perfection, which motion prevailed.

SCS for SB 707, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 707

An Act to repeal sections 144.025, 301.213, 301.550, 301.553, 301.557, 301.559, 301.560, 301.562, 301.563, 301.564, 301.566, 301.568, and 301.570, RSMo, and to enact in lieu thereof thirteen new sections



relating to vehicle sales, with existing penalty provisions.

Was taken up.

Senator Schatz moved that **SCS** for **SB 707** be adopted.

Senator Schatz offered **SS** for **SCS** for **SB 707**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 707

An Act to repeal sections 301.213, 301.550, 301.553, 301.557, 301.559, 301.560, 301.562, 301.563, 301.564, 301.566, 301.568, and 301.570, RSMo, and to enact in lieu thereof twelve new sections relating to vehicle sales, with existing penalty provisions.

Senator Rowden assumed the Chair.

Senator Schatz moved that **SS** for **SCS** for **SB 707** be adopted, which motion prevailed.

On motion of Senator Schatz, **SS** for **SCS** for **SB 707** was declared perfected and ordered printed.

Senator Wasson moved that **SB 683** be taken up for perfection, which motion prevailed.

On motion of Senator Wasson, **SB 683** was declared perfected and ordered printed.

Senator Hoskins moved that **SB 773** be taken up for perfection, which motion prevailed.

Senator Rizzo offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 773, Page 1, Section A, Line 2, by inserting after all of said line the following:

“67.641. 1. The general assembly may annually appropriate up to three million dollars from the state general revenue fund to each convention and sports complex fund created pursuant to section 67.639, provided that for an existing sports facility located in a first class county with a charter form of government which contains part of a city having a population of three hundred fifty thousand inhabitants or more or any city with a population greater than three hundred fifty thousand, located in more than one county, such county or city has entered into a contract or lease with a professional sports team affiliated with or franchised by the National Football League, the National Basketball Association, the National Hockey League, or the American League or the National League of Major League Baseball. No moneys shall be transferred pursuant to this section to the benefit of a sports complex for a county in any year unless each professional sports team which leases playing facilities within the county continue to lease the same playing facilities which were leased on August 28, 1989. Each convention and sports complex fund shall be administered by the county or city and used to carry out the provisions of sections 67.638 to 67.645.

2. Each city or county which has a convention and sports complex fund established pursuant to the laws of this state which administers a convention and sports complex fund, prior to receipt of any appropriations pursuant to this section shall enact or promulgate ordinances, or rules and regulations which provide, pursuant to the terms and provisions of section 70.859, for the purchase of goods and services and for construction of capital improvements for the sports complex. In no event shall more than three million dollars be transferred from the state to any one such convention and sports complex fund in any fiscal year pursuant to this section, and in no event shall any moneys be transferred from the state to any convention

and sports complex fund for the planning, development, construction, maintenance or operation of any facility after June 30, 1999. Only one such transfer of state funds shall be made to any convention and sports complex fund after June 30, 1997, provided that any convention and sports complex fund which was appropriated state moneys prior to July 1, 1997, for the construction, maintenance or operation of a facility shall continue to receive state moneys, subject to appropriation.

3. This section shall not become effective unless and until the applicable county or the applicable city which has created a convention and sports complex fund has commenced paying into the convention and sports complex fund amounts at a rate sufficient for the county or city to contribute the sum of three million dollars per calendar year, except that this section shall become effective with respect to any first class county not having a charter form of government on August 28, 1989, and with respect to any charter city located in a first class county not having a charter form of government at the time at which such county or city has commenced paying any moneys into its convention and sports complex fund. The appropriations made pursuant to subsection 1 of this section to any convention and sports complex fund shall not exceed the amounts contributed by the county or city to the fund. The county or city's proportional amount specified in this section may come from any source. Once the county or city has commenced paying such appropriate proportional amounts into its convention and sports complex fund, the county or city shall so notify the state treasurer and the director of revenue and, thereafter, subject to annual appropriation, transfers shall commence and continue each month pursuant to this section until such monthly transfers are made for [thirty] **thirty-five** years. Moneys appropriated from general revenue shall not be expended until such first class charter county or a city located in such first class charter county has paid three million dollars into its fund, or until such first class county not having a charter form of government or until such charter city within a first class county not having a charter form of government has commenced payment of moneys into its fund.”; and

Further amend the title and enacting clause accordingly.

Senator Rizzo moved that the above amendment be adopted.

Senator Hoskins raised the point of order that **SA 1** is out of order as it is not germane to the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Rizzo, **SA 1** was withdrawn, rendering the point of order moot.

On motion of Senator Hoskins, **SB 773** was declared perfected and ordered printed.

Senator Hoskins moved that **SB 768** be taken up for perfection, which motion prevailed.

Senator Hoskins offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 768, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“138.445. 1. The state tax commission of Missouri shall annually certify to the director of revenue and to the commissioner of education a copy of its most recent annual report containing the total valuation of all taxable properties in the state according to the county or counties for which the same is assessed. The commission shall also certify to the director and to the commissioner any amendments or modifications to the annual report; provided, however, that no amendments or modifications to the annual report shall be accepted by the state tax commission or certified by it to the director of revenue or the commissioner of

education at any time after December thirty-first of the year.

2. The annual report of the state tax commission and any amendments or modifications thereto duly certified to the director of revenue and to the commissioner of education shall constitute the official record of the state of Missouri for purposes of section 142.345 and section 163.011.

3. The reports certified pursuant to this section shall not be construed to represent the assessment ratio or general assessment level of any county in this state.

4. For the additional duties imposed upon the members of the tax commission under the provisions of this section, each member of the commission shall annually receive nine thousand dollars plus any salary adjustment provided pursuant to section 105.005 payable in equal monthly installments.

**5. As a part of the report defined in this section, the state tax commission shall include the difference in assessed value for any telephone company that, according to subsection 5 of section 153.030, elects to be assessed utilizing the methodology defined in section 137.122. The commissioner of education shall transmit the information to each school district.”; and**

Further amend the title and enacting clause accordingly.

Senator Hoskins moved that the above amendment be adopted.

President Parson assumed the Chair.

Senator Cunningham requested a roll call vote be taken on the perfection of **SB 768**. He was joined in his request by Senators Onder, Schaaf, Wallingford and Walsh.

On motion of Senator Hoskins, **SA 1** was adopted.

On motion of Senator Hoskins, **SB 768**, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Curls	Dixon	Emery	Hegeman
Holsman	Hoskins	Hummel	Kehoe	Koenig	Libla	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Schatz	Wallingford	Walsh	Wasson	Wieland—26		

NAYS—Senators

Chappelle-Nadal	Cunningham	Eigel	Schaaf	Schupp	Sifton—6
-----------------	------------	-------	--------	--------	----------

Absent—Senators—None

Absent with leave—Senator Sater—1

Vacancies—1

### THIRD READING OF SENATE BILLS

**SS for SCS for SB 752**, introduced by Senator Schatz, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 752

An Act to repeal section 306.126, RSMo, and to enact in lieu thereof one new section relating to boat passengers.

Was taken up.

On motion of Senator Schatz, **SS** for **SCS** for **SB 752** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senator Sater—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 909**, introduced by Senator Dixon, entitled:

An Act to amend chapter 472, RSMo, by adding thereto nineteen new sections relating to fiduciary access to digital assets.

Was taken up.

On motion of Senator Dixon, **SB 909** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senator Sater—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 840**, introduced by Senator Rowden, entitled:

An Act to repeal sections 324.200, 324.205, and 324.210, RSMo, and to enact in lieu thereof three new sections relating to dietitians, with existing penalty provisions.

Was taken up.

On motion of Senator Rowden, **SB 840** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Sater—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Rowden, title to the bill was agreed to.

Senator Rowden moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 892**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 892

An Act to repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, and 56.840, RSMo, and to enact in lieu thereof six new sections relating to the public employee retirement system for prosecuting and circuit attorneys.

Was taken up by Senator Walsh.

On motion of Senator Walsh, **SCS for SB 892** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Sater—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Walsh, title to the bill was agreed to.

Senator Walsh moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 871**, introduced by Senator Romine, entitled:

An Act to repeal section 488.2250, RSMo, and to enact in lieu thereof one new section relating to court reporters.

Was taken up.

On motion of Senator Romine, **SB 871** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Sater—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 780**, introduced by Senator Curls, entitled:

An Act to amend chapter 82, RSMo, by adding thereto one new section relating to abandoned real property in certain cities.

Was taken up.

On motion of Senator Curls, **SB 780** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Sater—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 660**, introduced by Senator Riddle, entitled:

An Act to repeal section 630.945, RSMo, and to enact in lieu thereof one new section relating to employees working in certain mental health facilities.

Was taken up.

On motion of Senator Riddle, **SB 660** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Sater—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SCS for SB 598**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 598

An Act to repeal section 227.240, RSMo, and to enact in lieu thereof one new section relating to the department of transportation utility corridor, with an existing penalty provision.

Was taken up by Senator Riddle.

On motion of Senator Riddle, **SCS for SB 598** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senator Sater—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 743** was placed on the Informal Calendar.

**SB 757**, introduced by Senator Schatz, entitled:

An Act to repeal section 70.370, RSMo, and to enact in lieu thereof one new section relating to the bi-state metropolitan development district.



Was taken up.

On motion of Senator Schatz, **SB 757** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Crawford	Cunningham	Curls	Dixon	Eigel	Emery
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Schaaf	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senator Chappelle-Nadal—1

Absent—Senator Cierpiot—1

Absent with leave—Senator Sater—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

At the request of Senator Munzlinger, **SS** for **SCS** for **SB 547** was placed on the Informal Calendar.

**SB 800**, introduced by Senator Libla, entitled:

An Act repeal sections 211.444 and 211.447, RSMo, and to enact in lieu thereof two new sections relating to juvenile court proceedings.

Was taken up.

On motion of Senator Libla, **SB 800** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senator Sater—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SCS for SB 814**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 814

An Act repeal section 302.174, RSMo, and to enact in lieu thereof one new section relating to driver's licenses for persons who are deaf or hard of hearing.

Was taken up by Senator Riddle.

On motion of Senator Riddle, **SCS for SB 814** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Sater—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 796**, introduced by Senator Koenig, entitled:

An Act repeal sections 337.020, 337.025, 337.029, 337.033, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, and 337.718, RSMo, and to enact in lieu thereof twenty-eight new sections relating to the licensure of health care professionals, with a contingent effective date for certain sections.

Was taken up.

On motion of Senator Koenig, **SB 796** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
-------	-----------------	----------	----------	------------	-------	-------

Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senator Sater—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS for SCS for SB 707**; **SS for SCS for SBs 627 and 925**; **SB 683**; **SB 773**; and **SB 768**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### RESOLUTIONS

Senator Curls offered Senate Resolution No. 1466, regarding the death of Manuel Reyes, Kansas City, which was adopted.

Senator Riddle offered Senate Resolution No. 1467, regarding the 2017-2018 Class 2A State Champion Liberty Christian Academy Boys Basketball Eagles, Wright City, which was adopted.

### INTRODUCTION OF GUESTS

Senator Rowden introduced to the Senate, the Physician of the Day, Dr. Lauren Umstattd, Columbia.

Senator Wieland introduced to the Senate, Margie Matson, 2017 Ms. Missouri Nursing Home Queen, Herculaneum.

Senator Riddle introduced to the Senate, Kayla Neal and Lori Twillman, Fulton.

Senator Curls introduced to the Senate, Randy Wisthoff, Linda Falk and June Anne Chalfant, Kansas City.

Senator Nasheed introduced to the Senate, former State Representative Jason Klumb and Jeff Boyer, St. Louis.

Senator Chappelle-Nadal introduced to the Senate, Jaime Torres and representatives of the Hispanic community in Missouri.

Senator Cunningham introduced to the Senate, Jennifer Thomas, and her children, Amanda, Curtis, Serena and David, Alton.

Senator Richard introduced to the Senate, Skylar Babin, Morgan Petersen, Hannah Romanko, Isaiah LoParco, Rachel Chaney, Tatum Westendorf, Emily Egger, Aidan Thomas and Caleb Rinehart.

Senator Eigel introduced to the Senate, Mel Rector, Kasey Montgomery, April Haskins, Seth Peimann, Heather Bax, Jacki Pudlowski, Tammy Muranda, Andrea Ivy, Carrie Beard and Adam Coggin, representatives of the Missouri Health Care Association, St Charles County.

On motion of Senator Kehoe, the Senate adjourned under the rules.

## SENATE CALENDAR

---

THIRTY-SEVENTH DAY—THURSDAY, MARCH 8, 2018

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1050-Schatz	SB 1068-Sater
SB 1051-Walsh	SB 1069-Crawford
SB 1052-Schaaf	SB 1070-Crawford
SB 1053-Koenig	SB 1071-Wieland
SB 1054-Nasheed and Hummel	SB 1072-Wieland
SB 1055-Hegeman	SB 1073-Cunningham
SB 1056-Wasson	SB 1074-Rowden
SB 1057-Schupp	SB 1075-Riddle
SB 1058-Schupp	SB 1076-Curls
SB 1059-Hummel	SB 1077-Holsman
SB 1060-Sifton	SB 1078-Holsman
SB 1061-Hoskins	SB 1079-Hegeman
SB 1062-Cierpiot	SB 1080-Rizzo
SB 1063-Rizzo	SB 1081-Rizzo
SB 1064-Rizzo	SB 1082-Rizzo
SB 1065-Eigel	SB 1083-Walsh
SB 1066-Eigel	SB 1084-Schatz
SB 1067-Eigel	SB 1085-Chappelle-Nadal

SB 1086-Crawford	SB 1097-Sifton
SB 1087-Rowden	SB 1098-Sater
SB 1088-Rowden	SB 1099-Hummel and Nasheed
SB 1089-Wallingford	SB 1100-Riddle
SB 1090-Hummel	SB 1101-Schupp
SB 1091-Nasheed	SB 1102-Kehoe
SB 1092-Hoskins	SJR 37-Kehoe
SB 1093-Hoskins	SJR 38-Kehoe
SB 1094-Hoskins	SJR 39-Kehoe
SB 1095-Hoskins	SJR 40-Rowden
SB 1096-Romine	

#### HOUSE BILLS ON SECOND READING

HB 1351-Beard	HB 1558-Neely
HCS for HB 1597	HB 1809-Tate
HB 1660-Swan	HCS for HB 1268
HCS for HB 1663	HB 1464-Berry
HB 1675-Redmon	HCS for HBs 1288, 1377 & 2050
HB 1676-Redmon	HCS for HB 1873
HB 1905-Walker (3)	HB 1428-Muntzel
HB 2044-Taylor	HB 1896-Swan
HCS for HB 2034	HB 1607-Korman
HCS for HB 1300	HCS for HB 1928
HCS for HB 1572	HB 1945-Anderson
HB 1887-Bahr	HCS for HB 1618
HCS for HB 1366	HCS for HB 2079
HB 1998-Bondon	HB 1265-Schroer
HB 1383-Miller	

#### THIRD READING OF SENATE BILLS

- |   |   |
|---|---|
| 1. SS for SB 579-Libla (In Fiscal Oversight)            | 5. SS for SCS for SB 600-Schatz<br>(In Fiscal Oversight)            |
| 2. SS for SB 699-Sifton (In Fiscal Oversight)           | 6. SS for SCS for SBs 603, 576 & 898-Onder<br>(In Fiscal Oversight) |
| 3. SCS for SBs 632 & 675-Dixon<br>(In Fiscal Oversight) | 7. SB 793-Wallingford (In Fiscal Oversight)                         |
| 4. SS for SB 882-Hoskins<br>(In Fiscal Oversight)       | 8. SS for SB 881-Eigel (In Fiscal Oversight)                        |

- 9. SS for SCS for SBs 894 & 921-Libla  
(In Fiscal Oversight)
- 10. SS for SCS for SB 592-Hegeman  
(In Fiscal Oversight)
- 11. SS for SCS for SB 707-Schatz

- 12. SS for SCS for SBs 627 & 925-Munzlinger
- 13. SB 683-Wasson
- 14. SB 773-Hoskins
- 15. SB 768-Hoskins

SENATE BILLS FOR PERFECTION

- 1. SB 837-Rowden
- 2. SB 704-Hegeman
- 3. SB 870-Hegeman
- 4. SB 893-Sater, with SCS
- 5. SB 953-Sater, with SCS

- 6. SB 850-Wallingford
- 7. SB 672-Koenig, with SCS
- 8. SB 578-Romine
- 9. SB 666-Onder
- 10. SB 802-Nasheed, with SCS

HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 547-Munzlinger

SB 743-Sater

SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)  
SB 550-Wasson, with SCS  
SB 552-Dixon, with SS (pending)  
SBs 555 & 609-Brown, with SCS  
SB 561-Sater, with SA 1 (pending)  
SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 590-Hegeman, with SCS, SS for SCS,  
SA 1, SSA 1 for SA 1 & SA 1 to SSA 1  
for SA 1 (pending)  
SB 591-Hegeman, with SCS  
SB 596-Riddle, with SCS

SB 599-Schatz  
SB 602-Onder, with SCS  
SB 612-Koenig, with SCS, SS#2 for SCS,  
SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
for SA 2 (pending)  
SBs 617, 611 & 667-Eigel, with SCS  
SB 663-Schatz, with SCS (pending)  
SB 674-Koenig  
SB 705-Riddle  
SB 730-Wallingford, with SCS & SA 1  
(pending)  
SB 751-Schatz

SB 767-Hoskins, with SCS, SS for SCS &  
SA 2 (pending)

SB 774-Munzlinger

SB 786-Schupp, with SA 3 (pending)

SB 813-Riddle, with SCS & SA 1 (pending)

SB 832-Rowden, with SCS

SB 848-Riddle

SB 849-Kehoe and Schupp, with SCS

SB 860-Koenig, with SCS, SS for SCS &  
SA 1 (pending)

SB 861-Hegeman, with SCS

SB 865-Kehoe

SB 907-Kehoe, with SCS

SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)

#### CONSENT CALENDAR

##### Senate Bills

Reported 2/15

SB 631-Wasson

SBs 946 & 947-Dixon, with SCS

Reported 2/22

SB 819-Cunningham

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

To be Referred

SCR 52-Emery

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-SEVENTH DAY—THURSDAY, MARCH 8, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord has heard my supplication: the Lord accepts my prayer.” (Psalm 6:9)

Gracious Lord as we finish up our work this day help us to be mindful that You have given us this day to use that we might be helpful to others. Make us mindful that our responsibilities are many and include our time on the highway as we drive home this day. Help us to be courteous and aware of others with whom we share the road for thoughtless distraction can make a moment dangerous and accidents happen. So we pray for safe travel as we return to those we love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

Absent—Senators—None

Absent with leave—Senators

Kehoe                      Sater—2

Vacancies—1

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Holsman offered Senate Resolution No. 1468, regarding Kansas City: A Place in Time, which was adopted.

Senator Holsman offered Senate Resolution No. 1469, regarding Westport Commons Plexpod, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 1470, regarding East 9 Pickwick Plaza, Kansas City, which was adopted.

The Senate observed a moment of silence in memory of Scott Beigel.

**REFERRALS**

President Pro Tem Richard referred **SCR 52** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Richard referred **SB 773** to the Committee on Fiscal Oversight.

**REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SS** for **SCS** for **SB 600**; **SS** for **SCS** for **SBs 894** and **921**; **SS** for **SB 881**; **SS** for **SB 882**; **SB 793**; **SCS** for **SBs 632** and **675**; and **SS** for **SCS** for **SB 592**, begs leave to report that it has considered the same and recommends that the bills do pass.

**THIRD READING OF SENATE BILLS**

**SCS** for **SBs 632** and **675**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 632 and 675**

An Act to repeal sections 135.090, 135.341, 135.562, 135.600, and 135.630, RSMo, and to enact in lieu thereof six new sections relating to tax credits for contributions to certain benevolent organizations.

Was taken up by Senator Dixon.

On motion of Senator Dixon, **SCS** for **SBs 632** and **675** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Schatz	Schupp	Wallingford	Walsh	Wasson	Wieland—28

**NAYS—Senators**

Hummel	Schaaf	Sifton—3
--------	--------	----------

Absent—Senators—None

Absent with leave—Senators

Kehoe Sater—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**SS for SB 882**, introduced by Senator Hoskins, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 882

An Act to repeal section 166.435 as enacted by senate bill no. 366, ninety-eighth general assembly, first regular session and section 166.435 as enacted by senate bill no. 863, ninety-fourth general assembly, second regular session, RSMo, and to enact in lieu thereof one new section relating to the Missouri higher education savings program.

Was taken up.

On motion of Senator Hoskins, **SS for SB 882** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wieland—30					

NAYS—Senators—None

Absent—Senator Wasson—1

Absent with leave—Senators

Kehoe Sater—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

President Pro Tem Richard assumed the Chair.

**SS for SCS for SB 600**, introduced by Senator Schatz, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 600

An Act to amend chapter 285, RSMo, by adding thereto nine new sections relating to professional employer organizations, with penalty provisions.

Was taken up.

On motion of Senator Schatz, **SS for SCS for SB 600** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Libla	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Schatz	Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—28

NAYS—Senators

Eigel	Koenig	Schaaf—3
-------	--------	----------

Absent—Senators—None

Absent with leave—Senators

Kehoe	Sater—2
-------	---------

Vacancies—1

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**SB 793**, introduced by Senator Wallingford, entitled:

An Act to repeal sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, 221.044, 567.020, 567.030, 567.050, 567.060, and 589.400, RSMo, and to enact in lieu thereof twenty-six new sections relating to juvenile court proceedings, with penalty provisions and a delayed effective date.

Was taken up.

On motion of Senator Wallingford, **SB 793** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo

Romine	Rowden	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Kehoe	Sater—2
-------	---------

Vacancies—1

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**SS for SB 881**, introduced by Senator Eigel, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 881

An Act to repeal sections 301.074, 301.075, and 301.145, RSMo, and to enact in lieu thereof three new sections relating to special license plates.

Was taken up.

On motion of Senator Eigel, **SS for SB 881** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Kehoe	Sater—2
-------	---------

Vacancies—1

The President declared the bill passed.

On motion of Senator Eigel, title to the bill was agreed to.

Senator Eigel moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**SS for SCS for SBs 894 and 921**, introduced by Senator Libla, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 894 and 921

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to education curriculum involving science and technology.

Was taken up.

On motion of Senator Libla, **SS for SCS for SBs 894 and 921** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Kehoe                Sater—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 592**, introduced by Senator Hegeman, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 592

An Act to repeal sections 65.610, 65.620, 88.770, 94.900, 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.013, 115.023, 115.049, 115.061, 115.063, 115.065, 115.077, 115.078, 115.124, 115.125, 115.127, 115.155, 115.157, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, 115.910, and 162.441, RSMo, and to enact in lieu thereof forty-seven new sections relating to elections, with existing penalty provisions and effective dates for certain sections.

Was taken up.

On motion of Senator Hegeman, **SS** for **SCS** for **SB 592** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Holsman	Hoskins	Koenig	Libla	Munzlinger	Nasheed
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Schaaf
Schatz	Wallingford	Wasson	Wieland—25			

## NAYS—Senators

Chappelle-Nadal	Curls	Hummel	Schupp	Sifton	Walsh—6
-----------------	-------	--------	--------	--------	---------

## Absent—Senators—None

## Absent with leave—Senators

Kehoe	Sater—2
-------	---------

## Vacancies—1

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**REFERRALS**

President Pro Tem Richard referred **SS** for **SCS** for **SB 707** to the Committee on Fiscal Oversight.

**THIRD READING OF SENATE BILLS**

**SS** for **SCS** for **SBs 627** and **925**, introduced by Senator Munzlinger, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 627 and 925

An Act to repeal sections 137.016, 137.021, 137.115, 144.010, 254.075, 254.150, 254.160, 254.170, 254.180, 254.210, 262.900, 265.300, 265.490, 265.494, 267.565, 276.606, 277.020, and 414.032, RSMo, and to enact in lieu thereof fifteen new sections relating to agriculture.

Was taken up.

On motion of Senator Munzlinger, **SS** for **SCS** for **SBs 627** and **925** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Schatz
Wallingford	Wasson	Wieland—24				

## NAYS—Senators

Chappelle-Nadal	Hummel	Nasheed	Schaaf	Schupp	Sifton	Walsh—7
-----------------	--------	---------	--------	--------	--------	---------

Absent—Senators—None

## Absent with leave—Senators

Kehoe	Sater—2
-------	---------

Vacancies—1

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**SB 683**, introduced by Senator Wasson, entitled:

An Act to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to transportation of cranes.

Was taken up.

On motion of Senator Wasson, **SB 683** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators—None

## Absent with leave—Senators

Kehoe	Sater—2
-------	---------

Vacancies—1

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**SB 768**, introduced by Senator Hoskins, entitled:

An Act to repeal sections 138.445 and 153.030, RSMo, and to enact in lieu thereof two new sections relating to property taxation of telephone companies.

Was taken up.

On motion of Senator Hoskins, **SB 768** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Dixon	Eigel	Emery	Hegeman
Holsman	Hoskins	Hummel	Koenig	Munzlinger	Onder	Richard
Riddle	Rizzo	Romine	Rowden	Schatz	Wallingford	Walsh
Wasson	Wieland—23					

NAYS—Senators

Chappelle-Nadal	Cunningham	Curls	Libla	Nasheed	Schaaf	Schupp
Sifton—8						

Absent—Senators—None

Absent with leave—Senators

Kehoe	Sater—2
-------	---------

Vacancies—1

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**SB 631**, introduced by Senator Wasson, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for contributions to certain benevolent organizations.

Was called from the Consent Calendar and taken up.

On motion of Senator Wasson, **SB 631** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Schaaf	Schatz	Schupp	Sifton	Wallingford
Wasson	Wieland—30					

NAYS—Senators—None

Absent—Senator Walsh—1

Absent with leave—Senators

Kehoe	Sater—2
-------	---------

Vacancies—1



The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**SB 946** and **SB 947**, introduced by Senator Dixon, with **SCS**, entitled respectively:

An Act to repeal section 474.150, RSMo, and to enact in lieu thereof one new section relating to gifts in fraud of marital rights.

An Act to repeal sections 456.985, 456.1035, 456.1080, 456.1-103, and 456.8-808, RSMo, and to enact in lieu thereof five new sections relating to estate planning.

Were called from the Consent Calendar and taken up by Senator Dixon.

**SCS** for **SBs 946** and **947**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 946 and 947

An Act to repeal sections 456.985, 456.1035, 456.1080, and 474.150, RSMo, and to enact in lieu thereof four new sections relating to estate planning.

Was taken up.

Senator Dixon moved that **SCS** for **SBs 946** and **947** be adopted, which motion prevailed.

On motion of Senator Dixon, **SCS** for **SBs 946** and **947** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Schaaf	Schatz	Schupp	Sifton	Wallingford
Wasson	Wieland—30					

NAYS—Senators—None

Absent—Senator Walsh—1

Absent with leave—Senators

Kehoe                      Sater—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**SB 819**, introduced by Senator Cunningham, entitled:

An Act to repeal sections 210.112 and 210.487, RSMo, and to enact in lieu thereof two new sections relating to foster care.

Was called from the Consent Calendar and taken up.

On motion of Senator Cunningham, **SB 819** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Schaaf	Schatz	Schupp	Sifton	Wallingford
Wasson	Wieland—30					

NAYS—Senators—None

Absent—Senator Walsh—1

Absent with leave—Senators

Kehoe                      Sater—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 982**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **SB 981**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schaaf, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 928**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was

referred **SB 782**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 553**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 966**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1769**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Emery, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 1691**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 706**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **SB 917**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wallingford, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 884**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 990**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1665**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1465**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hegeman, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 1291**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 650**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following reports:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 862**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 920**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which were referred **SB 999** and **SB 1000**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 919**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 822**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 652**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Onder, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HB 1838**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 1413**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Sater, Chairman of the Committee on Seniors, Families and Children, Senator Onder submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 693**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 890**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HB 1350**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Walsh, Chairman of the Committee on Progress and Development, Senator Onder submitted the following reports:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 697**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **SJR 25**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Hoskins, Chairman of the Committee on Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **HB 1504**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden, Chairman of the Committee on Government Reform, submitted the following reports:

Mr. President: Your Committee on Government Reform, to which was referred **SB 808**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **HB 1531**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden assumed the Chair.

**SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 1050**—Transportation, Infrastructure and Public Safety.

**SB 1051**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1052**—Rules, Joint Rules, Resolutions and Ethics.

**SB 1053**—Local Government and Elections.

**SB 1054**—Government Reform.

**SB 1055**—Professional Registration.

**SB 1056**—Economic Development.

**SB 1057**—Insurance and Banking.

**SB 1058**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1059**—Education.

**SB 1060**—Rules, Joint Rules, Resolutions and Ethics.

**SB 1061**—Transportation, Infrastructure and Public Safety.

**SB 1062**—Professional Registration.

**SB 1063**—Commerce, Consumer Protection, Energy and the Environment.

**SB 1064**—Small Business and Industry.

**SB 1065**—Economic Development.

**SB 1066**—Commerce, Consumer Protection, Energy and the Environment.

**SB 1067**—Local Government and Elections.

**SB 1068**—Professional Registration.

**SB 1069**—Agriculture, Food Production and Outdoor Resources.

**SB 1070**—Local Government and Elections.

**SB 1071**—Insurance and Banking.

**SB 1072**—Insurance and Banking.

**SB 1073**—Agriculture, Food Production and Outdoor Resources.

**SB 1074**—Insurance and Banking.

**SB 1075**—Professional Registration.

**SB 1076**—Transportation, Infrastructure and Public Safety.

**SB 1077**—Education.

**SB 1078**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1079**—Government Reform.

**REFERRALS**

President Pro Tem Richard referred **SS** for **SCS** for **SB 547** to the Committee on Fiscal Oversight.

**HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 1351**—Judiciary and Civil and Criminal Jurisprudence.

**HCS** for **HB 1597**—Judiciary and Civil and Criminal Jurisprudence.

**HB 1660**—Education.

**HCS** for **HB 1663**—Education.

**HB 1675**—Education.

**HB 1676**—Education.

**HB 1905**—Transportation, Infrastructure and Public Safety.

**HB 2044**—Health and Pensions.

**HCS** for **HB 2034**—Agriculture, Food Production and Outdoor Resources.

**HCS** for **HB 1300**—Transportation, Infrastructure and Public Safety.

**HCS** for **HB 1572**—Professional Registration.

**HB 1887**—General Laws.

**HCS** for **HB 1366**—Education.

**HB 1998**—Commerce, Consumer Protection, Energy and the Environment.

**HB 1383**—Seniors, Families and Children.

**HB 1558**—General Laws.

**HB 1809**—Local Government and Elections.

**HCS** for **HB 1268**—Professional Registration.

**HB 1464**—Ways and Means.

**HCS** for **HBs 1288, 1377 & 2050**—Economic Development.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1797**, entitled:

An Act to amend chapter 578, RSMo, by adding thereto four new sections relating to the nuclear power plant security guard act, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1525**, entitled:

An Act to repeal sections 447.562 and 447.581, RSMo, and to enact in lieu thereof two new sections relating to unclaimed property, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1250**, entitled:

An Act to repeal sections 456.4-414 and 456.4-420, RSMo, and to enact in lieu thereof twenty-two new sections relating to trust and estates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1358**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto seven new sections relating to password protection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2116**, entitled:

An Act to repeal sections 306.100, 306.125, and 306.126, RSMo, and to enact in lieu thereof three new sections relating to boat passengers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2102**, entitled:

An Act to repeal section 89.020, RSMo, and to enact in lieu thereof three new sections relating to property classification.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.



Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1646**, entitled:

An Act to repeal section 263.245, RSMo, and to enact in lieu thereof one new section relating to brush control on county roads.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2238**, entitled:

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to a social innovation grant program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1895**, entitled:

An Act to repeal sections 58.451 and 58.720, RSMo, and to enact in lieu thereof two new sections relating to death investigations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1613**, entitled:

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to driver's licenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1456**, entitled:

An Act to repeal sections 43.401, 70.210, 190.300, 190.307, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, and 650.330, RSMo, and to enact in lieu thereof nineteen new sections relating to emergency communication services, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2110**, entitled:

An Act to repeal section 544.150, RSMo, and to enact in lieu thereof one new section relating to rewards by county commissions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1947**, entitled:

An Act to repeal section 88.770, RSMo, and to enact in lieu thereof one new section relating to the sale of utilities in fourth class cities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 2104**, entitled:

An Act to repeal sections 542.400, 542.402, 542.406, 542.412, 542.414, 542.416, 542.418, and 542.420, RSMo, and to enact in lieu thereof ten new sections relating to the authority to engage in certain investigative practices, with penalty provisions and an emergency clause for a certain section.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1623**, entitled:

An Act to amend chapters 170 and 620, RSMo, by adding thereto two new sections relating to elementary and secondary education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 2062**, entitled:

An Act to amend chapter 44, RSMo, by adding thereto one new section relating to mutual aid

agreements with Kansas and Oklahoma.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1868**, entitled:

An Act to amend chapter 209, RSMo, by adding thereto one new section relating to a statewide hearing aid distribution program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1625**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the Missouri senior farmers' market nutrition program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1442**, entitled:

An Act to repeal sections 49.060, 59.800, 105.030, and 640.648, RSMo, and to enact in lieu thereof four new sections relating to county government.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1679**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to student meals at public institutions of higher education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1892**, entitled:

An Act to repeal section 57.117, RSMo, and to enact in lieu thereof one new section relating to deputy sheriffs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1645**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto six new sections relating to actions for damages due to exposure to asbestos.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### INTRODUCTION OF GUESTS

On behalf of the President and herself, Senator Crawford introduced to the Senate, the Physician of the Day, Dr. Jeff Tedrow, and his wife, Loree, Bolivar.

Senator Hoskins introduced to the Senate, Carter Warren, Concordia.

Senator Cunningham introduced to the Senate, Sue Sears and Jennifer Russell, Marshfield.

Senator Schupp introduced to the Senate, Steve O'Rourke, St. Louis County.

On motion of Senator Onder, the Senate adjourned until 4:00 p.m., Monday, March 12, 2018.

### SENATE CALENDAR

---

THIRTY-EIGHTH DAY—MONDAY, MARCH 12, 2018

---

### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1080-Rizzo	SB 1091-Nasheed
SB 1081-Rizzo	SB 1092-Hoskins
SB 1082-Rizzo	SB 1093-Hoskins
SB 1083-Walsh	SB 1094-Hoskins
SB 1084-Schatz	SB 1095-Hoskins
SB 1085-Chappelle-Nadal	SB 1096-Romine
SB 1086-Crawford	SB 1097-Sifton
SB 1087-Rowden	SB 1098-Sater
SB 1088-Rowden	SB 1099-Hummel and Nasheed
SB 1089-Wallingford	SB 1100-Riddle
SB 1090-Hummel	SB 1101-Schupp

SB 1102-Kehoe  
 SJR 37-Kehoe  
 SJR 38-Kehoe

SJR 39-Kehoe  
 SJR 40-Rowden

#### HOUSE BILLS ON SECOND READING

HCS for HB 1873  
 HB 1428-Muntzel  
 HB 1896-Swan  
 HB 1607-Korman  
 HCS for HB 1928  
 HB 1945-Anderson  
 HCS for HB 1618  
 HCS for HB 2079  
 HB 1265-Schroer  
 HB 1797-Fitzwater  
 HCS for HB 1525  
 HB 1250-Plocher  
 HCS for HB 1358  
 HCS for HB 2116  
 HB 2102-Rhoads  
 HB 1646-Eggleston

HB 2238-Mathews  
 HCS for HB 1895  
 HB 1613-Kelley (127)  
 HCS for HB 1456  
 HB 2110-Rone  
 HCS for HB 1947  
 HCS for HB 2104  
 HCS for HB 1623  
 HCS for HB 2062  
 HCS for HB 1868  
 HB 1625-Morris  
 HB 1442-Alferman  
 HB 1679-Chipman  
 HB 1892-Wilson  
 HCS for HB 1645

#### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)  
 SS for SB 699-Sifton (In Fiscal Oversight)  
 SS for SCS for SBs 603, 576 & 898-Onder  
 (In Fiscal Oversight)

SS for SCS for SB 707-Schatz  
 (In Fiscal Oversight)  
 SB 773-Hoskins (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

1. SB 837-Rowden
2. SB 704-Hegeman
3. SB 870-Hegeman
4. SB 893-Sater, with SCS
5. SB 953-Sater, with SCS
6. SB 850-Wallingford

7. SB 672-Koenig, with SCS
8. SB 578-Romine
9. SB 666-Onder
10. SB 802-Nasheed, with SCS
11. SB 982-Wieland
12. SB 981-Wieland

- |                                 |                              |
|---------------------------------|------------------------------|
| 13. SB 928-Onder, with SCS      | 22. SB 920-Riddle            |
| 14. SB 782-Cunningham, with SCS | 23. SB 919-Libla             |
| 15. SB 553-Dixon, with SCS      | 24. SB 822-Hegeman, with SCS |
| 16. SB 966-Rowden, with SCS     | 25. SB 652-Nasheed, with SCS |
| 17. SB 706-Riddle               | 26. SB 693-Wallingford       |
| 18. SB 917-Crawford, with SCS   | 27. SB 890-Riddle, with SCS  |
| 19. SB 884-Koenig               | 28. SB 697-Romine            |
| 20. SB 990-Hegeman, with SCS    | 29. SJR 25-Romine            |
| 21. SB 862-Schatz, with SCS     | 30. SB 808-Brown             |

#### HOUSE BILLS ON THIRD READING

- |   |   |
|---|---|
| 1. HB 1303-Alferman, with SCS (Rowden)  | 7. HB 1838-Bernskoetter, with SCS (Kehoe) |
| 2. HB 1769-Mathews, with SCS (Schatz)   | 8. HB 1413-Taylor, with SCS (Onder)       |
| 3. HB 1691-Miller, with SCS             | 9. HB 1350-Smith (163), with SCS (Rowden) |
| 4. HB 1665-Swan (Rowden)                | 10. HB 1504-Reiboldt (Richard)            |
| 5. HB 1465-Cookson, with SCS (Wasson)   | 11. HB 1531-DeGroot (Rowden)              |
| 6. HB 1291-Henderson, with SCS (Romine) |   |

#### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

- |   |              |
|---|--------------|
| SS for SCS for SB 547-Munzlinger (In<br>Fiscal Oversight) | SB 743-Sater |
|---|--------------|

#### SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 546-Munzlinger, with SS#4 (pending)  | SB 591-Hegeman, with SCS   |
| SB 550-Wasson, with SCS   | SB 596-Riddle, with SCS  |
| SB 552-Dixon, with SS (pending)   | SB 599-Schatz  |
| SBs 555 & 609-Brown, with SCS   | SB 602-Onder, with SCS   |
| SB 561-Sater, with SA 1 (pending)   | SB 612-Koenig, with SCS, SS#2 for SCS,<br>SA 2, SSA 1 for SA 2 & SA 1 to SSA 1<br>for SA 2 (pending) |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                           | SBs 617, 611 & 667-Eigel, with SCS   |
| SB 590-Hegeman, with SCS, SS for SCS,<br>SA 1, SSA 1 for SA 1 & SA 1 to SSA 1<br>for SA 1 (pending) | SB 663-Schatz, with SCS (pending)  |
|   | SB 674-Koenig  |

SB 705-Riddle

SB 730-Wallingford, with SCS & SA 1  
(pending)

SB 751-Schatz

SB 767-Hoskins, with SCS, SS for SCS &  
SA 2 (pending)

SB 774-Munzlinger

SB 786-Schupp, with SA 3 (pending)

SB 813-Riddle, with SCS & SA 1 (pending)

SB 832-Rowden, with SCS

SB 848-Riddle

SB 849-Kehoe and Schupp, with SCS

SB 860-Koenig, with SCS, SS for SCS &  
SA 1 (pending)

SB 861-Hegeman, with SCS

SB 865-Kehoe

SB 907-Kehoe, with SCS

SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)

### CONSENT CALENDAR

Senate Bills

Reported 3/8

SB 650-Romine

SBs 999 & 1000-Rowden, with SCS

### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-EIGHTH DAY—MONDAY, MARCH 12, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“God has called us to a share in his creative power, and our desire is an element in the creation of the world of tomorrow.” (J.H. Oldham)

Give us patience, O Lord, for we know that much of what we do here will not benefit our people until a future time, so help us to discern the needs of today with the needs of tomorrow. Let us do that which is necessary for tomorrow and the far time that some may not get to see. So bless our best efforts Lord guided by Your presence and guidance, providing us with a vision of a world of tomorrow that we have with You help to create. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 8, 2018 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Hummel—1

Vacancies—1

The Lieutenant Governor was present.



The Senate observed a moment of silence in memory of Aaron Feis.

### **RESOLUTIONS**

Senator Rowden offered Senate Resolution No. 1471, regarding Paige Anderson, Boonville, which was adopted.

Senator Riddle offered Senate Resolution No. 1472, regarding Corrections Officer I Lisa Unger, Foley, which was adopted.

Senator Riddle offered Senate Resolution No. 1473, regarding Corrections Officer II Ryan Estes, Vandalia, which was adopted.

Senator Riddle offered Senate Resolution No. 1474, regarding Licensed Practical Nurse Tiffany Crider, Wellsville, which was adopted.

Senator Riddle offered Senate Resolution No. 1475, regarding Licensed Practical Nurse Mary Stockton, Martinsburg, which was adopted.

Senator Riddle offered Senate Resolution No. 1476, regarding Corrections Officer II James Immel, Vandalia, which was adopted.

Senator Riddle offered Senate Resolution No. 1477, regarding Corrections Officer I Alysa Sutton, Martinsburg, which was adopted.

Senator Riddle offered Senate Resolution No. 1478, regarding Corrections Officer I Christopher Mullen, Silex, which was adopted.

Senator Koenig offered Senate Resolution No. 1479, regarding Robert Milton “Bob” Brinkman, Saint Louis, which was adopted.

Senator Koenig offered Senate Resolution No. 1480, regarding Gerald T. “Jerry” Canatsey, Brentwood, which was adopted.

Senator Koenig offered Senate Resolution No. 1481, regarding Harold C. Tilton, Ellisville, which was adopted.

Senator Eigel offered Senate Resolution No. 1482, regarding John Robert Urbanowicz, Sr., St. Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 1483, regarding Clyde Clayton Stanford, St. Charles, which was adopted.

Senator Riddle offered Senate Resolution No. 1484, regarding Alexandra Morningstar, Fulton, which was adopted.

Senator Cunningham offered Senate Resolution No. 1485, regarding Divine Century Farm, which was adopted.

Senator Cunningham offered Senate Resolution No. 1486, regarding Chris Parker, Marshfield, which was adopted.

Senator Schaaf offered the following resolution:

SENATE RESOLUTION NO. 1487

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the 34th District of the one day notice required

by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 50 be amended to read as follows:

“Rule 50. Referrals of bills and appointments to committee shall be made by the president pro tem; and no bill shall be considered for final passage unless it has been reported on by a committee and printed for the use of the senators. **When the senate proceeds to the order of business of Reports of Standing Committees, the presiding officer shall recognize chairmen seeking recognition in order of their seniority, except for the chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics and the chairman of the Committee on Fiscal Oversight, for the purpose of sending reports forward. Bills sent forward shall be placed on the appropriate calendar in the order in which such bills are received and in the order in which such bills are arranged by the chairman.** A report of all bills recommended “do pass” by a committee shall be submitted to the senate by the chairman and all committee amendments accompanying the report shall be printed in the Journal.

After a bill has been referred to a committee, one-third of the senators elected has the power to relieve a committee of further consideration of a bill and place it on the calendar for consideration. In any case where a committee has been relieved of further consideration of a bill as herein provided, a majority of the senators present but not less than one-third of the senators elected, may, at any time before final passage thereof, again refer the bill to the same or some other committee for consideration. No bill or resolution shall be reported adversely by any committee until the author of the bill or resolution has been given an opportunity to appear and be heard before the committee to which it is referred.

One-third of the senators elected may relieve a committee of an appointment and a motion to grant advice and consent of the Senate to that appointment is then in order upon a vote of the majority of the Senate.”

Senator Eigel offered Senate Resolution No. 1488, regarding Eagle Scout Samuel Kontrim Baumann, Saint Charles, which was adopted.

Senator Onder offered Senate Resolution No. 1489, regarding Donald Wayne “Don” Layton, Sr., O’Fallon, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Eigel moved that **SB 617, SB 611 and SB 667**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SBs 617, 611 and 667**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 617, 611 and 667

An Act to repeal sections 32.087, 32.200, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 135.352, 142.803, 143.011, 143.071, 143.171, 143.261, 143.451, 143.461, 143.471, 144.010, 144.014, 144.020, 144.030, 144.032, 144.043, 144.049, 144.054, 144.060, 144.069, 144.080, 144.083, 144.100, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.655, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 184.845, 221.407, 238.235, 238.410, 620.1350, and 644.032, RSMo, and to enact in lieu thereof ninety-three new sections relating to taxation, with penalty provisions.

Was taken up.

Senator Eigel moved that **SCS** for **SBs 617, 611 and 667** be adopted.

Senator Eigel offered **SS** for **SCS** for **SBs 617, 611 and 667**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 617, 611 and 667

An Act to repeal sections 32.087, 32.200, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 135.352, 142.803, 143.011, 143.071, 143.171, 143.261, 143.431, 143.451, 143.461, 143.471, 144.010, 144.014, 144.020, 144.030, 144.032, 144.043, 144.049, 144.054, 144.060, 144.069, 144.080, 144.083, 144.100, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.655, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 184.845, 221.407, 238.235, 238.410, 620.1350, and 644.032, RSMo, and to enact in lieu thereof ninety-three new sections relating to taxation, with penalty provisions, with an effective date for certain sections and a contingent effective date for certain sections.

Senator Eigel moved that **SS** for **SCS** for **SBs 617, 611 and 667** be adopted.

President Pro Tem Richard assumed the Chair.

President Parson assumed the Chair.

Senator Schatz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 617, 611 and 667, Page 198, Section 142.803, Line 13, by inserting after “gallon” the following: **“Beginning on January 1 of the year in which an income tax rate reduction occurs under subsection 3 of section 143.011, the rate of tax under this subdivision shall be twenty-five cents per gallon. Beginning January 1 of the year following the year in which an income tax rate reduction occurs under subsection 3 of section 143.011, the rate of tax under this subdivision shall be twenty-seven cents per gallon. The rate of tax under this subdivision shall annually be adjusted by the percent increase in the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency”**; and

Further amend said page, line 18, by striking the words “is authorized to” and inserting in lieu thereof the following: **“shall”**.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Richard assumed the Chair.

Senator Sifton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 617, 611 and 667, Page 202, Section 143.011, Lines 17-28, by striking the opening and closing brackets “[ ]” and underlined words from said lines; and

Further amend said bill and section, page 203, line 2, by inserting after the first closing bracket “]” the following: **“No more than five reductions shall be made under this subdivision.”**; and further amend said line by striking the opening bracket “[” and the closing bracket “]” around the word “rate”; and further amend said line by striking the word “rates”; and further amend said page, line 5, by inserting after all of line the following:

**“(2) After all reductions are made under the provisions of subdivision (1) of this section, there shall be two additional reductions in all remaining rates of tax under subsection 1 of this section over a period of years. The first reduction shall be by one-tenth of one percent, and the second reduction shall be by fifteen one-hundredths of one percent. No more than one reduction shall occur for each rate in a calendar year. Reductions in the rates of tax under this subdivision shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.**

**(3) Beginning with the 2020 calendar year, the remaining rates of tax under subsection 1 of this section may be reduced over a period of years, provided that no more than four such reductions shall be made under this subdivision. Each reduction in the rates of tax shall be by one-tenth of one percent and no more than one reduction shall occur for each rate in a calendar year. Reductions in the rates of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.”; and**

Further amend said page, line 6, by inserting after “tax” the following: **“under the provisions of subdivisions (1) to (3) of this subsection”**; and further amend line 10 by striking the word “fifty” and inserting in lieu thereof the following: **“sixty”**; and further renumber the remaining subdivisions accordingly.

Senator Sifton moved that the above amendment be adopted, which motion failed.

At the request of Senator Eigel, **SB 617, SB 611 and SB 667**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Onder assumed the Chair.

## **REFERRALS**

President Pro Tem Richard referred **HB 1413**, with **SCS** and **HB 1769**, with **SCS** to the Committee on Fiscal Oversight.

## **RESOLUTIONS**

Senator Wieland offered Senate Resolution No. 1490, regarding Shelby Coleman, Arnold, which was adopted.

Senator Wieland offered Senate Resolution No. 1491, regarding Brittany Dake, Windsor, which was adopted.

Senator Walsh offered Senate Resolution No. 1492, regarding Robert Allyn “Bob” Borrowman, Saint Louis, which was adopted.

Senator Walsh offered Senate Resolution No. 1493, regarding Percy L. Waters, Saint Louis, which was adopted.

**COMMUNICATIONS**

Senator Chappelle-Nadal submitted the following:

March 12, 2018

Adriane Crouse, Secretary of the Senate  
Missouri State Senate  
State Capitol Building, Room 325  
Jefferson City, MO 65101

Dear Secretary Crouse:

Pursuant to Senate Rule 45, please remove SB 650 from the Consent Calendar and return such to the Local Government and Elections committee. While I take no issue with the underlying public policy of the legislation, I do take issue with the sponsor, who elected to interject himself into a public health matter situated wholly within my Senatorial District.

Specifically, the bill's sponsor, despite living 77.2 miles away from the radioactive West Lake Landfill, signed a letter, dated October 1, 2017, to the Environmental Protection Agency that stated, in part, that there is "no evidence of health risks to individuals living or working in the vicinity of the (West Lake) landfill." Further, the letter expressed opposition to properly remedying this public health disaster that has killed, is killing, and, unless properly alleviated, will continue to kill my constituents. For this reason, I choose to inject myself into this Senator's business, which includes the consent status of SB 650.

Sincerely,



MARIA CHAPPELLE-NADAL  
State Senator, District 14

On motion of Senator Kehoe, the Senate adjourned until 2:00 p.m., Tuesday, March 13, 2018.

**SENATE CALENDAR**


---

THIRTY-NINTH DAY—TUESDAY, MARCH 13, 2018

---

**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 1080-Rizzo	SB 1094-Hoskins
SB 1081-Rizzo	SB 1095-Hoskins
SB 1082-Rizzo	SB 1096-Romine
SB 1083-Walsh	SB 1097-Sifton
SB 1084-Schatz	SB 1098-Sater
SB 1085-Chappelle-Nadal	SB 1099-Hummel and Nasheed
SB 1086-Crawford	SB 1100-Riddle
SB 1087-Rowden	SB 1101-Schupp
SB 1088-Rowden	SB 1102-Kehoe
SB 1089-Wallingford	SJR 37-Kehoe
SB 1090-Hummel	SJR 38-Kehoe
SB 1091-Nasheed	SJR 39-Kehoe
SB 1092-Hoskins	SJR 40-Rowden
SB 1093-Hoskins	

HOUSE BILLS ON SECOND READING

HCS for HB 1873	HB 2238-Mathews
HB 1428-Muntzel	HCS for HB 1895
HB 1896-Swan	HB 1613-Kelley (127)
HB 1607-Korman	HCS for HB 1456
HCS for HB 1928	HB 2110-Rone
HB 1945-Anderson	HCS for HB 1947
HCS for HB 1618	HCS for HB 2104
HCS for HB 2079	HCS for HB 1623
HB 1265-Schroer	HCS for HB 2062
HB 1797-Fitzwater	HCS for HB 1868
HCS for HB 1525	HB 1625-Morris
HB 1250-Plocher	HB 1442-Alferman
HCS for HB 1358	HB 1679-Chipman
HCS for HB 2116	HB 1892-Wilson
HB 2102-Rhoads	HCS for HB 1645
HB 1646-Eggleston	

THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)	SS for SCS for SB 707-Schatz
SS for SB 699-Sifton (In Fiscal Oversight)	(In Fiscal Oversight)
SS for SCS for SBs 603, 576 &	SB 773-Hoskins (In Fiscal Oversight)
898-Onder (In Fiscal Oversight)	

SENATE BILLS FOR PERFECTION

1. SB 837-Rowden	16. SB 966-Rowden, with SCS
2. SB 704-Hegeman	17. SB 706-Riddle
3. SB 870-Hegeman	18. SB 917-Crawford, with SCS
4. SB 893-Sater, with SCS	19. SB 884-Koenig
5. SB 953-Sater, with SCS	20. SB 990-Hegeman, with SCS
6. SB 850-Wallingford	21. SB 862-Schatz, with SCS
7. SB 672-Koenig, with SCS	22. SB 920-Riddle
8. SB 578-Romine	23. SB 919-Libla
9. SB 666-Onder	24. SB 822-Hegeman, with SCS
10. SB 802-Nasheed, with SCS	25. SB 652-Nasheed, with SCS
11. SB 982-Wieland	26. SB 693-Wallingford
12. SB 981-Wieland	27. SB 890-Riddle, with SCS
13. SB 928-Onder, with SCS	28. SB 697-Romine
14. SB 782-Cunningham, with SCS	29. SJR 25-Romine
15. SB 553-Dixon, with SCS	30. SB 808-Brown

HOUSE BILLS ON THIRD READING

1. HB 1303-Alferman, with SCS (Rowden)	3. HB 1691-Miller, with SCS (Emery)
2. HB 1769-Mathews, with SCS (Schatz)	4. HB 1665-Swan (Rowden)
(In Fiscal Oversight)	5. HB 1465-Cookson, with SCS (Wasson)

- 6. HB 1291-Henderson, with SCS (Romine)
- 7. HB 1838-Bernskoetter, with SCS (Kehoe)
- 8. HB 1413-Taylor, with SCS (Onder)  
(In Fiscal Oversight)

- 9. HB 1350-Smith (163), with SCS (Rowden)
- 10. HB 1504-Reiboldt (Richard)
- 11. HB 1531-DeGroot (Rowden)

## INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SCS for SB 547-Munzlinger  
(In Fiscal Oversight)

SB 743-Sater

### SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)  
 SB 550-Wasson, with SCS  
 SB 552-Dixon, with SS (pending)  
 SBs 555 & 609-Brown, with SCS  
 SB 561-Sater, with SA 1 (pending)  
 SB 567-Cunningham, with SCS, SS for SCS,  
   SA 1 & SA 1 to SA 1 (pending)  
 SB 590-Hegeman, with SCS, SS for SCS,  
   SA 1, SSA 1 for SA 1 & SA 1 to SSA 1  
   for SA 1 (pending)  
 SB 591-Hegeman, with SCS  
 SB 596-Riddle, with SCS  
 SB 599-Schatz  
 SB 602-Onder, with SCS  
 SB 612-Koenig, with SCS, SS#2 for SCS,  
   SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
   for SA 2 (pending)  
 SBs 617, 611 & 667-Eigel, with SCS & SS  
   for SCS (pending)  
 SB 663-Schatz, with SCS (pending)

SB 674-Koenig  
 SB 705-Riddle  
 SB 730-Wallingford, with SCS & SA 1  
   (pending)  
 SB 751-Schatz  
 SB 767-Hoskins, with SCS, SS for SCS &  
   SA 2 (pending)  
 SB 774-Munzlinger  
 SB 786-Schupp, with SA 3 (pending)  
 SB 813-Riddle, with SCS & SA 1 (pending)  
 SB 832-Rowden, with SCS  
 SB 848-Riddle  
 SB 849-Kehoe and Schupp, with SCS  
 SB 860-Koenig, with SCS, SS for SCS &  
   SA 1 (pending)  
 SB 861-Hegeman, with SCS  
 SB 865-Kehoe  
 SB 907-Kehoe, with SCS  
 SB 912-Rowden, with SCS & SS#3 for SCS  
   (pending)

## CONSENT CALENDAR

Senate Bills

Reported 3/8

SBs 999 & 1000-Rowden, with SCS

## RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

# Journal of the Senate

## SECOND REGULAR SESSION

---

**THIRTY-NINTH DAY—TUESDAY, MARCH 13, 2018**

---

The Senate met pursuant to adjournment.

Senator Onder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Draw nigh to God, and he will draw nigh to you.” (James 4:8)

Gracious God, we are so thankful for being with us and Your help is so important especially at those times when doing the right thing finds us at odds with others. Grant us the strength and love we will need as we direct our efforts which allows us to do the most excellent things that we can do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Hummel—1

Vacancies—1

## RESOLUTIONS

Senator Wieland offered Senate Resolution No. 1494, regarding Robert Cecil “Bob” Hughes, Arnold, which was adopted.



Senator Riddle offered Senate Resolution No. 1495, regarding the Seventieth Wedding Anniversary of Ernest and Helen Calvin, Elsberry, which was adopted.

On behalf of Senator Hummel, Senator Walsh offered Senate Resolution No. 1496, regarding Leroy Orville Nikolaisen, Saint Louis, which was adopted.

On behalf of Senator Hummel, Senator Walsh offered Senate Resolution No. 1497, regarding Charles Louis Riva, Saint Louis, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 1498, regarding Edward Raymond “Eddie” Windish, Ferguson, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 1499, regarding Raymond Ellis “Casey” Moss, Saint Louis, which was adopted.

Senator Schupp offered Senate Resolution No. 1500, regarding the Eightieth Anniversary of the March of Dimes, which was adopted.

Senator Kehoe offered Senate Resolution No. 1501, regarding Dana G. Bernskoetter, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1502, regarding Virginia B. Struempf, Jefferson City, which was adopted.

Senator Wallingford offered Senate Resolution No. 1503, regarding Fred Moore, Jr., Fredericktown, which was adopted.

Senator Wallingford offered Senate Resolution No. 1504, regarding Marion D. “Doyle” Mouser, Cape Girardeau, which was adopted.

Senator Wallingford offered Senate Resolution No. 1505, regarding Harry Froman, Cape Girardeau, which was adopted.

Senator Dixon offered Senate Resolution No. 1506, regarding Renee Newkirk, which was adopted.

Senator Sifton offered Senate Resolution No. 1507, regarding Gerald Ernie “Gerry” Engeszer, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1508, regarding Gonzalo Charles “Chase” Guerrero, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1509, regarding Charles Henry “Chuck” Schaeffer, St. Louis, which was adopted.

The Senate observed a moment of silence in memory of Chris Hixon.

### **SENATE BILLS FOR PERFECTION**

Senator Kehoe moved that **SB 849**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 849**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 849**

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to prohibiting public

entities from contracting with companies discriminating against Israel.

Was taken up.

Senator Kehoe moved that SCS for SB 849 be adopted.

Senator Schaaf offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 849, Page 1, In the Title, Line 4, by striking “Israel” and inserting “certain countries”; and

Further amend said bill and page, section 34.600, line 2, by striking “Against Israel”; and further amend line 7, by striking “of Israel” and inserting in lieu thereof the following: “**of the countries listed in subdivision (1) of subsection 3 of this section**”; and further amend line 12, by striking all of said line and inserting in lieu thereof the following:

“(1) **“Boycott”, engaging**”; and further amend lines 15-16, by striking “the State of Israel” and inserting in lieu thereof the following: “**Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, The Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma (Myanmar), Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Cote d’Ivoire, Croatia (Hrvatska), Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, The Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Korea (North), Korea (South), Kuwait, Kyrgyzstan, Lao PDR, Latvia, Lebanon, Lesotho, Liberia, Libya Liechtenstein, Lithuania, Luxembourg, Republic of Macedonia, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Palestine territories, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russia, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syria, Taiwan, Tajikistan, Tanzania, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Uzbekistan, Vanuatu, Venezuela, Vietnam, Yemen, Zambia, and Zimbabwe**”; and further amend line 16, by striking “the State of Israel” and inserting in lieu thereof “**such countries**”; and further amend lines 17-18, by striking “of the State of Israel”; and further amend line 19, by striking “of the State of”; and

Further amend said bill and section, page 2, line 20, by striking “Israel”; and further amend line 21, by striking “of the State of Israel”; and further amend line 23, by striking “of the State of Israel”.

Senator Schaaf moved that the above amendment be adopted.

Senator Schaaf offered **SA 1 to SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 849, Page 2, Line 3 of said page, by inserting immediately after “Haiti,” the following: “**Holy See (Vatican City State)**,”.

Senator Schaaf moved that the above amendment be adopted.

At the request of Senator Kehoe, **SB 849**, with **SCS**, **SA 1** and **SA 1 to SA 1** (pending), was placed on the Informal Calendar.

Senator Hegeman moved that **SB 590**, with **SCS**, **SS** for **SCS**, **SA 1**, **SSA 1** for **SA 1** and **SA 1 to SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1 to SSA 1** for **SA 1** was again taken up.

At the request of Senator Hegeman, **SS** for **SCS** for **SB 590** was withdrawn, rendering **SA 1**, **SSA** for **SA 1** and **SA 1 to SSA 1** for **SA 1** moot.

Senator Hegeman offered **SS No. 2** for **SCS**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 590

An Act to repeal sections 253.545, 253.550, and 253.559, RSMo, and to enact in lieu thereof three new sections relating to historic buildings, with an emergency clause.

Senator Hegeman moved that **SS No. 2** for **SCS** for **SB 590** be adopted.

Senator Rizzo offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 590, Page 2, Section 253.545, Line 6 of said page, by inserting after all of said line the following:

“(7) “**Qualified census tract**”, a census tract with a poverty rate of thirty percent or higher as determined by a map and listing of census tracts which shall be published by the department of economic development and updated on a five year cycle, and which map and listing shall depict census tracts with thirty percent poverty rate or higher, grouped by census tracts with thirty percent to forty-two percent poverty, and forty-two percent to eighty-one percent poverty as determined by the most current five year figures published by the American Community Survey conducted by the United States Census Bureau;”; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 3, Section 253.550, Line 25 of said page, by inserting after “253.559.” the following: “**For each fiscal year beginning on or after July 1, 2018, the department may authorize an amount up to, but not to exceed, an additional thirty million dollars in tax credits issued under**

**subsections 4 and 9 of section 253.559, provided that such tax credits are authorized solely for projects located in a qualified census tract.”.**

Senator Rizzo moved that the above amendment be adopted.

Senator Sifton offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 590, Page 1, Lines 15-16 of said page, by striking said lines and inserting in lieu thereof the following:

“Further amend said bill, page 3, section 253.550, line 6 of said page, by inserting immediately after “2.” the following: “**(1)**”; and

Further amend said bill, Page 4, Section 253.550, Line 1 of said page, by inserting after all of said line the following: “**(2) For**”; and

Further amend said amendment, page 2, line 1 of said page, by inserting immediately after “tract.” the following:

**“(3) For each fiscal year beginning on or after July 1, 2018, if the maximum amount of tax credits allowed in any fiscal year as provided under subdivisions (1) and (2) of this subsection is authorized, the maximum amount of tax credits allowed under subdivision (1) of this subsection shall be adjusted by the percentage increase in the Consumer Price Index for All Urban Consumers, or its successor index, as such index is defined and officially reported by the United States Department of Labor, or its successor agency. Only one such adjustment shall be made for each instance in which the provisions of this subdivision apply. The director of the department of economic development shall publish such adjusted amount.”.**

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

Senator Rizzo moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator Nasheed offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 590, Page 3, Section 253.550, Line 23, by striking the word “seventy” and inserting in lieu thereof the following: **“ninety”**.

Senator Nasheed moved that the above amendment be adopted, which motion prevailed.

Senator Wasson offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 590, Page 11, Section 253.559, Line 5 of said page, by inserting after all of said line the following:

**“620.1900. 1. The department of economic development may charge a fee to the recipient of any tax**

credits issued by the department, in an amount up to two and one-half percent of the amount of tax credits issued, **or for tax credits issued under sections 253.545 to 253.559 in an amount equal to four percent of the amount of tax credits issued.** The fee shall be paid by the recipient upon the issuance of the tax credits. However, no fee shall be charged for the tax credits issued under section 135.460, or section 208.770, or under sections 32.100 to 32.125, if issued for community services, crime prevention, education, job training, or physical revitalization.

2. (1) All fees received by the department of economic development under this section shall be deposited solely to the credit of the economic development advancement fund, created under subsection 3 of this section.

(2) **Thirty-seven and one-half percent of the revenue derived from the four percent fee charged on tax credits issued under sections 253.545 to 253.559 shall be appropriated from the economic development advancement fund for business recruitment and marketing.**

3. There is hereby created in the state treasury the “Economic Development Advancement Fund”, which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. Such fund shall consist of any fees charged under subsection 1 of this section, any gifts, contributions, grants, or bequests received from federal, private, or other sources, fees or administrative charges from private activity bond allocations, moneys transferred or paid to the department in return for goods or services provided by the department, and any appropriations to the fund.

5. At least fifty percent of the fees and other moneys deposited in the fund shall be appropriated for marketing, technical assistance, and training, contracts for specialized economic development services, and new initiatives and pilot programming to address economic trends. The remainder may be appropriated toward the costs of staffing and operating expenses for the program activities of the department of economic development, and for accountability functions.”; and

Further amend the title and enacting clause accordingly.

Senator Wasson moved that the above amendment be adopted, which motion prevailed.

Senator Wallingford assumed the Chair.

Senator Hegeman moved that **SS No. 2 for SCS for SB 590**, as amended, be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS No. 2 for SCS for SB 590**, as amended, was declared perfected and ordered printed.

Senator Riddle moved that **SB 705** be taken up for perfection, which motion prevailed.

Senator Riddle offered **SS for SB 705**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 705

An Act to repeal section 386.266, RSMo, and to enact in lieu thereof one new section relating to rate adjustments outside of general rate proceedings for certain public utilities.

Senator Riddle moved that **SS** for **SB 705** be adopted.

Senator Onder assumed the Chair.

Senator Schatz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 705, Page 6, Section 386.266, Line 12, by inserting after all of said line the following:

**“393.358. 1. For purposes of this section, the following terms shall mean:**

**(1) “Commission”, the Missouri public service commission established under section 386.040;**

**(2) “Water corporation”, a corporation with more than one thousand Missouri customers that otherwise meets the definition of “water corporation” in section 386.020.**

**2. Water corporations shall develop a qualification process open to all contractors seeking to provide construction and construction-related services for planned infrastructure projects on the water corporation’s distribution system. The water corporation shall specify qualification requirements and goals for contractors seeking to perform such work, including but not limited to experience, performance criteria, safety record and policies, technical expertise, scheduling needs and available resources, supplier diversity and insurance requirements. Contractors that meet the qualification requirements shall be eligible to participate in a competitive bidding process for providing construction and construction-related services for planned infrastructure projects on the water corporation’s distribution system, and the contractor making the lowest and best bid shall be awarded such contract. For contractors not qualifying through the competitive bid process, the water corporation, upon request from the contractor, shall provide information from the process in which the contractor can be informed as to how to be better positioned to qualify for such bid opportunities in the future. Nothing in this section shall be construed as requiring any water corporation to use third parties instead of its own employees to perform such work, to use the contractor qualification or competitive bidding process in the case of an emergency project, or to terminate any existing contract with a contractor prior to its expiration.**

**3. Within thirty days after the effective date of this section and with the filing of a general rate proceeding initiated by the water corporation, the water corporation shall file a statement with the commission confirming it has established a qualification process meeting the requirements of this section and that such process is used for no less than ten percent of the corporation’s external expenditures for planned infrastructure projects on the water corporation’s distribution system. The commission shall have the authority to verify the statements to ensure compliance with this section.**

**4. By December 31, 2020, the commission shall submit a report to the general assembly on the effects of this section, including water corporation compliance, the costs of performing planned**

**infrastructure projects prior to the implementation of this section compared to after the implementation of this section, and any other information regarding the process established under this section that the commission deems necessary.”; and**

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 2**, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 705, Page 2, Section 386.266, Line 26, by striking the word “or”; and further amend line 27 by striking the word “sewer”; and

Further amend said bill and section, page 3, line 3, by striking “or sewer”; and further amend line 4 by striking the word “or”; and further amend line 5, by striking the word “sewer”;

Further amend said bill and section, page 5, line 18, by striking the opening and closing bracket around the word “or”; and further amend said line by striking the following: “, or sewer”.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Riddle moved that **SS** for **SB 705**, as amended, be adopted, which motion prevailed.

On motion of Senator Riddle, **SS** for **SB 705**, as amended, was declared perfected and ordered printed.

#### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1953**, entitled:

An Act to amend chapters 192 and 208, RSMo, by adding thereto two new sections relating to public health and welfare.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2122**, entitled:

An Act to repeal sections 301.213, 301.550, 301.553, 301.557, 301.559, 301.560, 301.562, 301.563, 301.564, 301.566, 301.568, 301.570, and 307.350, RSMo, and to enact in lieu thereof fourteen new sections relating to vehicle sales.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1344**, entitled:

An Act to repeal section 559.600, RSMo, and to enact in lieu thereof one new section relating to private probation services for misdemeanor offenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1800**, entitled:

An Act to repeal section 386.390, RSMo, and to enact in lieu thereof one new section relating to the public service commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1874**, entitled:

An Act to repeal section 8.051, RSMo, and to enact in lieu thereof one new section relating to products sold in the state capitol.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1364**, entitled:

An Act to repeal section 292.606, RSMo, and to enact in lieu thereof one new section relating to transportation and delivery of petroleum products.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1713**, entitled:

An Act to repeal section 193.128, RSMo, and to enact in lieu thereof one new section relating to the Missouri adoptee rights act.

In which the concurrence of the Senate is respectfully requested.



Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1714**, entitled:

An Act to repeal section 453.121, RSMo, and to enact in lieu thereof one new section relating to adoption records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2026**, entitled:

An Act to repeal section 221.050, RSMo, and to enact in lieu thereof five new sections relating to persons confined in jails.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2043**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Law Enforcement Appreciation Day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2042**, entitled:

An Act to repeal sections 43.650, 210.025, 210.254, 210.258, 557.036, 558.021, 558.046, 559.115, 559.117, 566.030, 566.032, 566.060, 566.062, 566.125, 566.147, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, and 589.426, RSMo, and to enact in lieu thereof twenty-six new sections relating to sexual offenders, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1991**, entitled:

An Act to repeal sections 67.1830 and 67.1846, RSMo, and to enact in lieu thereof fourteen new sections relating to the deployment of utilities infrastructure.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1614**, entitled:

An Act to amend chapter 266, RSMo, by adding thereto one new section relating to the regulation of agricultural inputs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1461**, entitled:

An Act to repeal sections 452.375, 452.377, 589.660, 589.663, 589.664, 589.666, 589.669, 589.672, and 589.678, RSMo, and to enact in lieu thereof nine new sections relating to the address confidentiality program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1600**, entitled:

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the use of hand-held electronic wireless communications devices by persons operating motor vehicles for compensation while transporting passengers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1729, 1621 and 1436**, entitled:

An Act to repeal sections 8.675, 8.683, 34.217, 89.410, 285.500, 290.095, 290.210, 290.220, 290.230, 290.240, 290.250, 290.260, 290.262, 290.263, 290.265, 290.270, 290.280, 290.290, 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, 290.335, 290.340, 290.550, 292.630, 393.715, 516.130, and 630.546, RSMo, and to enact in lieu thereof eleven new sections relating to the prevailing wage on public works.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1469**, entitled:

An Act to repeal sections 41.050, 41.070, 41.080, 41.110, 41.260, 41.450, 41.460, 41.490, 41.500, and 115.013, RSMo, and to enact in lieu thereof ten new sections relating to Missouri military code.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1968**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the state tartan.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2187**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2196**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to celiac awareness day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1517**, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to the state legal expense fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1573**, entitled:

An Act to repeal sections 160.011, 160.041, 163.021, 163.073, 171.029, 171.031, and 171.033, RSMo, and to enact in lieu thereof six new sections relating to the school calendar, with a delayed effective date for a certain section.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1893**, entitled:

An Act to repeal section 92.820, RSMo, and to enact in lieu thereof one new section relating to public auctions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2243**, entitled:

An Act to repeal section 59.800, RSMo, and to enact in lieu thereof one new section relating to county recording fees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2318**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2330**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2347**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 53**.

#### HOUSE CONCURRENT RESOLUTION NO. 53

WHEREAS, the United States participated in World War II from December 7, 1941, until the conclusion of the war on September 2, 1945; and

WHEREAS, hundreds of thousands of American troops served the Allied efforts all over the world, and more than 400,000 American soldiers were killed during the war; and

WHEREAS, the 23rd Headquarters Special Troops and 3133 Signal Service Company, also known as the Ghost Army, served our nation in an innovative way; and

WHEREAS, the Ghost Army risked their lives by diverting attention from real operations to their fake ones, including phony convoys, phantom divisions, and fake headquarters; and

WHEREAS, the Ghost Army employed creativity to save thousands of lives and help the Allied Nations win the war by using inflatable tanks, sound effects, radio trickery, and impersonation to confuse the enemy; and

WHEREAS, the Ghost Army carried out over twenty-one deception missions from Normandy to the Rhine including Operation Brittany in July 1944, to mislead the enemy as to General Patton's intentions as he raced across France to smash the German Army; Operation Bettembourg in September 1944, to hold a dangerously unmanned part of Patton's line as he attacked the fortress city of Metz; Operation Viersen in March 1945, to draw enemy attention away from the Ninth Army's crossing of the Rhine River; and Operation Craftsman in April 1945, to support the Allied effort to break through the German defensive "Gothic Line" north of Florence, Italy; and

WHEREAS, at least six Missourians, Robert J. Bunt, Gurvis D. Scism, Floyd F. Weinrich, Omar D. McCully, Louis Smethers, and Buford A. Patten were members of the Ghost Army:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby urge Congress to award the Congressional Gold Medal to the Ghost Army in recognition of their service to our country in World War II; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Speaker of the House of the United States House of Representatives, the President Pro Tempore of the United States Senate, the Governor of the State of Missouri, and to all members of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HCR 57**.

HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE CONCURRENT RESOLUTION NO. 57

WHEREAS, school counselors are employed in public and private schools to help students reach their full potential; and

WHEREAS, school counselors are actively committed to helping students explore their abilities, strengths, interests, and talents as these traits relate to career awareness and development; and

WHEREAS, school counselors help parents focus on ways to further the educational, personal, and social growth of their children; and

WHEREAS, school counselors work with teachers and other educators to help students explore their potential and set realistic goals for themselves; and

WHEREAS, school counselors seek to identify and utilize community resources that can enhance and complement comprehensive school counseling programs and help students to become productive members of society; and

WHEREAS, comprehensive developmental school counseling programs are considered an integral part of the educational process that enables all students to achieve success in school:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby proclaim the first full week of February of each year as Missouri School Counseling Week; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Department of Elementary and Secondary Education.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HCR 66**, entitled:

An Act relating to updating of state department forms.

HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE CONCURRENT RESOLUTION NO. 66  
Relating to updating of state department forms.

---

WHEREAS, state agency and department applications, forms, rules, and other literature use the term “Oriental” or “Asian/Oriental” to describe people of Asian, Pacific Islander, or Native Hawaiian descent:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby instruct all state agencies and departments to remove the term “Oriental” as it refers to persons of Asian, Pacific Islander, or Native Hawaiian descent from all applications, forms, rules, and other literature by January 1, 2020;

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for all chairs and directors of state agencies and departments; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Cunningham requested unanimous consent of the Senate that **SS** for **SCS** for **SB 547** be returned by the Committee on Fiscal Oversight, as it was inadvertently referred to such committee, which request was granted.

**RESOLUTIONS**

Senator Holsman offered Senate Resolution No. 1510, regarding the One Hundredth Birthday of Neal Andrew Johnson, Kansas City, which was adopted.

Senator Sater offered Senate Resolution No. 1511, regarding Monett Historical Museum, which was adopted.

**INTRODUCTION OF GUESTS**

Senator Richard introduced to the Senate, John Cruickshank, Consul General of Canada in Chicago.

Senator Holsman introduced to the Senate, Catharine Cooper, Kansas City.

Senator Rizzo introduced to the Senate, twenty-four eighth-grade students from St. Andrews Catholic School, Kansas City.

Senator Chappelle-Nadal introduced to the Senate, the Physician of the Day, Gary M. Gaddis, MD, PhD, St. Louis.

Senator Chappelle-Nadal introduced to the Senate, Ronnie Fredman and David Rubin, University City.

Senator Rizzo introduced to the Senate, Kathy Barszczak, Don Bridgforth, Steve Potter and Jim Staley, Independence.

Senator Holsman introduced to the Senate, Eric Petersen, Kansas City.

Senator Schupp introduced to the Senate, Jamie and Rick Gilley, Maryland Heights.

Senator Schupp introduced to the Senate, Rabbi Rothstein and the students of Yeshivat Kadimah High School, St. Louis.

Senator Schupp introduced to the Senate, Ashley Watson, Sherry Stewart and Gena Terlizzi, representatives of the National Alliance on Mental Illness.

Senator Brown introduced to the Senate, Faith Ann Barnes, Rolla.

On motion of Senator Kehoe, the Senate adjourned until 2:00 p.m., Wednesday, March 14, 2018.

**SENATE CALENDAR**  

---

FORTIETH DAY—WEDNESDAY, MARCH 14, 2018

---

**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 1080-Rizzo

SB 1081-Rizzo

SB 1082-Rizzo

SB 1083-Walsh

SB 1084-Schatz

SB 1085-Chappelle-Nadal

SB 1086-Crawford	SB 1097-Sifton
SB 1087-Rowden	SB 1098-Sater
SB 1088-Rowden	SB 1099-Hummel and Nasheed
SB 1089-Wallingford	SB 1100-Riddle
SB 1090-Hummel	SB 1101-Schupp
SB 1091-Nasheed	SB 1102-Kehoe
SB 1092-Hoskins	SJR 37-Kehoe
SB 1093-Hoskins	SJR 38-Kehoe
SB 1094-Hoskins	SJR 39-Kehoe
SB 1095-Hoskins	SJR 40-Rowden
SB 1096-Romine	

## HOUSE BILLS ON SECOND READING

HCS for HB 1873	HB 1625-Morris
HB 1428-Muntzel	HB 1442-Alferman
HB 1896-Swan	HB 1679-Chipman
HB 1607-Korman	HB 1892-Wilson
HCS for HB 1928	HCS for HB 1645
HB 1945-Anderson	HB 1953-Neely
HCS for HB 1618	HB 2122-Engler
HCS for HB 2079	HB 1344-Hill
HB 1265-Schroer	HB 1800-Miller
HB 1797-Fitzwater	HB 1874-Taylor
HCS for HB 1525	HCS for HB 1364
HB 1250-Plocher	HCS for HB 1713
HCS for HB 1358	HCS for HB 1714
HCS for HB 2116	HB 2026-Wilson
HB 2102-Rhoads	HB 2043-Tate
HB 1646-Eggleston	HCS for HB 2042
HB 2238-Mathews	HCS for HB 1991
HCS for HB 1895	HCS for HB 1614
HB 1613-Kelley (127)	HCS for HB 1461
HCS for HB 1456	HB 1600-Higdon
HB 2110-Rone	HCS for HBs 1729, 1621 & 1436
HCS for HB 1947	HB 1469-Davis
HCS for HB 2104	HB 1968-Grier
HCS for HB 1623	HB 2187-Walker (3)
HCS for HB 2062	HB 2196-Tate
HCS for HB 1868	HB 1517-McCann Beatty



HB 1573-Rowland (155)  
 HB 1893-Baringer  
 HB 2243-Houghton

HB 2318-Marshall  
 HB 2330-Beck  
 HB 2347-Davis

### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)  
 SS for SB 699-Sifton (In Fiscal Oversight)  
 SS for SCS for SBs 603, 576 & 898-Onder  
 (In Fiscal Oversight)

SS for SCS for SB 707-Schatz  
 (In Fiscal Oversight)  
 SB 773-Hoskins (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

1. SB 837-Rowden  
 2. SB 704-Hegeman  
 3. SB 870-Hegeman  
 4. SB 893-Sater, with SCS  
 5. SB 953-Sater, with SCS  
 6. SB 850-Wallingford  
 7. SB 672-Koenig, with SCS  
 8. SB 578-Romine  
 9. SB 666-Onder  
 10. SB 802-Nasheed, with SCS  
 11. SB 982-Wieland  
 12. SB 981-Wieland  
 13. SB 928-Onder, with SCS  
 14. SB 782-Cunningham, with SCS  
 15. SB 553-Dixon, with SCS

16. SB 966-Rowden, with SCS  
 17. SB 706-Riddle  
 18. SB 917-Crawford, with SCS  
 19. SB 884-Koenig  
 20. SB 990-Hegeman, with SCS  
 21. SB 862-Schatz, with SCS  
 22. SB 920-Riddle  
 23. SB 919-Libla  
 24. SB 822-Hegeman, with SCS  
 25. SB 652-Nasheed, with SCS  
 26. SB 693-Wallingford  
 27. SB 890-Riddle, with SCS  
 28. SB 697-Romine  
 29. SJR 25-Romine  
 30. SB 808-Brown

### HOUSE BILLS ON THIRD READING

1. HB 1303-Alferman, with SCS (Rowden)  
 2. HB 1769-Mathews, with SCS (Schatz)  
 (In Fiscal Oversight)  
 3. HB 1691-Miller, with SCS (Emery)  
 4. HB 1665-Swan (Rowden)  
 5. HB 1465-Cookson, with SCS (Wasson)  
 6. HB 1291-Henderson, with SCS (Romine)

7. HB 1838-Bernskoetter, with SCS (Kehoe)  
 8. HB 1413-Taylor, with SCS (Onder)  
 (In Fiscal Oversight)  
 9. HB 1350-Smith (163), with SCS (Rowden)  
 10. HB 1504-Reiboldt (Richard)  
 11. HB 1531-DeGroot (Rowden)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 547-Munzlinger

SB 743-Sater

SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)

SB 550-Wasson, with SCS

SB 552-Dixon, with SS (pending)

SBs 555 & 609-Brown, with SCS

SB 561-Sater, with SA 1 (pending)

SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)

SB 591-Hegeman, with SCS

SB 596-Riddle, with SCS

SB 599-Schatz

SB 602-Onder, with SCS

SB 612-Koenig, with SCS, SS#2 for SCS,  
SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
for SA 2 (pending)

SBs 617, 611 & 667-Eigel, with SCS & SS  
for SCS (pending)

SB 663-Schatz, with SCS (pending)

SB 674-Koenig

SB 730-Wallingford, with SCS & SA 1 (pending)

SB 751-Schatz

SB 767-Hoskins, with SCS, SS for SCS &  
SA 2 (pending)

SB 774-Munzlinger

SB 786-Schupp, with SA 3 (pending)

SB 813-Riddle, with SCS & SA 1 (pending)

SB 832-Rowden, with SCS

SB 848-Riddle

SB 849-Kehoe and Schupp, with SCS, SA 1  
& SA 1 to SA 1 (pending)

SB 860-Koenig, with SCS, SS for SCS &  
SA 1 (pending)

SB 861-Hegeman, with SCS

SB 865-Kehoe

SB 907-Kehoe, with SCS

SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)

CONSENT CALENDAR

Senate Bills

Reported 3/8

SBs 999 & 1000-Rowden, with SCS

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

## To be Referred

HCR 53-Dohrman  
HCS for HCR 57

HCS for HCR 66

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTIETH DAY—WEDNESDAY, MARCH 14, 2018**

---

The Senate met pursuant to adjournment.

President Pro Tem Richard in the Chair.

Reverend Carl Gauck offered the following prayer:

“And that very night the Lord appeared to him and said “I am the God of your father Abraham.” (Genesis 26:23)

Lord God, You sustain us when our spirit sags and we experience Your love and comfort. Teach us to be open to others especially those we work with and those who work for us. Let us be thankful for what we learn from others and the assistance we receive when it is so needed. May we express that gratefulness to our staffs that do so much to make our tasks effortless. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The Senate observed a moment of silence in memory of Alaina Petty.

**RESOLUTIONS**

Senator Cierpiot offered Senate Resolution No. 1512, regarding the death of Jacob Bryan Clark, Lee's Summit, which was adopted.

Senator Richard offered Senate Resolution No. 1513, regarding the One Hundred Forty-fifth Anniversary of Joplin, which was adopted.

**SENATE BILLS FOR PERFECTION**

Senator Rowden moved that **SB 837** be taken up for perfection, which motion prevailed.

At the request of Senator Rowden, **SB 837** was placed on the Informal Calendar.

Senator Hegeman moved that **SB 704** be taken up for perfection, which motion prevailed.

Senator Hegeman offered **SS** for **SB 704**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE BILL NO. 704**

An Act to repeal sections 49.020, 49.060, 50.660, 50.783, 54.140, 65.610, 65.620, 67.617, 70.370, 71.015, 84.510, 88.770, 94.900, 105.030, 115.124, 137.556, and 162.441, RSMo, and to enact in lieu thereof seventeen new sections relating to political subdivisions, with existing penalty provisions.

Senator Hegeman moved that **SS** for **SB 704** be adopted.

Senator Hoskins offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 704, Page 1, Section A, Line 7, by inserting after all of said line the following:

**“41.657. 1. The county governing body or county planning commission, if any, of any county of the second classification with more than fifty-eight thousand but fewer than sixty-five thousand inhabitants, and any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants may adopt ordinances regulating incompatible land uses and structures within all or any portion of the unincorporated area extending up to three thousand feet outward from the boundaries of any National Guard training center if the county has participated in the completion of a joint land use study associated with that training center.**

**2. As used in this section, “incompatible land uses and structures” are determined by the county governing body or county planning commission, if any, to be incompatible with noise, vibration, and other training impacts identified in the joint land use study or the most recent state operational noise management plan. Regulations the county governing body or county planning commission, if any, determines are necessary to effectuate the purposes of this section and the recommendations in the joint land use study or operational noise management plan may include, but are not limited to, density, lot size, outdoor lighting, land use, construction standards, and subdivision of land.**

**3. The county governing body or county planning commission, if any, may also provide for**

**coordination with National Guard officials and notification to current and future property owners with respect to potential incompatible land uses, military training impacts, and the existence of any regulation adopted under this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator Schatz offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 704, Page 2, Section 49.060, Line 13 of said page, by inserting immediately after “105.030” the following: “, **except that the vacancy shall be filled within sixty days**”.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Walsh offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 704, Page 7, Section 54.140, Line 9 of said page, by inserting after all of said line the following:

“56.363. 1. The county commission of any county may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of making the county prosecutor a full-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a full-time position in \_\_\_\_\_ County?

☐ YES

☐ NO

If a majority of the voters voting on the proposition vote in favor of making the county prosecutor a full-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office. **The position shall then qualify for the retirement benefits available to a full-time prosecutor of a county of the first classification. Any county that elects to make the position of prosecuting attorney full-time shall pay into the Missouri prosecuting attorneys and circuit attorneys’ retirement fund at the same contribution amount as paid by counties of the first classification.**

2. The provisions of subsection 1 of this section notwithstanding, in any county where the proposition of making the county prosecutor a full-time position was submitted to the voters at a general election in 1998 and where a majority of the voters voting on the proposition voted in favor of making the county prosecutor a full-time position, the proposition shall become effective on May 1, 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999, under the provisions of this subsection shall

have the additional duty of providing not less than three hours of continuing education to peace officers in the county served by the prosecuting attorney in each year of the term beginning January 1, 1999.

3. In counties that, prior to August 28, 2001, have elected pursuant to this section to make the position of prosecuting attorney a full-time position, the county commission may at any time elect to have that position also qualify for the retirement benefit available for a full-time prosecutor of a county of the first classification. Such election shall be made by a majority vote of the county commission and once made shall be irrevocable, unless the voters of the county elect to change the position of prosecuting attorney back to a part-time position under subsection 4 of this section. When such an election is made, the results shall be transmitted to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund, and the election shall be effective on the first day of January following such election. Such election shall also obligate the county to pay into the Missouri prosecuting attorneys and circuit attorneys' system retirement fund the same retirement contributions for full-time prosecutors as are paid by counties of the first classification.

4. In any county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than one thousand seven hundred but fewer than one thousand nine hundred inhabitants as the county seat that has elected to make the county prosecutor a full-time position under this section after August 28, 2014, the county commission may on its own motion and shall upon the petition of ten percent of the total number of people who voted in the previous general election in the county submit to the voters at a general or special election the proposition of changing the full-time prosecutor position to a part-time position. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days and not more than thirty days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. The proposition shall be put before the voters substantially in the following form:

Shall the office of prosecuting attorney be made a part-time position in \_\_\_\_\_ County?

☐ YES

☐ NO

If a majority of the voters vote in favor of making the county prosecutor a part-time position, it shall become effective upon the date that the prosecutor who is elected at the next election subsequent to the passage of such proposal is sworn into office.

5. In any county that has elected to make the full-time position of county prosecutor a part-time position under subsection 4 of this section, the county's retirement contribution to the retirement system and the retirement benefit earned by the member shall prospectively be that of a part-time prosecutor as established in this chapter. Any retirement contribution made and retirement benefit earned prior to the effective date of the voter-approved proposition under subsection 4 of this section shall be maintained by the retirement system and used to calculate the retirement benefit for such prior full-time position service. Under no circumstances shall a member in a part-time prosecutor position earn full-time position retirement benefit service accruals for time periods after the effective date of the proposition changing the county prosecutor back to a part-time position.

56.805. As used in sections 56.800 to 56.840, the following words and terms mean:

(1) “Annuity”, annual payments, made in equal monthly installments, to a retired member from funds provided for, in, or authorized by, the provisions of sections 56.800 to 56.840;

(2) “Average final compensation”, the average compensation of an employee for the two consecutive years prior to retirement when the employee’s compensation was greatest;

(3) “Board of trustees” or “board”, the board of trustees established by the provisions of sections 56.800 to 56.840;

(4) “Compensation”, all salary and other compensation payable by a county to an employee for personal services rendered as an employee, **including any salary reduction amounts under a cafeteria plan that satisfies 26 U.S.C. Section 125 or an eligible deferred compensation plan that satisfies 26 U.S.C. Section 457** but not including [travel and mileage] reimbursement **for any expenses, any consideration for agreeing to terminate employment, or any other nonrecurring or unusual payment that is not part of regular remuneration;**

(5) “County”, the City of St. Louis and each county in the state;

(6) “Creditable service”, the sum of both membership service and creditable prior service;

(7) “Effective date of the establishment of the system”, August 28, 1989;

(8) “Employee”, an elected or appointed prosecuting attorney or circuit attorney who is employed by a county or a city not within a county;

(9) “Membership service”, service as a prosecuting attorney or circuit attorney after becoming a member that is creditable in determining the amount of the member’s benefits under this system;

(10) “Prior service”, service of a member rendered prior to the effective date of the establishment of the system which is creditable under section 56.823;

(11) “Retirement system” or “system”, the prosecuting attorneys and circuit attorneys’ retirement system authorized by the provisions of sections 56.800 to 56.840.

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2 of this section shall be paid from county or city funds.

2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

(1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, three hundred seventy-five dollars;

(2) For counties of the second classification, five hundred forty-one dollars and sixty-seven cents;

(3) For counties of the first classification, and, except as otherwise provided under section 56.363, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the City of St. Louis, one thousand two hundred ninety-one dollars and sixty-seven cents.



3. Beginning August 28, 1989, and continuing until August 27, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the Missouri office of prosecution services for deposit to the credit of the “Missouri Prosecuting Attorneys and Circuit Attorneys’ Retirement System Fund”, which is hereby created. All moneys held by the state treasurer on behalf of the system shall be paid to the system within ninety days after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys’ retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840 and for no other purpose.

4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in this section shall be paid from county or city funds and the surcharge established in this section and collected as provided by this section and sections 488.010 to 488.020.

5. (1) Beginning August 28, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

(a) For counties of the third and fourth classification except as provided in paragraph (c) of this subdivision, one hundred eighty-seven dollars;

(b) For counties of the second classification, two hundred seventy-one dollars;

(c) For counties of the first classification, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of section 56.363, and the City of St. Louis, six hundred forty-six dollars.

(2) Beginning August 28, 2015, the county contribution set forth in paragraphs (a) to (c) of subdivision (1) of this subsection shall be adjusted in accordance with the following schedule based upon the prosecuting attorneys and circuit attorneys’ retirement system’s annual actuarial valuation report. If the system’s funding ratio is:

(a) One hundred twenty percent or more, no monthly sum shall be transmitted;

(b) More than one hundred ten percent but less than one hundred twenty percent, the monthly sum transmitted shall be reduced fifty percent;

(c) At least ninety percent and up to and including one hundred ten percent, the monthly sum transmitted shall remain the same;

(d) At least eighty percent and less than ninety percent, the monthly sum transmitted shall be increased fifty percent; and

(e) Less than eighty percent, the monthly sum transmitted shall be increased one hundred percent.

6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the sums specified in subsection 5 of this section to the Missouri office of prosecution services for deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys’ retirement system fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys’ retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other purpose.

7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and circuit attorneys shall be collected and paid as follows:

(1) There shall be assessed and collected a surcharge of four dollars in all criminal cases filed in the courts of this state including violation of any county ordinance, any violation of criminal or traffic laws of this state, including infractions, and against any person who has pled guilty for any violation and paid a fine through a fine collection center, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or municipality or when a criminal proceeding or the defendant has been dismissed by the court. For purposes of this section, the term “county ordinance” shall include any ordinance of the City of St. Louis;

(2) The clerk responsible for collecting court costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable to the prosecuting attorneys and circuit attorneys’ retirement fund. Moneys credited to the prosecuting attorneys and circuit attorneys’ retirement fund shall be used only for the purposes provided for in sections 56.800 to 56.840 and for no other purpose.

8. The board may accept gifts, donations, grants and bequests from private or public sources to the Missouri prosecuting attorneys and circuit attorneys’ retirement system fund.

9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840 unless provided for by law.

**10. Beginning January first following the effective date of this act, all members, who upon vesting and retiring are eligible to receive a normal annuity equal to fifty percent of the final average compensation and, as a condition of participation, shall contribute two percent of their gross salary to the fund. Beginning on January 1, 2020, each such member shall contribute four percent of their gross salary to the fund. Each county treasurer shall deduct the appropriate amount from the gross salary of the prosecuting attorney or circuit attorney and, at least monthly, shall transmit the sum to the prosecuting attorney and circuit attorney retirement system for deposit in the prosecuting attorneys and circuit attorneys’ retirement fund.**

**11. Upon separation from the system, a nonvested member shall receive a lump sum payment equal to the total contribution of the member without interest or other increases in value.**

**12. Upon retirement and in the sole discretion of the board on the advice of the actuary, a member shall receive a lump sum payment equal to the total contribution of the member without interest or other increases in value, but such lump sum shall not exceed twenty-five percent of the final average compensation of the member. This amount shall be in addition to any retirement benefits to which the member is entitled.**

**13. Upon the death of a nonvested member or the death of a vested member prior to retirement, the lump sum payment in subsection 11 or 12 of this section shall be made to the designated beneficiary of the member or, if no beneficiary has been designated, to the member’s estate.**

56.814. **1. Any [member] person who became a member prior to January 1, 2019, who has attained the age of sixty-two years and who has twelve years or more of creditable service as prosecuting attorney or circuit attorney may retire with a normal annuity as determined in subsection 3 of section 56.840.**

**2. Any person who becomes a member on or after January 1, 2019, who has attained the age of sixty-five and who has twelve years or more of creditable service as a prosecuting attorney or circuit attorney may retire with a normal annuity.**

56.833. 1. Upon termination of employment, any [member with twelve or more years of creditable service] **person who became a member prior to January 1, 2019**, shall be entitled to a deferred normal annuity, payable at age fifty-five with twelve or more years of creditable service **as determined in subsection 3 of section 56.840**. **Upon termination of employment, any person who became a member on or after January 1, 2019, shall be entitled to a deferred normal annuity, payable at age sixty with twelve or more years of creditable service as determined in subsection 3 of section 56.840**. Any member with less than twelve years of creditable service shall forfeit all rights in the fund, including the member's accrued creditable service as of the date of the member's termination of employment.

2. A former member who has forfeited creditable service may have the creditable service restored by again becoming an employee [and] **within ten years of the date of the termination of employment**, completing four years of continuous membership service, **and contributing an amount to the fund equal to any lump sum payment received under subsections 11 and 12 of section 56.807**. **Notwithstanding any other provision of section 104.800 to the contrary, a former member shall not be entitled to transfer creditable service into this retirement system unless the member previously vested in this system.**

3. Absences for sickness or injury of less than twelve months shall be counted as membership service.

56.840. 1. Annuity payments to retired employees under the provisions of sections 56.800 to 56.840 shall be available beginning January first next succeeding the expiration of two calendar years from the effective date of the establishment of the system to eligible retired employees, and employees with at least twelve years of creditable service shall have vested rights and upon reaching the required age shall be entitled to retirement benefits.

2. **All members serving as a prosecuting attorney or circuit attorney in a county of the first classification, a county with a charter form of government, or a city not within a county shall receive one year of creditable service for each year served.**

3. **Notwithstanding any provision of law to the contrary, members serving as a prosecuting attorney in counties that elected to make the position of prosecuting attorney a full-time position shall receive one year of creditable vesting service for each year served as a part-time or full-time prosecuting attorney. Such members shall receive one year of creditable benefit service for each year served as a full-time prosecuting attorney and six-tenths of a year of creditable benefit service for each year served as a part-time prosecuting attorney. Upon retirement, any member who has less than twelve years of creditable benefit service shall receive a reduced full-time benefit in a sum equal to the portion that the member's creditable benefit years bear to twelve vesting years.**

4. **Members restoring creditable service under subsection 2 of section 56.833 shall receive one year of creditable service for each restored year served as a full-time prosecuting attorney and six-tenths of a year of creditable service for each restored year served as a part-time prosecuting attorney. Unless otherwise permitted by law, no member shall receive credit for any partial year of employment.**

5. **Notwithstanding any provision of law to the contrary, any member who vested in the system as a part-time prosecuting attorney and who ceased being a member for more than six months before returning as a full-time prosecuting attorney shall be entitled only to retirement benefits as a part-time prosecuting attorney. Any creditable service earned by such an employee upon returning to the**

**system as a full-time prosecuting attorney shall begin a new vesting period subject to the provision of the system in effect at the time of the member's return. No member shall receive benefits while employed as a prosecuting attorney or circuit attorney.”; and**

Further amend the title and enacting clause accordingly.

Senator Walsh moved that the above amendment be adopted, which motion prevailed.

Senator Curls offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 704, Page 41, Section 162.441, Line 24, by inserting after all of said line the following:

“304.060. 1. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. The state board of education may adopt rules and regulations governing the use of other vehicles owned by a district or operated under contract with any school district in this state and used for the purpose of transporting school children. The operator of such vehicle shall be licensed in accordance with section 302.272, and such vehicle shall transport no more children than the manufacturer suggests as appropriate for such vehicle. The state board of education may also adopt rules and regulations governing the use of authorized common carriers for the transportation of students on field trips or other special trips for educational purposes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The state board of education shall cooperate with the state transportation department and the state highway patrol in placing suitable warning signs at intervals on the highways of the state.

**2. Notwithstanding the provisions of subsection 1 of this section, any school board in the state of Missouri in an urban district containing the greater part of the population of a city which has more than three hundred thousand inhabitants may contract with any municipality, bi-state agency, or other governmental entity for the purpose of transporting school children attending a grade or grades not lower than the ninth nor higher than the twelfth grade, provided that such contract shall be for additional transportation services, and shall not replace or fulfill any of the school district's obligations pursuant to section 167.231. The school district may notify students of the option to use district contracted transportation services.**

3. Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district.

[3.] 4. Any other provision of the law to the contrary notwithstanding, in any county of the first class with a charter form of government adjoining a city not within a county, school buses may bear the word “special”.”; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

Senator Onder offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 704, Page 41, Section 162.441, Line 24 of said page, by inserting immediately after said line the following:

“227.600. 1. Sections 227.600 to 227.669 shall be known and may be cited as the “Missouri Public-Private Partnerships Transportation Act”.

2. As used in sections 227.600 to 227.669, unless the context clearly requires otherwise, the following terms mean:

(1) “Commission”, the Missouri highways and transportation commission;

(2) “Comprehensive agreement”, the final binding written comprehensive project agreement between a private partner and the commission required in section 227.621 to finance, develop, and/or operate the project;

(3) “Department”, the Missouri department of transportation;

(4) “Develop” or “development”, to plan, locate, relocate, establish, acquire, lease, design, or construct;

(5) “Finance”, to fund the costs, expenses, liabilities, fees, profits, and all other charges incurred to finance, develop, and/or operate the project;

(6) “Interim agreement”, a preliminary binding written agreement between a private partner and the commission that provides for completion of studies and any other activities to advance the financing, development, and/or operation of the project required by section 227.618;

(7) “Material default”, any uncured default by a private partner in the performance of its duties that jeopardizes adequate service to the public from the project as determined by the commission;

(8) “Operate” or “operation”, to improve, maintain, equip, modify, repair, administer, or collect user fees;

(9) “Private partner”, any natural person, corporation, partnership, limited liability company, joint venture, business trust, nonprofit entity, other business entity, or any combination thereof;

(10) “Project”, exclusively includes any pipeline, ferry, port facility, water facility, water way, water supply facility or pipeline, **stormwater facility or system**, wastewater **system** or [wastewater] treatment facility, public building, airport, railroad, light rail, vehicle parking facility, mass transit facility, or other similar facility currently available or to be made available to a government entity for public use, including any structure, parking area, appurtenance and other property required to operate the structure or facility to be financed, developed, and/or operated under agreement between the commission and a private partner. The commission or private partner shall not have the authority to collect user fees in connection with the project from motor carriers as defined in section 227.630. Project shall not include any highway, interstate or bridge construction, or any rest area, rest stop, or truck parking facility connected to an interstate or other highway under the authority of the commission. Any project not specifically included in this subdivision

shall not be financed, developed, or operated by a private partner until such project is approved by a vote of the people;

(11) “Public use”, a finding by the commission that the project to be financed, developed, and/or operated by a private partner under sections 227.600 to 227.669 will improve or is needed as a necessary addition to the state transportation system;

(12) “Revenues”, include but are not limited to the following which arise out of or in connection with the financing, development, and/or operation of the project:

- (a) Income;
- (b) Earnings;
- (c) Proceeds;
- (d) User fees;
- (e) Lease payments;
- (f) Allocations;
- (g) Federal, state, and local moneys; or
- (h) Private sector moneys, grants, bond proceeds, and/or equity investments;

(13) “State”, the state of Missouri;

(14) “State highway system”, the state system of highways and bridges planned, located, relocated, established, acquired, constructed, and maintained by the commission under Section 30(b), Article IV, Constitution of Missouri;

(15) “State transportation system”, the state system of nonhighway transportation programs, including but not limited to aviation, transit and mass transportation, railroads, ports, waterborne commerce, freight and intermodal connections;

(16) “User fees”, tolls, fees, or other charges authorized to be imposed by the commission and collected by the private partner for the use of all or a portion of a project under a comprehensive agreement.

**227.601. 1. Notwithstanding any provision of sections 227.600 to 227.669 to the contrary, the process and approval for concession agreements to build, maintain, operate, or finance projects owned by a political subdivision shall be approved by the governing body of such political subdivision and shall not be subject to approval by the commission. Notwithstanding the provisions of subsection 5 of this section, the sale or conveyance of any project owned by a political subdivision shall be subject to voter approval if required by law.**

**2. As used in this section, the term “concession agreement” shall mean a license or lease between a private partner and a political subdivision for the development, finance, operation, or maintenance of a project, as such term is defined in section 227.600.**

**3. Notwithstanding any provision of law to the contrary, political subdivisions may enter into concession agreements provided that:**

- (1) The term of the concession agreement shall be for a term not exceeding thirty years;**

**(2) The political subdivision shall retain oversight of operations of any such project;**

**(3) The political subdivision shall retain oversight of rate setting methodology;**

**(4) The political subdivision shall have the right to terminate the agreement if the private partner does not comply with the concession agreement.**

**4. The commission shall not be required to oversee, or issue an annual report under section 227.669 for, projects approved by political subdivisions, provided that any political subdivision entering into a concession agreement shall use a public-private partnership framework that shall include a competitive bidding process.**

**5. Except as provided in subsection 1 of this section, the provisions of sections 71.530, 71.550, 78.190, 78.630, 81.190, 88.251, 88.633, 88.770, 88.773, 91.550, and 91.600 shall not apply to concession agreements that are approved as provided in this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman moved that **SS for SB 704**, as amended, be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS for SB 704**, as amended, was declared perfected and ordered printed.

Senator Hegeman moved that **SB 870** be taken up for perfection, which motion prevailed.

Senator Hegeman offered **SS for SB 870**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 870

An Act to repeal sections 99.848, 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, and 191.630, RSMo, and to enact in lieu thereof twenty-nine new sections relating to emergency medical services, with existing penalty provisions.

Senator Hegeman moved that **SS for SB 870** be adopted.

Senator Eigel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 870, Pages 1-2, Section 99.848, by striking all of said section and inserting in lieu thereof the following:

**“99.848. 1. Notwithstanding subsection 1 of section [99.847] 99.845, any district or county imposing a property tax for the purposes of providing emergency services pursuant to chapter 190 or 321 shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent [nor] but not more than one hundred percent of the district’s tax increment. This section shall not apply to tax increment financing projects or districts approved prior to August 28, 2004.**

**2. Beginning August 28, 2018, an ambulance district board operating under chapter 190, a fire protection district board operating under chapter 321, or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall**

**annually set the reimbursement rate under subsection 1 of this section prior to the time the assessment is paid into the special allocation fund. If the redevelopment plan, area, or project is amended by ordinance or by other means after August 28, 2018, the ambulance or fire protection district board or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall have the right to recalculate the reimbursement rate under this section.”; and**

Further amend said bill and section, page 2, line 10 of said page, by inserting after all of said line the following:

“100.050. 1. Any municipality proposing to carry out a project for industrial development shall first, by majority vote of the governing body of the municipality, approve the plan for the project. The plan shall include the following information pertaining to the proposed project:

- (1) A description of the project;
- (2) An estimate of the cost of the project;
- (3) A statement of the source of funds to be expended for the project;
- (4) A statement of the terms upon which the facilities to be provided by the project are to be leased or otherwise disposed of by the municipality; and
- (5) Such other information necessary to meet the requirements of sections 100.010 to 100.200.

2. If the plan for the project is approved after August 28, 2003, and the project plan involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality, the project plan shall additionally include the following information:

(1) A statement identifying each school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321**, county, or city affected by such project except property assessed by the state tax commission pursuant to chapters 151 and 153;

(2) The most recent equalized assessed valuation of the real property and personal property included in the project, and an estimate as to the equalized assessed valuation of real property and personal property included in the project after development;

(3) An analysis of the costs and benefits of the project on each school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321**, county, or city; and

(4) Identification of any payments in lieu of taxes expected to be made by any lessee of the project, and the disposition of any such payments by the municipality.

3. If the plan for the project is approved after August 28, 2003, any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of issuing the bonds and administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality’s treasurer or other financial officer to each school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under**



**chapter 321**, county, or city in proportion to the current ad valorem tax levy of each school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321**, county, or city; however, in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, or any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, if the plan for the project is approved after May 15, 2005, such amounts shall be disbursed by the municipality's treasurer or other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.

**4. Notwithstanding the provisions of subsection 3 of this section to the contrary, beginning August 28, 2018, any district or county imposing a property tax for the purposes of providing emergency services under chapter 190 or 321 to the project area shall be entitled to be reimbursed in an amount that is at least fifty percent but not more than one hundred percent of the amount of ad valorem property tax revenues that such district or county would have received in the absence of a tax abatement or exemption provided to property included in the project. An ambulance district board operating under chapter 190, a fire protection district board operating under chapter 321, or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall annually set the reimbursement rate provided in this subsection prior to the time the assessment is determined by the assessor of the county in which the project is located, or, if not located within a county, then the assessor of such city. If the plan is amended by ordinance or by any other means after August 28, 2018, the ambulance or fire protection district or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall have the right to recalculate the reimbursement rate pursuant to this subsection.**

100.059. 1. The governing body of any municipality proposing a project for industrial development which involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality shall, not less than twenty days before approving the plan for a project as required by section 100.050, provide notice of the proposed project to the county in which the municipality is located and any school district that is a school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321**, county, or city; however, in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, or any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants, if the plan for the project is approved after May 15, 2005, such notice shall be provided to all affected taxing entities in the county. Such notice shall include the information required in section 100.050, shall state the date on which the governing body of the municipality will first consider approval of the plan, and shall invite such school districts, community college districts, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321**, counties, or cities to submit comments to the governing body and the comments shall be fairly and duly considered.

2. Notwithstanding any other provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to Section 26(b), Article VI, Constitution of Missouri, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value

of taxable tangible property as shown on the last completed assessment for state or county purposes.

3. The county assessor shall include the current assessed value of all property within the school district, community college district, **ambulance district board operating under chapter 190, fire protection district board operating under chapter 321**, county, or city in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to Section 26(b), Article VI, Constitution of Missouri.

4. This section is applicable only if the plan for the project is approved after August 28, 2003.”; and

Further amend said bill, page 66, section 191.630, line 13 of said page, by inserting after all of said line the following:

“353.110. 1. Once the requirements of this section have been complied with, the real property of urban redevelopment corporations acquired pursuant to this chapter shall not be subject to assessment or payment of general ad valorem taxes imposed by the cities affected by this law, or by the state or any political subdivision thereof, for a period not in excess of ten years after the date upon which such corporations become owners of such real property, except to such extent and in such amount as may be imposed upon such real property during such period measured solely by the amount of the assessed valuation of the land, exclusive of improvements, acquired pursuant to this chapter and owned by such urban redevelopment corporation, as was determined by the assessor of the county in which such real property is located, or, if not located within a county, then by the assessor of such city, for taxes due and payable thereon during the calendar year preceding the calendar year during which the corporation acquired title to such real property. The amounts of such tax assessments shall not be increased during such period so long as the real property is owned by an urban redevelopment corporation and used in accordance with a development plan authorized by the legislative authority of such cities, **except as provided under subsection 4 of this section.**

2. In the event, however, that any such real property was tax exempt immediately prior to ownership by any urban redevelopment corporation, such assessor or assessors shall, upon acquisition of title thereto by the urban redevelopment corporation, promptly assess such land, exclusive of improvements, at such valuation as shall conform to but not exceed the assessed valuation made during the preceding calendar year of other land, exclusive of improvements, adjacent thereto or in the same general neighborhood, and the amount of such assessed valuation shall not be increased during the period set pursuant to subsection 1 of this section so long as the real property is owned by an urban redevelopment corporation and used in accordance with a development plan authorized by the legislative authority of such cities. For the next ensuing period not in excess of fifteen years, ad valorem taxes upon such real property shall be measured by the assessed valuation thereof as determined by such assessor or assessors upon the basis of not to exceed fifty percent of the true value of such real property, including any improvements thereon, nor shall such valuations be increased above fifty percent of the true value of such real property from year to year during such next ensuing period so long as the real property is owned by an urban redevelopment corporation and used in accordance with an authorized development plan. After a period totaling not more than twenty-five years, such real property shall be subject to assessment and payment of all ad valorem taxes, based on the full true value of the real property; provided, that after the completion of the redevelopment project, as authorized by law or ordinance whenever any urban redevelopment corporation shall elect to pay full taxes, or at the expiration of the period, such real property shall be owned and operated free from any of the

conditions, restrictions or provisions of this chapter, and of any ordinance, rule or regulation adopted pursuant thereto, any other law limiting the right of domestic and foreign insurance companies to own and operate real estate to the contrary notwithstanding.

3. No tax abatement or exemption authorized by this section shall become effective unless and until the governing body of the city:

(1) Furnishes each political subdivision whose boundaries for ad valorem taxation purposes include any portion of the real property to be affected by such tax abatement or exemption with a written statement of the impact on ad valorem taxes such tax abatement or exemption will have on such political subdivisions and written notice of the hearing to be held in accordance with subdivision (2) of this subsection. The written statement and notice required by this subdivision shall be furnished as provided by local ordinance before the hearing and shall include, but need not be limited to, an estimate of the amount of ad valorem tax revenues of each political subdivision which will be affected by the proposed tax abatement or exemption, based on the estimated assessed valuation of the real property involved as such property would exist before and after it is redeveloped;

(2) Conducts a public hearing regarding such tax abatement or exemption, at which hearing all political subdivisions described in subdivision (1) of this subsection shall have the right to be heard on such grant of tax abatement or exemption;

(3) Enacts an ordinance which provides for expiration of development rights, including the rights of eminent domain and tax abatement, in the event of failure of the urban redevelopment corporation to acquire ownership of property within the area of the development plan. Such ordinance shall provide for a duration of time within which such property must be acquired, and may allow for acquisition of property under the plan in phases.

4. (1) Notwithstanding any other provision of law to the contrary, payments in lieu of taxes may be imposed by contract between a city and an urban redevelopment corporation which receives tax abatement or exemption on property pursuant to this section. Such payments shall be made to the collector of revenue of the county or city not within a county by December thirty-first of each year payments are due. The governing body of the city shall furnish the collector a copy of any such contract requiring payment in lieu of taxes. The collector shall allocate all revenues received from such payment in lieu of taxes among all taxing authorities whose property tax revenues are affected by the exemption or abatement on the same pro rata basis and in the same manner as the ad valorem property tax revenues received by each taxing authority from such property in the year such payments are due.

(2) (a) **The provisions of subsection 1 of this section and subdivision (1) of this subsection notwithstanding, beginning August 28, 2018, any district or county imposing a property tax for the purposes of providing emergency services under chapter 190 or 321 shall be entitled to be reimbursed in an amount that is at least fifty percent but not more than one hundred percent of the amount of ad valorem property tax revenues that the district or county would have received in the absence of the tax abatement or exemption provided under this section.**

(b) **An ambulance district board operating under chapter 190, a fire protection district board operating under chapter 321, or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall annually set the reimbursement rate under paragraph (a) of this subdivision prior to the time the assessment is**

**determined by the assessor of the county in which such district is located, or, if not located within a county, then the assessor of such city. If the development plan or redevelopment project is amended by ordinance or by any other means after August 28, 2018, the ambulance or fire protection district board shall have the right to recalculate the reimbursement rate under this subdivision.**

5. The provisions of subsection 3 of this section shall not apply to any amendment or future amendment to a phased development plan approved by the governing body of the city prior to the effective date of the provisions of subsection 3 of this section and upon which construction has been in progress pursuant to such phased plan.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Hummel offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 870, Page 28, Section 190.147, Line 14 of said page, by inserting immediately after “facility” the following: “; **provided, that such determination shall be made in cooperation with at least one other EMT-P or other medical professional involved in the transport. Once in a temporary hold, the patient shall be treated with humane care in a manner that preserves human dignity, consistent with applicable federal regulations and nationally-recognized guidelines regarding the appropriate use of temporary holds and restraints in medical transport.**

**2. In any instance in which a good faith determination for a temporary hold of a patient has been made, such hold shall be made in a clinically appropriate and adequately justified manner, and shall be documented and attested to in writing. The writing shall be retained by the ambulance service and included as part of the patient’s medical file”;** and further amend said section by renumbering the remaining subsections accordingly.

Senator Hummel moved that the above amendment be adopted, which motion prevailed.

Senator Curls offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 870, Page 66, Section 191.630, Line 13 of said page, by inserting after all of said line the following:

**“217.151. 1. As used in this section, the following terms shall mean:**

**(1) “Extraordinary circumstance”, a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of a pregnant offender in her third trimester, a postpartum offender forty-eight hours postdelivery, the staff of the correctional center or medical facility, other offenders, or the public;**

**(2) “Labor”, the period of time before a birth during which contractions are present;**

**(3) “Postpartum”, the period of recovery immediately following childbirth, which is six weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so determined by a physician or nurse;**

**(4) “Restraints”, any physical restraint or other device used to control the movement of a person’s**

body or limbs.

2. Unless extraordinary circumstances exist as determined by a corrections officer, a correctional center shall not use restraints on a pregnant offender in her third trimester during transportation to and from visits to health care providers or court proceedings, or during medical appointments and examinations, labor, delivery, or forty-eight hours postdelivery.

3. In the event a corrections officer determines that extraordinary circumstances exist and restraints are necessary, the corrections officer shall fully document in writing within forty-eight hours of the incident the reasons he or she determined such extraordinary circumstances existed, the type of restraints used, and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances. Such documents shall be kept on file by the correctional center for at least ten years from the date the restraints were used.

4. Any time restraints are used on a pregnant offender in her third trimester or on a postpartum offender forty-eight hours postdelivery, the restraints shall be the least restrictive available and the most reasonable under the circumstances. In no case shall leg, ankle, or waist restraints or any mechanical restraints be used on any such offender, and if wrist restraints are used, such restraints shall be placed in the front of such offender's body to protect the offender and fetus in the case of a forward fall.

5. If a doctor, nurse, or other health care provider treating the pregnant offender in her third trimester or the postpartum offender forty-eight hours postdelivery requests that restraints not be used, the corrections officer accompanying such offender shall immediately remove all restraints.

6. Pregnant offenders shall be transported in vehicles equipped with seatbelts.

7. The sentencing and corrections oversight commission established under section 217.147 and the advisory committee established under section 217.015 shall conduct biannual reviews of every report written on the use of restraints on a pregnant offender in her third trimester or on a postpartum offender forty-eight hours postdelivery in accordance with subsection 3 of this section to determine compliance with this section. The written reports shall be kept on file by the department for ten years.

8. The chief administrative officer, or equivalent position, of each correctional center shall:

(1) Ensure that employees of the correctional center are provided with training, which may include online training, on the provisions of this section and section 217.147; and

(2) Inform female offenders, in writing and orally, of any policies and practices developed in accordance with this section and section 217.149 upon admission to the correctional center, including policies and practices in any offender handbook, and post the policies and practices in locations in the correctional center where such notices are commonly posted and will be seen by female offenders, including common housing areas and health care facilities.

221.520. 1. As used in this section, the following terms shall mean:

(1) "Extraordinary circumstance", a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of a pregnant prisoner in her third trimester, a postpartum prisoner forty-eight hours postdelivery, the

staff of the county or city jail or medical facility, other prisoners, or the public;

(2) “Labor”, the period of time before a birth during which contractions are present;

(3) “Postpartum”, the period of recovery immediately following childbirth, which is six weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so determined by a physician or nurse;

(4) “Restraints”, any physical restraint or other device used to control the movement of a person’s body or limbs.

2. Unless extraordinary circumstances exist as determined by a sheriff or jailer, a county or city jail shall not use restraints on a pregnant prisoner in her third trimester during transportation to and from visits to health care providers or court proceedings, medical appointments and examinations, or during labor, delivery, or forty-eight hours postdelivery.

3. In the event a sheriff or jailer determines that extraordinary circumstances exist and restraints are necessary, the sheriff or jailer shall fully document in writing within forty-eight hours of the incident the reasons he or she determined such extraordinary circumstances existed, the type of restraints used, and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances. Such documents shall be kept on file by the county or city jail for at least five years from the date the restraints were used.

4. Anytime restraints are used on a pregnant prisoner in her third trimester or on a postpartum prisoner forty-eight hours postdelivery, the restraints shall be the least restrictive available and the most reasonable under the circumstances. In no case shall leg, ankle, or waist restraints or any mechanical restraints be used on any such prisoner, and if wrist restraints are used, such restraints shall be placed in the front of such prisoner’s body to protect the prisoner and fetus in the case of a forward fall.

5. If a doctor, nurse, or other health care provider treating the pregnant prisoner in her third trimester or the postpartum prisoner forty-eight hours postdelivery requests that restraints not be used, the sheriff or jailer accompanying such prisoner shall immediately remove all restraints.

6. Pregnant prisoners shall be transported in vehicles equipped with seatbelts.

7. The county or city jail shall:

(1) Ensure that employees of the jail are provided with training, which may include online training, on the provisions of this section and section 221.520; and

(2) Inform female prisoners, in writing and orally, of any policies and practices developed in accordance with this section and section 221.520 upon admission to the jail, and post the policies and practices in locations in the jail where such notices are commonly posted and will be seen by female prisoners.”; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted.

Senator Curls offered SA 1 to SA 3:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Bill No. 870, Page 5, Section 221.520, Line 22, by inserting after the word “prisoners.” the following:

**“8. The provisions of this section shall only apply to jails located in a county with a charter form of government, any city located in a county with a charter form of government, or any city not within a county.”.**

Senator Curls moved that the above amendment be adopted, which motion prevailed.

Senator Onder offered **SA 2** to **SA 3**, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Bill No. 870, Page 2, Section 217.151, Line 21, by striking the word “fetus” and inserting in lieu thereof the word “**unborn child**”; and

Further amend said amendment, page 5, section 221.520, line 4, by striking the word “fetus” and inserting in lieu thereof the word “**unborn child**”.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Curls moved that **SA 3**, as amended, be adopted, which motion prevailed.

Senator Hegeman moved that **SS** for **SB 870**, as amended, be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS** for **SB 870**, as amended, was declared perfected and ordered printed.

Senator Sater moved that **SB 893**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 893**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 893

An Act to repeal sections 116.030, 116.040, 116.050, 116.080, 116.090, 116.100, 116.110, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof thirteen new sections relating to the petition process for amending the law, with penalty provisions and a delayed effective date.

Was taken up.

Senator Sater moved that **SCS** for **SB 893** be adopted.

Senator Sater offered **SS** for **SCS** for **SB 893**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 893

An Act to repeal sections 116.030, 116.040, 116.050, 116.080, 116.090, 116.100, 116.110, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof fourteen new sections relating

to the petition process for amending the law, with penalty provisions and a delayed effective date.

Senator Sater moved that **SS** for **SCS** for **SB 893** be adopted.

Senator Schaaf offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 893, Page 8, Section 116.050, Lines 17-28 of said page, by striking all of the underlined language from said lines; and

Further amend said bill and section, page 9, line 1 of said page, by striking “3.”; and further amend said section by renumbering the remaining subsection accordingly; and

Further amend said bill, pages 12-13, section 116.100, by striking all of said section from the bill; and

Further amend said bill, pages 15-16, section 116.270, by striking all of said section from the bill; and

Further amend said bill, pages 16-17, section 116.275, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted.

At the request of Senator Sater, **SB 893**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

**REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 705**; and **SS No. 2** for **SCS** for **SB 590**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Onder assumed the Chair.

**REFERRALS**

President Pro Tem Richard referred **HCR 53** and **HCS** for **HCR 57** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Richard referred **SS No. 2** for **SCS** for **SB 590** to the Committee on Fiscal Oversight.

**SECOND READING OF CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**HCS** for **HCR 66**—Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Kehoe, the Senate recessed until 7:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Richard.



**SENATE BILLS FOR PERFECTION**

**SB 953**, with SCS, was placed on the Informal Calendar.

Senator Wallingford moved that **SB 850** be taken up for perfection, which motion prevailed.

Senator Wallingford offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Bill No. 850, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: "to records involving children."; and

Further amend said bill and page, section A, line 2, by inserting after all of said line the following:

"193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. **No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division or division of youth services on behalf of a child who has come under the jurisdiction of the juvenile court under section 211.031.** All fees shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public services health fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to automate and improve the state vital records system, and develop and maintain an electronic birth and death registration system. For any search of the files and records, when no record is found, the state shall be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by the applicant. For the processing of each legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect any claim of any person on relief, or any dependent of any person who was on relief for any claim upon the government of the state or United States, the state registrar shall, upon request, furnish a certified copy or so many certified copies as are necessary, without any fee or compensation therefor.

2. For the issuance of a certification of a death record by the local registrar, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record,

the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar over and above any fees required by law when a certification or copy of any marriage license or birth certificate is provided, with such donations collected to be forwarded monthly by the local registrar to the county treasurer of such county and the donations so forwarded to be deposited by the county treasurer into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in such county. The local registrar shall include a check-off box on the application form for such copies. All fees, other than the donations collected in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official city or county health agency. A certified copy of a death record by the local registrar can only be issued within twenty-four hours of receipt of the record by the local registrar. Computer-generated certifications of death records may be issued by the local registrar after twenty-four hours of receipt of the records. The fees paid to the official county health agency shall be retained by the local agency for local public health purposes.”; and

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator Koenig offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Bill No. 850, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to records involving children.”; and

Further amend said bill, page 4, section 210.152, line 102, by inserting after all of said line the following:

“210.498. 1. Any parent or legal guardian **of a child in foster care** may have access to investigation records kept by the division regarding [a decision for] the denial [of or the], suspension, or revocation of [a] **the** license [to a specific person to operate or maintain] **of** a foster home [if such specific person does or may provide services or care to a child of the person requesting the information] **in which the child was placed**. The request for the release of such information shall be made to the division director or the director’s designee, in writing, by the parent or legal guardian of the child and shall be accompanied [with] **by** a signed and notarized release form from the person who does or may provide care or services to the child. The notarized release form shall include the full name, date of birth and Social Security number of the person who does or may provide care or services to a child. The response shall include only information pertaining to the nature and disposition of any denial, suspension, or revocation of a license to operate a foster home. This response shall not include any identifying information regarding any person other than the person to whom a foster home license was denied, suspended, or revoked. **The response shall not include financial, medical, or other personal information relating to the foster home provider and the foster home provider’s family unless the division determines that the information is directly relevant to the disposition of the investigation and report.** The response shall be given within ten working days of the time it was received by the division.

**2. The division may disclose or utilize information and records relating to foster homes in its discretion and as needed for the administration of the foster care program including, but not limited**

to, the licensure of foster homes and for the protection, care, and safety of children who are or who may be placed in foster care.

**3. Upon written request, the director of the department of social services shall authorize the disclosure of information and findings pertaining to foster homes in cases of child fatalities or near-fatalities to courts, juvenile officers, law enforcement agencies, and prosecuting and circuit attorneys that have a need for the information to conduct their duties under law. Nothing in this subsection shall otherwise preclude the disclosure of such information as provided for under subsection 5 of section 210.150.**

**4. The division may disclose information and records pertaining to foster homes to juvenile officers, courts, the office of child advocate, guardians ad litem, law enforcement agencies, child welfare agencies, child placement agencies, prosecuting attorneys, and other local, state, and federal government agencies that have a need for the information to conduct their duties under law.**

**5. Information and records pertaining to the licensure of foster homes and the care and treatment of children in foster homes shall be considered closed records under chapter 610 and may only be disclosed and utilized under this section.**

453.121. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Adopted adult", any adopted person who is eighteen years of age or over;
- (2) "Adopted child", any adopted person who is less than eighteen years of age;
- (3) "Adult sibling", any brother or sister of the whole or half blood who is eighteen years of age or over;
- (4) "Biological parent", the natural and biological mother or father of the adopted child;
- (5) "Identifying information", information which includes the name, date of birth, place of birth and last known address of the biological parent;
- (6) "Lineal descendant", a legal descendant of a person as defined in section 472.010;
- (7) "Nonidentifying information", information concerning the physical description, nationality, religious background and medical history of the biological parent or sibling.

2. All papers, records, and information pertaining to an adoption whether part of any permanent record or file may be disclosed only in accordance with this section.

3. Nonidentifying information, if known, concerning undisclosed biological parents or siblings shall be furnished by the child-placing agency or the juvenile court to the adoptive parents, legal guardians, adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased, upon written request therefor.

4. An adopted adult, or the adopted adult's lineal descendants if the adopted adult is deceased, may make a written request to the circuit court having original jurisdiction of such adoption to secure and disclose information identifying the adopted adult's biological parents. If the biological parents have consented to the release of identifying information under subsection 8 of this section, the court shall disclose such identifying information to the adopted adult or the adopted adult's lineal descendants if the adopted adult

is deceased. If the biological parents have not consented to the release of identifying information under subsection 8 of this section, the court shall, within ten days of receipt of the request, notify in writing the child-placing agency or juvenile court personnel having access to the information requested of the request by the adopted adult or the adopted adult's lineal descendants.

5. Within three months after receiving notice of the request of the adopted adult, or the adopted adult's lineal descendants, the child-placing agency or the juvenile court personnel shall make reasonable efforts to notify the biological parents of the request of the adopted adult or the adopted adult's lineal descendants. The child-placing agency or juvenile court personnel may charge actual costs to the adopted adult or the adopted adult's lineal descendants for the cost of making such search. All communications under this subsection are confidential. For purposes of this subsection, "notify" means a personal and confidential contact with the biological parent of the adopted adult, which initial contact shall be made by an employee of the child-placing agency which processed the adoption, juvenile court personnel or some other licensed child-placing agency designated by the child-placing agency or juvenile court. Nothing in this section shall be construed to permit the disclosure of communications privileged pursuant to section 491.060. At the end of three months, the child-placing agency or juvenile court personnel shall file a report with the court stating that each biological parent that was located was given the following information:

- (1) The nature of the identifying information to which the agency has access;
- (2) The nature of any nonidentifying information requested;
- (3) The date of the request of the adopted adult or the adopted adult's lineal descendants;
- (4) The right of the biological parent to file an affidavit with the court stating that the identifying information should be disclosed;
- (5) The effect of a failure of the biological parent to file an affidavit stating that the identifying information should be disclosed.

6. If the child-placing agency or juvenile court personnel reports to the court that it has been unable to notify the biological parent within three months, the identifying information shall not be disclosed to the adopted adult or the adopted adult's lineal descendants. Additional requests for the same or substantially the same information may not be made to the court within one year from the end of the three-month period during which the attempted notification was made, unless good cause is shown and leave of court is granted.

7. If, within three months, the child-placing agency or juvenile court personnel reports to the court that it has notified the biological parent pursuant to subsection 5 of this section, the court shall receive the identifying information from the child-placing agency. If an affidavit duly executed by a biological parent authorizing the release of information is filed with the court or if a biological parent is found to be deceased, the court shall disclose the identifying information as to that biological parent to the adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased, provided that the other biological parent either:

- (1) Is unknown;
- (2) Is known but cannot be found and notified pursuant to [section 5 of this act] **subsection 5 of this section**;
- (3) Is deceased; or

- (4) Has filed with the court an affidavit authorizing release of identifying information.

If the biological parent fails or refuses to file an affidavit with the court authorizing the release of identifying information, then the identifying information shall not be released to the adopted adult. No additional request for the same or substantially the same information may be made within three years of the time the biological parent fails or refuses to file an affidavit authorizing the release of identifying information.

8. Any adopted adult whose adoption was finalized in this state or whose biological parents had their parental rights terminated in this state may request the court to secure and disclose identifying information concerning an adult sibling. Identifying information pertaining exclusively to the adult sibling, whether part of the permanent record of a file in the court or in an agency, shall be released only upon consent of that adult sibling.

9. The central office of the children's division within the department of social services shall maintain a registry by which biological parents, adult siblings, and adoptive adults may indicate their desire to be contacted by each other. The division may request such identification for the registry as a party may possess to assure positive identifications. At the time of registry, a biological parent or adult sibling may consent in writing to the release of identifying information to an adopted adult. If such a consent has not been executed and the division believes that a match has occurred on the registry between biological parents or adult siblings and an adopted adult, an employee of the division shall make the confidential contact provided in subsection 5 of this section with the biological parents or adult siblings and with the adopted adult. If the division believes that a match has occurred on the registry between one biological parent or adult sibling and an adopted adult, an employee of the division shall make the confidential contact provided by subsection 5 of this section with the biological parent or adult sibling. The division shall then attempt to make such confidential contact with the other biological parent, and shall proceed thereafter to make such confidential contact with the adopted adult only if the division determines that the other biological parent meets one of the conditions specified in subsection 7 of this section. The biological parent, adult sibling, or adopted adult may refuse to go forward with any further contact between the parties when contacted by the division.

10. The provisions of this section, except as provided in subsection 5 of this section governing the release of identifying and nonidentifying adoptive information apply to adoptions completed before and after August 13, 1986.

**11. All papers, records, and information known to or in the possession of an adoptive parent or adoptive child that pertain to an adoption, whether or not part of any permanent record or file, may be disclosed by the adoptive parent or adoptive child. The provisions of this subsection shall not be construed to create a right to have access to information not otherwise allowed under this section.**

610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting

on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term “personal information” means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals

are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

(21) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or

unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

(22) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; [and]

(23) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business; **and**

**(24) Records relating to foster home or kinship placements of children in foster care under section 210.498.”; and**

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Riddle offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 850, Page 1, Section A, Line 2, by inserting after all of said line the following:

**“210.151. 1. The children’s division, a juvenile officer, or a prosecuting or circuit attorney may petition the circuit court for an order directing a parent, guardian, or other person with care, custody, or control of a child who is the subject of an investigation of child abuse or neglect to present the child at a place and time designated by the court to a SAFE CARE provider, as defined in section 334.950, for a sexual assault forensic examination or a child physical abuse forensic examination, or to a child assessment center, as described in section 210.001, for an interview. During an interview at a child assessment center, a video recording of any interview with the child at the center shall be made and preserved and shall be admissible in evidence in accordance with Missouri supreme court rules and the provisions of chapters 490, 491, 492, 510, 545, and 595.**

**(1) The court shall enter an order under this section if the court determines that there is probable cause to believe that the child has been abused or neglected, the examination or interview is reasonably necessary for the completion of an investigation or for the collection of evidence, and doing so would be in the best interests of the child.**

**(2) The petition and order may be made on an ex parte basis when it is reasonable to believe that providing notice may place the child at risk of further abuse or neglect, when it is reasonable to believe that providing notice may cause the child to be removed from the state of Missouri or the**



jurisdiction of the court, or if it is reasonable to believe that evidence relevant to the investigation will be unavailable if the order is not entered.

2. Any person served with a petition and order under this section shall not be required to file an answer, but may file an answer or a motion for a protective order or other appropriate relief. At the time the order is served, the parent, guardian, or person with care, custody, or control of the child shall be advised, both orally and in writing, of his or her right to file an answer or motion with the court.

(1) The answer or motion shall be filed at or before the time for production or disclosure set out in the order. The answer or motion shall be in writing, but no particular form shall be required. The clerk shall serve a copy of the answer or motion on the director of the children's division or on the agency that applied for the order.

(2) The court shall expedite a hearing on the motion and shall issue its decision no later than one business day after the date the motion is filed. The court may review the motion in camera and stay implementation of the order once for up to three days.

(3) Any information that may reveal the identity of a hotline reporter shall not be disclosed to anyone in any proceeding under this section unless otherwise allowed by law.

3. The petition for an order under this section shall be filed in the juvenile or family court that has jurisdiction under section 211.031 or in the circuit court of the county:

- (1) Where the child resides;
- (2) Where the child may be found;
- (3) Where the parent or legal guardian of the child resides or may be found;
- (4) Where the alleged perpetrator of the child abuse or neglect resides or may be found;
- (5) Where the subject of the order may be located or found;
- (6) In Cole County, if none of the other venue provisions of this section apply.

The court shall expedite all proceedings under this section so as to ensure the safety of the child, the preservation of relevant evidence, the completion of child abuse and neglect investigations within statutory timeframes, and the provision of appropriate due process to the parties involved.

4. Any person served with an order under this section who knowingly violates the order shall be guilty of a class A misdemeanor.

5. The timeframes for the division to complete its investigation and notify the alleged perpetrator of its decision set forth in sections 210.145, 210.152, and 210.183 shall be tolled from the date that the division files a petition for an order until the order is complied with in full, the order is withdrawn, or a court of competent jurisdiction quashes the order.”; and

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Curls offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 850, Page 1, Section A, Line 2, by inserting after all of said line the following:

“210.145. 1. The division shall develop protocols which give priority to:

(1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;

(2) Promoting the preservation and reunification of children and families consistent with state and federal law;

(3) Providing due process for those accused of child abuse or neglect; and

(4) Maintaining an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. The division shall utilize structured decision-making protocols for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four hours and shall be classified based upon the reported risk and injury to the child. The division shall promulgate rules regarding the structured decision-making protocols to be utilized for all child abuse and neglect reports.

3. Upon receipt of a report, the division shall determine if the report merits investigation, including reports which if true would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The division shall immediately communicate all reports that merit investigation to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

**4. The division may accept a report for investigation or family assessment if either the child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident occurred in Missouri.**

**5. The division may accept a report if the child has recently resided in Missouri, but he or she is currently located in another state and the reported incident occurred outside of Missouri. If the report appears credible, the division shall immediately communicate such report to the appropriate agency or agencies in the state where the child is believed to be located, along with any relevant information as may be contained in the division's information system.**

6. When the child abuse and neglect hotline receives three or more calls, within a seventy-two hour period, from one or more individuals concerning the same child, the division shall conduct a review to

determine whether the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. In conducting the review, the division shall contact the hotline caller or callers in order to collect information to determine whether the calls meet the criteria for harassment.

[5.] 7. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

[6.] 8. The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger. If the parents of the child are not the alleged perpetrators, a parent of the child must be notified prior to the child being interviewed by the division. No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:

- (1) (a) No person is present in the home at the time of the home visit; and
- (b) The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;
- (2) The alleged perpetrator will be alerted regarding the attempted visit; or
- (3) The family has a history of domestic violence or fleeing the community.

If the alleged perpetrator is present during a visit by the person responding to or investigating the report, such person shall provide written material to the alleged perpetrator informing him or her of his or her rights regarding such visit, including but not limited to the right to contact an attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written material or have such material read to him or her by the case worker before the visit commences, but in no event shall such time exceed five minutes; except that, such requirement to provide written material and reasonable time to read such material shall not apply in cases where the child faces an immediate threat or danger, or the person responding to or investigating the report is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in a school or child care facility the division shall not meet with the child in any school building or child-care facility building where abuse of such child is alleged to have occurred. When the child is reported absent from the residence, the location and the well-being of the child shall be verified. For purposes of this subsection, "child care facility" shall have the same meaning as such term is defined in section 210.201.

[7.] **9.** The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

[8.] **10.** The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

[9.] **11.** When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

[10.] **12.** Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

[11.] **13.** Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

[12.] **14.** For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

[13.] **15.** If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in

the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

[14.] **16.** If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

[15.] **17.** (1) Within forty-five days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within forty-five days, unless good cause for the failure to complete the investigation is specifically documented in the information system. Good cause for failure to complete an investigation shall include, but not be limited to:

(a) The necessity to obtain relevant reports of medical providers, medical examiners, psychological testing, law enforcement agencies, forensic testing, and analysis of relevant evidence by third parties which has not been completed and provided to the division;

(b) The attorney general or the prosecuting or circuit attorney of the city or county in which a criminal investigation is pending certifies in writing to the division that there is a pending criminal investigation of the incident under investigation by the division and the issuing of a decision by the division will adversely impact the progress of the investigation; or

(c) The child victim, the subject of the investigation or another witness with information relevant to the investigation is unable or temporarily unwilling to provide complete information within the specified time frames due to illness, injury, unavailability, mental capacity, age, developmental disability, or other cause.

The division shall document any such reasons for failure to complete the investigation.

(2) If a child fatality or near-fatality is involved in a report of abuse or neglect, the investigation shall remain open until the division's investigation surrounding such death or near-fatal injury is completed.

(3) If the investigation is not completed within forty-five days, the information system shall be updated at regular intervals and upon the completion of the investigation, which shall be completed no later than ninety days after receipt of a report of abuse or neglect, or one hundred twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

[16.] **18.** A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

[17.] **19.** The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

[18.] **20.** In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made.

If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

[19.] **21.** In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

**22. Nothing in this section shall prohibit the children's division from co-investigating a report of child abuse or neglect or sharing records and information with child welfare, law enforcement, or judicial officers of another state, territory, or nation when the children's division determines it is appropriate to do so under the standard set forth in subsection 4 of section 210.150 and when such receiving agency is exercising its authority under law.**

[20.] **23.** The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109

to 210.183.

[21.] **24.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

210.150. 1. The children's division shall ensure the confidentiality of all reports and records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local offices, the central registry, and other appropriate persons, officials, and institutions pursuant to sections 210.109 to 210.183. To protect the rights of the family and the child named in the report as a victim, the children's division shall establish guidelines which will ensure that any disclosure of information concerning the abuse and neglect involving that child is made only to persons or agencies that have a right to such information. The division may require persons to make written requests for access to records maintained by the division. The division shall only release information to persons who have a right to such information. The division shall notify persons receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the purpose for which the information is released and of the penalties for unauthorized dissemination of information. Such information shall be used only for the purpose for which the information is released.

2. Only the following persons shall have access to investigation records contained in the central registry:

(1) Appropriate federal, state or local criminal justice agency personnel, or any agent of such entity, with a need for such information under the law to protect children from abuse or neglect;

(2) A physician or a designated agent who reasonably believes that the child being examined may be abused or neglected;

(3) Appropriate staff of the division and of its local offices, including interdisciplinary teams which are formed to assist the division in investigation, evaluation and treatment of child abuse and neglect cases or a multidisciplinary provider of professional treatment services for a child referred to the provider;

(4) Any child named in the report as a victim, or a legal representative, or the parent, if not the alleged perpetrator, or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide a method for confirming or certifying that a designee is acting on behalf of a subject;

(5) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or neglect or child protective proceedings or child custody proceedings, and other federal, state and local government entities, or any agent of such entity, with a need for such information in order to carry out its responsibilities under the law to protect children from abuse or neglect;

(7) Any person engaged in a bona fide research purpose, with the permission of the director; provided, however, that no information identifying the child named in the report as a victim or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the child named in the report as a victim or, if the child is less than eighteen years of age, through the child's parent, or guardian provides written permission;

(8) Any child-care facility; child-placing agency; residential-care facility, including group homes; juvenile courts; public or private elementary schools; public or private secondary schools; or any other public or private agency exercising temporary supervision over a child or providing or having care or custody of a child who may request an examination of the central registry from the division for all employees and volunteers or prospective employees and volunteers, who do or will provide services or care to children. Any agency or business recognized by the division or business which provides training and places or recommends people for employment or for volunteers in positions where they will provide services or care to children may request the division to provide an examination of the central registry. Such agency or business shall provide verification of its status as a recognized agency. Requests for examinations shall be made to the division director or the director's designee in writing by the chief administrative officer of the above homes, centers, public and private elementary schools, public and private secondary schools, agencies, or courts. The division shall respond in writing to that officer. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect;

(9) Any parent or legal guardian who inquires about a child abuse or neglect report involving a specific person or child-care facility who does or may provide services or care to a child of the person requesting the information. Request for examinations shall be made to the division director or the director's designee, in writing, by the parent or legal guardian of the child and shall be accompanied with a signed and notarized release form from the person who does or may provide care or services to the child. The notarized release form shall include the full name, date of birth and Social Security number of the person who does or may provide care or services to a child. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect. The response shall be given within ten working days of the time it was received by the division;

(10) Any person who inquires about a child abuse or neglect report involving a specific child-care facility, child-placing agency, residential-care facility, public and private elementary schools, public and private secondary schools, juvenile court or other state agency. The information available to these persons is limited to the nature and disposition of any report contained in the central registry and shall not include any identifying information pertaining to any person mentioned in the report;

(11) Any state agency acting pursuant to statutes regarding a license of any person, institution, or agency



which provides care for or services to children;

(12) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

(13) Any person who is a tenure-track or full-time research faculty member at an accredited institution of higher education engaged in scholarly research, with the permission of the director. Prior to the release of any identifying information, the director shall require the researcher to present a plan for maintaining the confidentiality of the identifying information. The researcher shall be prohibited from releasing the identifying information of individual cases.

3. Only the following persons shall have access to records maintained by the division pursuant to section 210.152 for which the division has received a report of child abuse and neglect [and which the division has determined that there is insufficient evidence] or in which the division proceeded with the family assessment and services approach:

(1) Appropriate staff of the division;

(2) Any child named in the report as a victim, or a legal representative, or the parent or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent. The names or other identifying information of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide for a method for confirming or certifying that a designee is acting on behalf of a subject;

(3) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(4) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

(5) Appropriate criminal justice agency personnel or juvenile officer;

(6) Multidisciplinary agency or individual including a physician or physician's designee who is providing services to the child or family, with the consent of the parent or guardian of the child or legal representative of the child;

(7) Any person engaged in bona fide research purpose, with the permission of the director; provided, however, that no information identifying the subjects of the reports or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the subject, or if a child, through the child's parent or guardian, provides written permission.

**4. The division may share records, information, and findings with federal, state, or local child welfare agency personnel and law enforcement agencies, including those located outside the state of**

**Missouri, or any agent of such entities, in the performance of their official duties, upon a reasonable belief that such information is needed to protect a child from abuse or neglect, or to assist such agency in providing child welfare services. This may include, but shall not be limited to, substantiated or unsubstantiated reports of abuse or neglect, family assessments, and any other documents or information the division deems necessary for another agency to have access to in order to protect a child. Unsubstantiated reports may be shared only if the children's division reasonably believes the receiving entity will prevent the unauthorized dissemination of the information contained therein.**

5. Any person who knowingly violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the information system or the central registry and in reports and records made pursuant to sections 210.109 to 210.183, shall be guilty of a class A misdemeanor.

[5.] 6. Nothing in this section shall preclude the release of findings or information about cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of the director of the department of social services, based upon a review of the potential harm to other children within the immediate family.”; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

Senator Sater offered SA 5:

#### SENATE AMENDMENT NO. 5

Amend Senate Bill No. 850, Page 4, Section 210.152, Line 102, by inserting after all of said line the following:

“453.015. As used in sections 453.010 to 453.400, the following terms mean:

(1) “Minor” or “child”, any person who has not attained the age of eighteen years or any person in the custody of the children's division who has not attained the age of twenty-one;

(2) “Parent”, a birth parent or parents of a child, including the putative father of the child, as well as the husband of a birth mother at the time the child was conceived, or a parent or parents of a child by adoption. The putative father shall have no legal relationship unless he has acknowledged the child as his own by affirmatively asserting his paternity;

(3) “**Post adoption contact agreement**”, a voluntary written agreement executed by one or both of a child's birth parents and each adoptive parent describing future contact between the parties to the agreement and the child; provided, that such agreement shall be approved by the court under subsection 4 of section 453.080;

(4) “Putative father”, the alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry established in section 192.016 and a person who has filed a voluntary acknowledgment of paternity pursuant to section 193.087;

[(4)] (5) “Stepparent”, the spouse of a biological or adoptive parent. The term does not include the state if the child is a ward of the state. The term does not include a person whose parental rights have been terminated.

453.030. 1. In all cases the approval of the court of the adoption shall be required and such approval shall be given or withheld as the welfare of the person sought to be adopted may, in the opinion of the court, demand.

2. The written consent of the person to be adopted shall be required in all cases where the person sought to be adopted is fourteen years of age or older, except where the court finds that such child has not sufficient mental capacity to give the same. In a case involving a child under fourteen years of age, the guardian ad litem shall ascertain the child's wishes and feelings about his or her adoption by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered by the court as a factor in determining if the adoption is in the child's best interests.

3. With the exceptions specifically enumerated in section 453.040, when the person sought to be adopted is under the age of eighteen years, the written consent of the following persons shall be required and filed in and made a part of the files and record of the proceeding:

(1) The mother of the child; [and]

(2) [Only the] **Any** man who:

(a) Is presumed to be the father pursuant to the subdivision (1), (2), or (3) of subsection 1 of section 210.822; or

(b) Has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child and has served a copy of the petition on the mother in accordance with section 506.100; or

(c) Filed with the putative father registry pursuant to section 192.016 a notice of intent to claim paternity or an acknowledgment of paternity either prior to or within fifteen days after the child's birth, and has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child; [or] **and**

(3) The child's current adoptive parents or other legally recognized mother and father.

Upon request by the petitioner and within one business day of such request, the clerk of the local court shall verify whether such written consents have been filed with the court.

4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section may be executed before or after **the birth of the child or before or after** the commencement of the adoption proceedings, and shall be executed in front of a judge or acknowledged before a notary public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting birth parent of the consequences of the consent. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons whose signatures and addresses shall be plainly written thereon. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding **other than the attorney representing the party signing the consent**. The notary public or witnesses shall verify the identity of the party signing the consent. **Notwithstanding any other provision of law to the contrary, a properly executed written consent under this subsection shall be considered irrevocable.**

5. The written consent required in subdivision (1) of subsection 3 of this section by the birth [parent] **mother** shall not be executed anytime before the child is forty-eight hours old. Such written consent shall

be executed in front of a judge or acknowledged before a notary public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting party of the consequences of the consent. In lieu of [such] acknowledgment **before a notary public**, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding **other than the attorney representing the party signing the consent**. The notary public or witnesses shall verify the identity of the party signing the consent.

6. A consent is final when executed, unless the consenting party, prior to a final decree of adoption, alleges and proves by clear and convincing evidence that the consent was not freely and voluntarily given. The burden of proving the consent was not freely and voluntarily given shall rest with the consenting party. Consents in all cases shall have been executed not more than six months prior to the date the petition for adoption is filed.

7. A consent form shall be developed through rules and regulations promulgated by the department of social services. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. If a written consent is obtained after August 28, 1997, but prior to the development of a consent form by the department and the written consent complies with the provisions of subsection 8 of this section, such written consent shall be deemed valid.

8. However, the consent form must specify that:

(1) The birth parent understands the importance of identifying all possible fathers of the child and may provide the names of all such persons; and

(2) The birth parent understands that if he denies paternity, but consents to the adoption, he waives any future interest in the child.

9. The written consent to adoption required by subsection 3 and executed through procedures set forth in subsection 5 of this section shall be valid and effective even though the parent consenting was under eighteen years of age, if such parent was represented by a guardian ad litem, at the time of the execution thereof.

10. Where the person sought to be adopted is eighteen years of age or older, his or her written consent alone to his or her adoption shall be sufficient.

11. A birth parent, including a birth parent less than eighteen years of age, shall have the right to legal representation and payment of any reasonable legal fees incurred throughout the adoption process. In addition, the court may appoint an attorney to represent a birth parent if:

(1) A birth parent requests representation;

(2) The court finds that hiring an attorney to represent such birth parent would cause a financial hardship for the birth parent; and

(3) The birth parent is not already represented by counsel.

12. Except in cases where the court determines that the adoptive parents are unable to pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall order the costs of the

attorney fees incurred pursuant to subsection 11 of this section to be paid by the prospective adoptive parents or the child-placing agency.

**13. The court shall receive and acknowledge a written consent to adoption properly executed by a birth parent under this section when such consent is in the best interests of the child.**

453.080. 1. The court shall conduct a hearing to determine whether the adoption shall be finalized. **Out of state adoptive petitioners may appear by their attorney or by video or telephone conference rather than in person.** During such hearing, the court shall ascertain whether:

(1) The person sought to be adopted, if a child, has been in the lawful and actual custody of the petitioner for a period of at least six months prior to entry of the adoption decree; except that the six-month period may be waived if the person sought to be adopted is a child who is under the prior and continuing jurisdiction of a court pursuant to chapter 211 and the person desiring to adopt the child is the child's current foster parent. Lawful and actual custody shall include a transfer of custody pursuant to the laws of this state, another state, a territory of the United States, or another country;

(2) The court has received and reviewed a postplacement assessment on the monthly contacts with the adoptive family pursuant to section 453.077, except for good cause shown in the case of a child adopted from a foreign country;

(3) The court has received and reviewed an updated financial affidavit;

(4) The court has received the recommendations of the guardian ad litem and has received and reviewed the recommendations of the person placing the child, the person making the assessment and the person making the postplacement assessment;

(5) [There is compliance with the uniform child custody jurisdiction act, sections 452.440 to 452.550;

(6)] There is compliance with the Indian Child Welfare Act, if applicable;

[(7)] **(6)** There is compliance with the Interstate Compact on the Placement of Children pursuant to section 210.620; and

[(8)] **(7)** It is fit and proper that such adoption should be made.

2. If a petition for adoption has been filed pursuant to section 453.010 and a transfer of custody has occurred pursuant to section 453.110, the court may authorize the filing for finalization in another state if the adoptive parents are domiciled in that state.

3. If the court determines the adoption should be finalized, a decree shall be issued setting forth the facts and ordering that from the date of the decree the adoptee shall be for all legal intents and purposes the child of the petitioner or petitioners. The court may decree that the name of the person sought to be adopted be changed, according to the prayer of the petition.

4. Before the completion of an adoption, the exchange of information among the parties shall be at the discretion of the parties. **Prospective adoptive parents and birth parents may enter into a written post adoptive contact agreement to allow contact, communication, and the exchange of photographs after the adoption between the adoptive parents and the birth parents. The court shall not order any party to enter into a post adoption contact agreement. The agreement shall be filed with and approved by the court at or before the finalization of the adoption. The court shall approve an agreement only if the agreement is in the best interests of the child. The court may enforce or modify an agreement made under this subsection unless such enforcement or modification is not in the best interests of the**

**child. The agreement shall include:**

**(1) An acknowledgment by the birth parents that the adoption is irrevocable, even if the adoptive parents do not abide by the post adoption contact agreement;**

**(2) An acknowledgment by the adoptive parents that the agreement grants the birth parents the right to seek to enforce the provisions of the post adoption contact agreement. Remedies for a breach of the agreement shall include specific performance of the terms of the agreement; provided, that nothing in the agreement shall preclude a party seeking to enforce the agreement from utilizing child welfare mediation before, or in addition to, the commencement of a civil action for specific enforcement;**

**(3) An acknowledgment that the post adoption contact agreement shall be filed with and approved by the court in order to be enforceable; and**

**(4) An acknowledgment that the birth parent's consent to the adoption was not conditioned on the post adoption contact agreement and that acceptance of the agreement is fully voluntary.**

Upon completion of an adoption, further contact among the parties shall be at the discretion of the adoptive parents **or in accordance with a post adoption contact agreement executed under this subsection.** The court shall not have jurisdiction to deny [continuing contact between the adopted person and the birth parent, or an adoptive parent and a birth parent. Additionally, the court shall not have jurisdiction to deny] an exchange of identifying information between an adoptive parent and a birth parent.

5. Before the completion of an adoption, the court shall make available to the birth parent or parents a contact preference form developed by the state registrar pursuant to section 193.128 and provided to the court by the department of health and senior services. If a birth parent chooses to complete the form, the clerk of the court shall send the form with the certificate of decree of adoption to the state registrar. Such form shall accompany the original birth certificate of the adopted person and may be updated by a birth parent at any time upon the request of the birth parent.”; and

Further amend the title and enacting clause accordingly.

Senator Sater moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wallingford, **SB 850**, as amended, was declared perfected and ordered printed.

Senator Koenig moved that **SB 672**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 672**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 672

An Act to repeal sections 210.115 and 475.024, RSMo, and to enact in lieu thereof four new sections relating to guardianships.

Was taken up.

Senator Koenig moved that **SCS for SB 672** be adopted, which motion prevailed.

On motion of Senator Koenig, **SCS for SB 672** was declared perfected and ordered printed.

**HOUSE BILLS ON THIRD READING**

At the request of Senator Rowden, **HB 1303** was placed on the Informal Calendar.

At the request of Senator Emery, **HB 1691**, with **SCS** was placed on the Informal Calendar.

**HB 1665**, introduced by Representative Swan, entitled:

An Act to repeal section 168.021, RSMo, and to enact in lieu thereof one new section relating to a visiting scholars certificate.

Was taken up by Senator Rowden.

On motion of Senator Rowden, **HB 1665** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Rowden, title to the bill was agreed to.

Senator Rowden moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HB 1465**, introduced by Representative Cookson, with **SCS**, entitled:

An Act to repeal sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof nine new sections relating to higher education.

Was taken up by Senator Wasson.

**SCS** for **HB 1465**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1465

An Act to repeal sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof nine new sections relating to higher education, with an existing penalty provision.

Was taken up.

Senator Wasson moved that **SCS** for **HB 1465** be adopted.

Senator Wasson offered **SS** for **SCS** for **HB 1465**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1465

An Act to repeal sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof nine new sections relating to higher education, with an existing penalty provision.

Senator Wasson moved that **SS** for **SCS** for **HB 1465** be adopted, which motion prevailed.

On motion of Senator Wasson, **SS** for **SCS** for **HB 1465** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HB 1291**, introduced by Representative Henderson, with **SCS**, entitled:

An Act to repeal section 137.556, RSMo, and to enact in lieu thereof one new section relating to the county special road tax.

Was taken up by Senator Romine.

**SCS** for **HB 1291**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1291

An Act to repeal sections 65.610, 65.620, 94.900, 137.556, and 162.441, RSMo, and to enact in lieu thereof five new sections relating to local taxing districts.

Was taken up.



Senator Romine moved that SCS for **HB 1291** be adopted.

Senator Munzlinger offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1291, Page 1, In the Title, Line 3 of the title, by striking “taxing districts” and inserting in lieu thereof the following: “taxes”; and

Further amend said bill, Page 6, Section 94.900, Line 111, by inserting after all of said line the following:

“137.021. 1. The assessor, in grading land which is devoted primarily to the raising and harvesting of crops, to the feeding, breeding and management of livestock, to dairying, or to any combination thereof, as defined in section 137.016, pursuant to the provisions of sections 137.017 to 137.021, shall in addition to the assessor’s personal knowledge, judgment and experience, consider soil surveys, decreases in land valuation due to natural disasters, level of flood protection, governmental regulations limiting the use of such land, the estate held in such land, and other relevant information. On or before December thirty-first of each odd-numbered year, the state tax commission shall promulgate by regulation and publish a value based on productive capability for each of the several grades of agricultural and horticultural land. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the next odd-numbered year. Such values shall be based upon soil surveys, soil productivity indexes, production costs, crop yields, appropriate capitalization rates and any other pertinent factors, all of which may be provided by the college of agriculture of the University of Missouri, and shall be used by all county assessors in conjunction with their land grades in determining assessed values. Any regulation promulgated pursuant to this subsection shall be deemed to be beyond the scope and authority provided in this subsection if the general assembly, within the first sixty calendar days of the regular session immediately following the promulgation of such regulation, by concurrent resolution, shall disapprove the values contained in such regulation. If the general assembly so disapproves any regulation promulgated pursuant to this subsection, the state tax commission shall continue to use values set forth in the most recent preceding regulation promulgated pursuant to this subsection.

2. When land that is agricultural and horticultural property, as defined in section 137.016, and is being valued and assessed for general property tax purposes pursuant to the provisions of sections 137.017 to 137.021 becomes property other than agricultural and horticultural property, as defined in section 137.016, it shall be reassessed as of the following January first.

3. Separation or split-off of a part of the land which is being valued and assessed for general property tax purposes pursuant to the provisions of sections 137.017 to 137.021, either by conveyance or other action of the owner of the land, so that such land is no longer agricultural and horticultural property, as defined in section 137.016, shall subject the land so separated to reassessment as of the following January first. This shall not impair the right of the remaining land to continuance of valuation and assessment for general property tax purposes pursuant to the provisions of sections 137.017 to 137.021.

**4. The state tax commission shall not promulgate a rule increasing agricultural land productive values more than two percent above the values in effect prior to the rule promulgation or eight percent above the lowest value in effect in any of the ten years prior to the rule promulgation.”; and**

Further amend the title and enacting clause accordingly.

Senator Munzlinger moved that the above amendment be adopted.

Senator Rowden assumed the Chair.

Senator Schaaf raised the point of order that **SA 1** is out of order in that it goes beyond the scope of the underlying bill. The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Munzlinger, **SA 1** was withdrawn.

Senator Cunningham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1291, Page 6, Section 94.900, Line 111, by inserting immediately after said line the following:

“108.120. 1. The county commissions of the counties of this state are hereby authorized to issue bonds for and on behalf of their respective counties for the construction, reconstruction, improvement, maintenance and repair of any and all public roads, highways, bridges [and], culverts, **streets, avenues, or alleys** within such county, including the payment of any cost, judgment and expense for property, or rights in property, acquired by purchase or eminent domain, as may be provided by law, in such amount and such manner as may be provided by the general law authorizing the issuance of bonds by counties.

2. The proceeds of all bonds issued under the provisions of this section shall be paid into the county treasury where they shall be kept as a separate fund to be known as “The Road Bond Construction Fund” and such proceeds shall be used only for the purpose mentioned herein. [Such funds may be used in the construction, reconstruction, improvement, maintenance and repair of any street, avenue, road or alley in any incorporated city, town or village if such street, avenue, road or alley or any part thereof shall form a part of a continuous road, highway, bridge or culvert of said county leading into or through such city, town or village.] **The county may contract with any other political subdivision to share the proceeds of such bonds to be used for the purposes authorized.**

137.555. In addition to other levies authorized by law, the county commission in counties not adopting an alternative form of government and the proper administrative body in counties adopting an alternative form of government, in their discretion may levy an additional tax, not exceeding thirty-five cents on each one hundred dollars assessed valuation, all of such tax to be collected and turned into the county treasury, where it shall be known and designated as “The Special Road and Bridge Fund” to be used for road and bridge purposes and for no other purpose whatever; except that the term “road and bridge purposes” may include certain storm water control projects off rights of way that are directly related to the construction of roads and bridges, in any county of the first classification without a charter form of government with a population of at least ninety thousand inhabitants but not more than one hundred thousand inhabitants, in any county of the first classification without a charter form of government with a population of at least two hundred thousand inhabitants, in any county of the first classification without a charter form of government and bordered by one county of the first classification and one county of the second classification or in any county of the first classification with a charter form of government and containing part of a city with a population of three hundred thousand or more inhabitants; provided, however, that all that part or portion of such tax which shall arise from and be collected and paid upon any property lying and being within any special road district shall be paid into the county treasury and four-fifths of such part or portion of such tax so arising from and collected and paid upon any property lying and being within any such special road district shall be placed to the credit of such special road district from which it arose and shall be paid out to such special road district upon warrants of the county commission, in favor of the commissioners or treasurer of the district as the case may be; provided further, that the part of such special road and bridge tax arising from and paid upon property not situated in any special road district and the one-fifth part retained in the county treasury may, in the discretion of the county commission **and pursuant to a written**

**contract, be shared with any other political subdivision to be used [in] for road and bridge purposes within the county, including but not limited to constructing, improving or repairing [any street in any incorporated city or village in the county, if such street shall form a part of a continuous highway of such county leading through such city or village] streets, avenues, or alleys of such political subdivision.”; and**

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Schatz offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1291, Page 8, Section 162.441, Line 41, by inserting after all of said line the following:

**“167.125. 1. For any pupil residing in any school district in the state, the commissioner of education or his or her designee shall, upon proper application by the parent or guardian of the pupil, assign the pupil and any sibling of the pupil to another school district if the pupil is eligible as described under subsection 2 of this section and the following conditions are met:**

**(1) The actual driving distance from the pupil’s residence to the attendance center in the district of residence is fifteen miles or more by the shortest route available as determined by the commissioner or his or her designee;**

**(2) The attendance center to which the pupil would be assigned in the receiving district is at least five miles closer in actual driving distance by the shortest route available to the pupil’s residence than the current attendance center in the district of residence as determined by the commissioner or his or her designee; and**

**(3) The attendance of the pupil will not cause the classroom in the receiving district to exceed the number of pupils per class as determined by the receiving district.**

**2. (1) For pupils applying to the commissioner of education under this section, the commissioner or his or her designee shall assign pupils in the order in which applications are received, so long as the applications are properly completed and the conditions of subsection 1 of this section are met.**

**(2) Once granted, the hardship assignment shall continue until the pupil, and any sibling of the pupil who attends the same attendance center, completes his or her course of study in the receiving district or the parent or guardian withdraws the pupil. If a parent or guardian withdraws a pupil from a hardship assignment, the granting of a subsequent application is discretionary.**

**(3) A pupil shall be eligible to apply to the commissioner of education to be assigned to another district under this section if the pupil has been enrolled in and attending a public school in his or her district of residence during the school year prior to the application. Any pupil shall be eligible to apply to the commissioner of education to be assigned to another district under this section if the pupil has been enrolled in and attending a public school in a district other than his or her district of residence and paid nonresident tuition for such enrollment during the school year prior to the application. Pupils who reside in the district who become eligible for kindergarten or first grade shall also be eligible to apply to the commissioner of education to be assigned to another district.**

**(4) A pupil who is not currently enrolled in a public school district shall become eligible to apply to the commissioner of education to be assigned to another district after the pupil has enrolled in and**

completed a full school year in a public school in his or her district of residence.

3. A school district that is assigned a pupil under the provisions of this section may charge a nonresident tuition rate. The board of education of the pupil's district of residence shall pay the tuition of the pupil assigned, however, the amount paid by the district of residence shall not exceed the pro rata cost of instruction of the attendance center the pupil would have attended in the pupil's district of residence. If the amount of tuition paid by the district of residence is less than the nonresident tuition rate set by the receiving school district, the balance shall be paid by the parents or guardians of the pupil. No pupil shall be assigned under the provisions of this section unless tuition is paid in full.”; and

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted.

At the request of Senator Romine, **HB 1291**, with **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

**HB 1838**, introduced by Representative Bernskoetter, with **SCS**, entitled:

An Act to authorize the conveyance of certain state property.

Was taken up by Senator Kehoe.

**SCS** for **HB 1838**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1838

An Act to authorize the conveyance of certain state properties.

Was taken up.

Senator Kehoe moved that **SCS** for **HB 1838** be adopted.

Senator Kehoe offered **SS** for **SCS** for **HB 1838**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1838

An Act to authorize the conveyance of certain state properties.

Senator Kehoe moved that **SS** for **SCS** for **HB 1838** be adopted, which motion prevailed.

President Pro Tem Richard assumed the Chair.

On motion of Senator Kehoe, **SS** for **SCS** for **HB 1838** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**HB 1350**, introduced by Representative Smith (163), with **SCS**, entitled:

An Act to repeal sections 192.2495 and 208.909, RSMo, and to enact in lieu thereof two new sections relating to background check requirements for certain in-home service providers, with a penalty provision.

Was taken up by Senator Rowden.

**SCS** for **HB 1350**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1350

An Act to repeal sections 192.2495 and 208.909, RSMo, and to enact in lieu thereof two new sections relating to background check requirements for certain in-home service providers, with penalty provisions.

Was taken up.

Senator Rowden moved that **SCS** for **HB 1350** be adopted.

Senator Rowden offered **SS** for **SCS** for **HB 1350**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1350

An Act to repeal sections 43.500, 43.503, 43.504, 43.506, 43.509, 43.527, 43.530, 43.535, 43.540, 43.543, 43.546, 43.547, 192.2495, 208.909, 210.025, 210.254, 210.258, 210.482, 210.487, 302.060, 313.810, and 610.120, RSMo, and to enact in lieu thereof twenty-three new sections relating to criminal history records, with penalty provisions.

Senator Rowden moved that **SS** for **SCS** for **HB 1350** be adopted.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1350, Page 61, Section 610.120, Line 16, by inserting after all of said line the following:

“650.055. 1. Every individual who:

(1) Is found guilty of a felony or any offense under chapter 566; or

(2) Is seventeen years of age or older and arrested for [burglary in the first degree under section 569.160, or burglary in the second degree under section 569.170, or] a felony offense [under chapter 565, 566, 567, 568, or 573]; or

(3) Has been determined to be a sexually violent predator pursuant to sections 632.480 to 632.513; or

(4) Is an individual required to register as a sexual offender under sections 589.400 to 589.425;

shall have a fingerprint and blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis.

2. Any individual subject to DNA collection and profiling analysis under this section shall provide a DNA sample:

(1) Upon booking at a county jail or detention facility; or

(2) Upon entering or before release from the department of corrections reception and diagnostic centers;  
or

(3) Upon entering or before release from a county jail or detention facility, state correctional facility, or any other detention facility or institution, whether operated by a private, local, or state agency, or any mental health facility if committed as a sexually violent predator pursuant to sections 632.480 to 632.513;  
or

(4) When the state accepts a person from another state under any interstate compact, or under any other reciprocal agreement with any county, state, or federal agency, or any other provision of law, whether or not the person is confined or released, the acceptance is conditional on the person providing a DNA sample if the person was found guilty of a felony offense in any other jurisdiction; or

(5) If such individual is under the jurisdiction of the department of corrections. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, and on parole, as also defined in section 217.650; or

(6) At the time of registering as a sex offender under sections 589.400 to 589.425.

3. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody or jurisdiction over individuals included in subsection 1 of this section which shall not be set aside or reversed is hereby made mandatory. The board of probation or parole shall recommend that an individual on probation or parole who refuses to provide a DNA sample have his or her probation or parole revoked. In the event that a person's DNA sample is not adequate for any reason, the person shall provide another sample for analysis.

4. The procedure and rules for the collection, analysis, storage, expungement, use of DNA database

records and privacy concerns shall not conflict with procedures and rules applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA databank system.

5. Unauthorized use or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

6. Implementation of sections 650.050 to 650.100 shall be subject to future appropriations to keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA databank system.

7. All DNA records and biological materials retained in the DNA profiling system are considered closed records pursuant to chapter 610. All records containing any information held or maintained by any person or by any agency, department, or political subdivision of the state concerning an individual's DNA profile shall be strictly confidential and shall not be disclosed, except to:

(1) Peace officers, as defined in section 590.010, and other employees of law enforcement agencies who need to obtain such records to perform their public duties;

(2) The attorney general or any assistant attorneys general acting on his or her behalf, as defined in chapter 27;

(3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, and their employees who need to obtain such records to perform their public duties;

(4) The individual whose DNA sample has been collected, or his or her attorney; or

(5) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court judges, and their employees who need to obtain such records to perform their public duties.

8. Any person who obtains records pursuant to the provisions of this section shall use such records only for investigative and prosecutorial purposes, including but not limited to use at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes, including identification of human remains. Such records shall be considered strictly confidential and shall only be released as authorized by this section.

9. (1) An individual may request expungement of his or her DNA sample and DNA profile through the court issuing the reversal or dismissal, or through the court granting an expungement of all official records under section 568.040. A certified copy of the court order establishing that such conviction has been reversed, guilty plea has been set aside, or expungement has been granted under section 568.040 shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of the court order, the laboratory will determine that the requesting individual has no other qualifying offense as a result of any separate plea or conviction and no other qualifying arrest prior to expungement.

(2) A person whose DNA record or DNA profile has been included in the state DNA database in accordance with this section and sections 650.050, 650.052, and 650.100 may request expungement on **one or more of the following** grounds [that the conviction has been reversed, the guilty plea on which the authority for including that person's DNA record or DNA profile was based has been set aside, or an expungement of all official records has been granted by the court under section 568.040]:

**(a) The conviction on which the authority for including that person's DNA record or DNA profile was based on has been reversed;**

**(b) The guilty plea on which the authority for including that person's DNA record or DNA profile was based on has been set aside;**

**(c) The prosecutor has declined prosecution on all alleged offenses which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile;**

**(d) The prosecutor has withdrawn all qualifying charges which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile;**

**(e) The case or cases containing all charges which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile, are dismissed;**

**(f) The court finds at a preliminary hearing that there is no probable cause to try that person for any charge which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile;**

**(g) That person is found not guilty of all charges which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile.**

(3) Upon receipt of a written request for expungement, a certified copy of the final court order reversing the conviction, setting aside the plea, or granting an expungement of all official records under section 568.040, and any other information necessary to ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall expunge all DNA records and identifiable information in the state DNA database pertaining to the person and destroy the DNA sample of the person, unless the Missouri state highway patrol determines that the person is otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court order, the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA sample and DNA profile, or the basis for its determination that the person is otherwise obligated to submit a DNA sample.

(4) The Missouri state highway patrol is not required to destroy any item of physical evidence obtained from a DNA sample if evidence relating to another person would thereby be destroyed.

(5) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from the database shall not be excluded or suppressed from evidence, nor shall any conviction be invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging DNA records.

[10. When a DNA sample is taken from an individual pursuant to subdivision (2) of subsection 1 of this section and the prosecutor declines prosecution and notifies the arresting agency of that decision, the arresting agency shall notify the Missouri state highway patrol crime laboratory within ninety days of receiving such notification. Within thirty days of being notified by the arresting agency that the prosecutor has declined prosecution, the Missouri state highway patrol crime laboratory shall determine whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken and retained. If the individual has no other qualifying offenses or arrests, the crime laboratory shall expunge all DNA records in the database taken at the arrest for which the prosecution was declined pertaining to the person and destroy the DNA sample of such person.

11. When a DNA sample is taken of an arrestee for any offense listed under subsection 1 of this section and charges are filed:

(1) If the charges are later withdrawn, the prosecutor shall notify the state highway patrol crime laboratory that such charges have been withdrawn;

(2) If the case is dismissed, the court shall notify the state highway patrol crime laboratory of such dismissal;



(3) If the court finds at the preliminary hearing that there is no probable cause that the defendant committed the offense, the court shall notify the state highway patrol crime laboratory of such finding;

(4) If the defendant is found not guilty, the court shall notify the state highway patrol crime laboratory of such verdict.

If the state highway patrol crime laboratory receives notice under this subsection, such crime laboratory shall determine, within thirty days, whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken. If the individual has no other qualifying arrests or offenses, the crime laboratory shall expunge all DNA records in the database pertaining to such person and destroy the person's DNA sample.]; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered SA 2, which was read:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1350, Page 20, Section 43.540, Line 17, by inserting after the word "damages" the following: "**solely**"; and further amend lines 19-22, by striking all of said lines and inserting in lieu thereof the following: "**with respect to an applicant. The state, any political subdivision**".

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered SA 3:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1350, Page 59, Section 313.810, Line 24, by inserting after all of said line the following:

**"571.200. As used in section 571.202, the following terms shall mean:**

(1) "**Law enforcement officer**", any person employed by the United States, or a state, county, city, municipality, village, township, or other political subdivision as a police officer, peace officer, or in some like position involving the enforcement of the law and protection of the public interest;

(2) "**Licensed firearms dealer**", "**licensed dealer**", or "**dealer**", a person who has a valid federal firearms dealer license and all additional licenses required by state or local law to engage in the business of selling or transferring firearms;

(3) "**Person**", any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other entity.

**571.202. 1. No person shall sell or otherwise transfer a firearm, including selling or transferring a firearm via the internet, unless:**

(1) Such person is a licensed firearms dealer;

(2) The purchaser or other transferee is a licensed firearms dealer; or

(3) The requirements of subsections 2 or 3 of this section are met.

**2. If neither party to a prospective firearms transaction is a licensed firearms dealer, the parties**

to the transaction shall complete the sale or other transfer through a licensed firearms dealer as follows:

(1) The dealer shall process the sale or other transfer as if he or she were the seller or other transferor. The dealer shall comply with all requirements of federal, state, and local law that would apply if he or she were the seller or other transferor of the firearm;

(2) The dealer shall conduct a background check on the purchaser or other transferee in accordance with 18 U.S.C. Section 922(t), and state and local law and, if the transaction is not prohibited, deliver the firearm to that person after all other legal requirements are met; and

(3) The dealer may require the purchaser or other transferee to pay a fee covering the administrative costs incurred by the dealer for facilitating the transfer of the firearm, plus applicable fees pursuant to federal, state, and local law.

3. A trustee, under the authority of a trust, or a personal representative, executor, or administrator of an estate shall, before transferring any firearm to an heir or devisee, complete the transfer through a licensed dealer according to the provisions of subdivisions (1) and (2) of subsection 2 of this section. If the transaction is prohibited, then the heir or devisees may authorize a transfer of a firearm to a specific individual to whom the transaction is not prohibited, or the dealer may sell the firearm and give the proceeds to the heir or designee.

4. Notwithstanding any provision of law to the contrary, neither the state nor any political subdivision shall require any federally licensed firearms dealer to supply a list of all of his or her transactions conducted under the provisions of subsections 2 or 3 of this section. All records shall be maintained by the licensed dealer in accordance with federal law.

5. The provisions of subsections 1 and 2 of this section shall not apply to:

(1) Any law enforcement or corrections agency, or law enforcement or corrections officer acting within the course and scope of his or her employment or official duties;

(2) A United States Marshal or member of the Armed Forces of the United States or the National Guard, or a federal official transferring or receiving a firearm as required in the operation of his or her official duties;

(3) A gunsmith who receives a firearm solely for the purposes of service or repair, or the return of the firearm to its owner by the gunsmith;

(4) A common carrier, warehouseman, or other person engaged in the business of transportation or storage, to the extent that the receipt of any firearm is in the ordinary course of business and not for the personal use of any such person;

(5) A person who is loaned a firearm solely for the purpose of shooting at targets, if the loan occurs on the premises of a properly licensed target facility, and the firearm is at all times kept within the premises of the target range;

(6) A person who is under eighteen years of age who is loaned a firearm for lawful hunting or sporting purposes or for any other lawful recreational activity while under the direct supervision and control of a responsible adult; or

(7) A person who is eighteen years of age or older who is loaned a firearm while the person is

accompanying the lawful owner and using the firearm for lawful hunting or sporting purposes or for any other lawful recreational activity.

6. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or by imprisonment for a period not exceeding six months, or both. Such person shall be guilty of a separate offense for each and every day during any portion of which a violation of any provision of this section is committed or continued by such person and shall be punished accordingly.

7. In addition to any other penalty or remedy, the investigating law enforcement agency shall report any violation of this section committed by a licensed firearms dealer to the attorney general who shall, in turn, report the violation to the Bureau of Alcohol, Tobacco, Firearms and Explosives within the United States Department of Justice.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Curls, Rizzo, Sifton and Walsh.

**SA 3** failed of adoption by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Hummel	Nasheed	Rizzo	Schupp	Sifton
Walsh—8						

NAYS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder
Richard	Riddle	Romine	Rowden	Sater	Schaaf	Schatz
Wallingford	Wasson	Wieland—24				

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

Senator Rowden moved that **SS** for **SCS** for **HB 1350**, as amended, be adopted, which motion prevailed.

Senator Rowden moved that **SS** for **SCS** for **HB 1350**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Richard referred **SS** for **SCS** for **HB 1350**, as amended, to the Committee on Fiscal Oversight.

Senator Rowden assumed the Chair.

**HB 1504**, introduced by Representative Reiboldt, entitled:

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to zoning around National Guard training centers.

Was taken up by Senator Richard.

Senator Richard offered **SS** for **HB 1504**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 1504

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to zoning around National Guard training centers.

Senator Richard moved that **SS** for **HB 1504** be adopted, which motion prevailed.

On motion of Senator Richard, **SS** for **HB 1504** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Richard, title to the bill was agreed to.

Senator Richard moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

President Pro Tem Richard assumed the Chair.

**HB 1531**, introduced by Representative DeGroot, entitled:

An Act to repeal section 507.060, RSMo, and to enact in lieu thereof one new section relating to interpleading in civil proceedings.

Was taken up by Senator Rowden.

Senator Rowden offered **SS** for **HB 1531**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 1531

An Act to repeal section 507.060, RSMo, and to enact in lieu thereof one new section relating to interpleading in civil proceedings.

Senator Rowden moved that **SS** for **HB 1531** be adopted.

Senator Crawford offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1531, Page 1, In the Title, Line 3, by striking the words “interpleading in”; and

Further amend said bill and page, section A, line 3 of said page, by inserting immediately after said line the following:

“34.378. 1. The state shall not enter into a contingency fee contract with a private attorney unless the attorney general makes a written determination prior to entering into such a contract that contingency fee representation is both cost effective and in the public interest. Any written determination shall include specific findings for each of the following factors:

(1) Whether there exists sufficient and appropriate legal and financial resources within the attorney general’s office to handle the matter;

(2) The time and labor required; the novelty, complexity, and difficulty of the questions involved; and the skill requisite to perform the attorney services properly;

(3) The geographic area where the attorney services are to be provided; and

(4) The amount of experience desired for the particular kind of attorney services to be provided and the nature of the private attorney’s experience with similar issues or cases.

2. If the attorney general makes the determination described in subsection 1 of this section, the attorney general shall request written proposals from private attorneys to represent the state, unless the attorney general determines that requesting proposals is not feasible under the circumstances and sets forth the basis for this determination in writing. If a request for proposals is issued, the attorney general shall choose the lowest and best bid or request **that** the office of administration establish an independent panel to evaluate the proposals and choose the lowest and best bid.

3. The state shall not enter into a contract for contingency fee attorney services unless the following requirements are met throughout the contract period and any extensions to the contract:

(1) The government attorneys shall retain complete control over the course and conduct of the case;

(2) A government attorney with supervisory authority shall oversee the litigation;

(3) The government attorneys shall retain veto power over any decisions made by outside counsel;

(4) A government attorney with supervisory authority for the case shall attend all settlement conferences; and

(5) Decisions regarding settlement of the case shall be reserved exclusively to the discretion of the attorney general.

4. The attorney general shall develop a standard addendum to every contract for contingent fee attorney services that shall be used in all cases, describing in detail what is expected of both the contracted private attorney and the state, including, without limitation, the requirements listed in subsection 3 of this section.

5. Copies of any executed contingency fee contract and the attorney general’s written determination to enter into a contingency fee contract with the private attorney shall be posted on the attorney general’s website for public inspection within five business days after the date the contract is executed and shall remain posted on the website for the duration of the contingency fee contract, including any extensions or

amendments to the contract. Any payment of contingency fees shall be posted on the attorney general's website within fifteen days after the payment of such contingency fees to the private attorney and shall remain posted on the website for at least three hundred sixty-five days.

6. Any private attorney under contract to provide services to the state on a contingency fee basis shall, from the inception of the contract until at least four years after the contract expires or is terminated, maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the provision of such attorney services. The private attorney shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter in increments of no greater than one-tenth of an hour and shall promptly provide these records to the attorney general, upon request. Any request under chapter 610 for inspection and copying of such records shall be served upon and responded to by the attorney general's office.

**7. Except as otherwise provided in subsection 8 of this section, a retained private attorney shall not be entitled to a fee, exclusive of any costs and expenses described in subsection 8 of this section, of more than:**

**(1) Fifteen percent of that portion of any amount recovered that is ten million dollars or less;**

**(2) Ten percent of that portion of any amount recovered that is more than ten million dollars but less than or equal to fifteen million dollars;**

**(3) Five percent of that portion of any amount recovered that is more than fifteen million dollars but less than or equal to twenty million dollars; and**

**(4) Two percent of that portion of any amount recovered that is more than twenty million dollars.**

**8. The total fee payable to all retained private attorneys in any matter that is the subject of a contingency fee contract shall not exceed ten million dollars, exclusive of any costs and expenses provided by the contract and actually incurred by the retained private attorneys, regardless of the number of actions or proceedings or the number of retained private attorneys involved in the matter.**

**9. A contingency fee:**

**(1) Shall be payable only from moneys that are actually received under a judgment or settlement agreement; and**

**(2) Shall not be based on any amount attributable to a fine or civil penalty.**

**10. As used in this section, "amount recovered" does not include any moneys paid as costs.**

**11. By February first of each year, the attorney general shall submit a report to the president pro tem of the senate and the speaker of the house of representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year. At a minimum, the report shall:**

**(1) Identify all new contingency fee contracts entered into during the year and all previously executed contingency fee contracts that remain current during any part of the year, and for each contract describe:**

**(a) The name of the private attorney with whom the department has contracted, including the name of the attorney's law firm;**

**(b) The nature and status of the legal matter;**

**(c) The name of the parties to the legal matter;**

(d) The amount of any recovery; and

(e) The amount of any contingency fee paid;

(2) Include copies of any written determinations made under subsections 1 and 2 of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Crawford moved that the above amendment be adopted, which motion prevailed.

Senator Rowden moved that **SS** for **HB 1531**, as amended, be adopted, which motion prevailed.

On motion of Senator Rowden, **SS** for **HB 1531**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Rowden, title to the bill was agreed to.

Senator Rowden moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

## RESOLUTIONS

Senator Dixon offered Senate Resolution No. 1514, regarding the Thirty-fifth Anniversary of The Kitchen, Incorporated, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 1515, regarding the Twentieth Anniversary of the Eagle Heights Worship Center, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 1516, regarding Jeremy Garard, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 1517, regarding Matt Farmer, Springfield, which was adopted.

Senator Walsh offered Senate Resolution No. 1518, regarding Steven Karl “Steve” Ziegler, Florissant, which was adopted.

## INTRODUCTION OF GUESTS

Senator Kehoe introduced to the Senate, Elijah Mayfield, Governor's Council on Disability, Jefferson City.

On behalf of Senator Hegeman and himself, Senator Emery introduced to the Senate, the Physician of the Day, Jennifer L. Conley, MD, Nevada; and Mike Birkhead, Trenton.

Senator Cunningham introduced to the Senate, Cole Hunt, his parents, Laura and Curtis Hunt, and his grandparents, Tom and Maria Smith, Marshfield; and Cole was made an honorary page.

Senator Sifton introduced to the Senate, Michelle Hoskins, Warrensburg.

On motion of Senator Kehoe, the Senate adjourned under the rules.

## SENATE CALENDAR

---

FORTY-FIRST DAY—THURSDAY, MARCH 15, 2018

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1080-Rizzo	SB 1094-Hoskins
SB 1081-Rizzo	SB 1095-Hoskins
SB 1082-Rizzo	SB 1096-Romine
SB 1083-Walsh	SB 1097-Sifton
SB 1084-Schatz	SB 1098-Sater
SB 1085-Chappelle-Nadal	SB 1099-Hummel and Nasheed
SB 1086-Crawford	SB 1100-Riddle
SB 1087-Rowden	SB 1101-Schupp
SB 1088-Rowden	SB 1102-Kehoe
SB 1089-Wallingford	SJR 37-Kehoe
SB 1090-Hummel	SJR 38-Kehoe
SB 1091-Nasheed	SJR 39-Kehoe
SB 1092-Hoskins	SJR 40-Rowden
SB 1093-Hoskins	

### HOUSE BILLS ON SECOND READING

HCS for HB 1873	HB 1896-Swan
HB 1428-Muntzel	HB 1607-Korman



HCS for HB 1928	HB 1953-Neely
HB 1945-Anderson	HB 2122-Engler
HCS for HB 1618	HB 1344-Hill
HCS for HB 2079	HB 1800-Miller
HB 1265-Schroer	HB 1874-Taylor
HB 1797-Fitzwater	HCS for HB 1364
HCS for HB 1525	HCS for HB 1713
HB 1250-Plocher	HCS for HB 1714
HCS for HB 1358	HB 2026-Wilson
HCS for HB 2116	HB 2043-Tate
HB 2102-Rhoads	HCS for HB 2042
HB 1646-Eggleston	HCS for HB 1991
HB 2238-Mathews	HCS for HB 1614
HCS for HB 1895	HCS for HB 1461
HB 1613-Kelley (127)	HB 1600-Higdon
HCS for HB 1456	HCS for HBs 1729, 1621 & 1436
HB 2110-Rone	HB 1469-Davis
HCS for HB 1947	HB 1968-Grier
HCS for HB 2104	HB 2187-Walker (3)
HCS for HB 1623	HB 2196-Tate
HCS for HB 2062	HB 1517-McCann Beatty
HCS for HB 1868	HB 1573-Rowland (155)
HB 1625-Morris	HB 1893-Baringer
HB 1442-Alferman	HB 2243-Houghton
HB 1679-Chipman	HB 2318-Marshall
HB 1892-Wilson	HB 2330-Beck
HCS for HB 1645	HB 2347-Davis

### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)	SB 773-Hoskins (In Fiscal Oversight)
SS for SB 699-Sifton (In Fiscal Oversight)	SS for SB 705-Riddle
SS for SCS for SBs 603, 576 & 898-Onder (In Fiscal Oversight)	SS#2 for SCS for SB 590-Hegeman (In Fiscal Oversight)
SS for SCS for SB 707-Schatz (In Fiscal Oversight)	

### SENATE BILLS FOR PERFECTION

- |                  |                             |
|------------------|-----------------------------|
| 1. SB 578-Romine | 3. SB 802-Nasheed, with SCS |
| 2. SB 666-Onder  | 4. SB 982-Wieland           |

- |                                |                              |
|--------------------------------|------------------------------|
| 5. SB 981-Wieland              | 15. SB 920-Riddle            |
| 6. SB 928-Onder, with SCS      | 16. SB 919-Libla             |
| 7. SB 782-Cunningham, with SCS | 17. SB 822-Hegeman, with SCS |
| 8. SB 553-Dixon, with SCS      | 18. SB 652-Nasheed, with SCS |
| 9. SB 966-Rowden, with SCS     | 19. SB 693-Wallingford       |
| 10. SB 706-Riddle              | 20. SB 890-Riddle, with SCS  |
| 11. SB 917-Crawford, with SCS  | 21. SB 697-Romine            |
| 12. SB 884-Koenig              | 22. SJR 25-Romine            |
| 13. SB 990-Hegeman, with SCS   | 23. SB 808-Brown             |
| 14. SB 862-Schatz, with SCS    |                              |

#### HOUSE BILLS ON THIRD READING

- |   |   |
|---|---|
| HB 1769-Mathews, with SCS (Schatz)<br>(In Fiscal Oversight) | HB 1413-Taylor, with SCS (Onder)<br>(In Fiscal Oversight) |
|---|---|

#### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

- |                                  |              |
|----------------------------------|--------------|
| SS for SCS for SB 547-Munzlinger | SB 743-Sater |
|----------------------------------|--------------|

#### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 546-Munzlinger, with SS#4 (pending)   | SB 674-Koenig   |
| SB 550-Wasson, with SCS  | SB 730-Wallingford, with SCS & SA 1<br>(pending)                    |
| SB 552-Dixon, with SS (pending)  | SB 751-Schatz   |
| SBs 555 & 609-Brown, with SCS  | SB 767-Hoskins, with SCS, SS for SCS &<br>SA 2 (pending)            |
| SB 561-Sater, with SA 1 (pending)  | SB 774-Munzlinger   |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                            | SB 786-Schupp, with SA 3 (pending)                                  |
| SB 591-Hegeman, with SCS   | SB 813-Riddle, with SCS & SA 1 (pending)                            |
| SB 596-Riddle, with SCS  | SB 832-Rowden, with SCS   |
| SB 599-Schatz  | SB 837-Rowden   |
| SB 602-Onder, with SCS   | SB 848-Riddle   |
| SB 612-Koenig, with SCS, SS#2 for SCS,<br>SA 2, SSA 1 for SA 2 & SA 1 to SSA 1<br>for SA 2 (pending) | SB 849-Kehoe and Schupp, with SCS, SA 1<br>& SA 1 to SA 1 (pending) |
| SBs 617, 611 & 667-Eigel, with SCS & SS<br>for SCS (pending)   | SB 860-Koenig, with SCS, SS for SCS &<br>SA 1 (pending)             |
| SB 663-Schatz, with SCS (pending)  | SB 861-Hegeman, with SCS  |

SB 865-Kehoe

SB 893-Sater, with SCS, SS for SCS &  
SA 1 (pending)

SB 907-Kehoe, with SCS

SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)

SB 953-Sater, with SCS

#### HOUSE BILLS ON THIRD READING

HB 1291-Henderson, with SCS & SA 3  
(pending) (Romine)

HB 1303-Alferman, with SCS (Rowden)

SS for SCS for HB 1350-Smith (163)  
(Rowden) (In Fiscal Oversight)

HB 1691-Miller, with SCS (Emery)

#### CONSENT CALENDAR

Senate Bills

Reported 3/8

SBs 999 & 1000-Rowden, with SCS

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-FIRST DAY—THURSDAY, MARCH 15, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“My soul will be satisfied as with the richness of foods; with singing lips my mouth will praise you.” (Psalm 63:5)

Almighty God, as we finish up here this day we will have time to reflect on what we truly need given days and evenings for recreation with loved ones and time with others. We are thankful for this time to be as busy or lazy as we want and to continue to strengthen our relationship with those You have given us to love. So grant us safe travel and an appreciation of all You have given us for us to use and love those in our lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The Lieutenant Governor was present.

The Senate observed a moment of silence in memory of Cara Loughran.

### RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 1519, regarding Richard and Sharon Mann, Marshfield, which was adopted.

Senators Crawford, Rizzo, Chappelle-Nadal, Curls, Hummel, Holsman, Nasheed, Schupp, Sifton, and Walsh offered Senate Resolution No. 1520, regarding the Eightieth Birthday of James L. “Jim” Mathewson, Sedalia, which was adopted.

Senator Dixon offered Senate Resolution No. 1521, regarding Miles Yocom, Springfield, which was adopted.

### REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 850**; **SS** for **SB 704**; **SCS** for **SB 672**; and **SS** for **SB 870**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SS** for **SCS** for **SBs 603, 576 and 898**; **SS** for **SCS** for **SB 707**; **SB 773**; **HB 1769**, with **SCS**; and **HB 1413**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

President Pro Tem Richard assumed the Chair.

Senator Schaaf, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 575**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

President Parson assumed the Chair.

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Kurt L. Killen, Republican, as a member of the Platte County Election Board; and

Opeoluwa Sotonwa, as a member of the Missouri 911 Service Board.

Senator Richard requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Richard moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

### HOUSE BILLS ON THIRD READING

Senator Romine moved that **HB 1291**, with **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 3** was again taken up.

At the request of Senator Schatz, **SA 3** was withdrawn.

Senator Romine offered **SS** for **SCS** for **HB 1291**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1291

An Act to repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 87.135, 92.105, 92.111, 92.115, 94.900, 108.120, 137.555, 137.556, 162.441, 184.503, 227.600, RSMo, and to enact in lieu thereof twenty-two new sections relating to political subdivisions.

Senator Romine moved that **SS** for **SCS** for **HB 1291** be adopted.

President Pro Tem Richard assumed the Chair.

Senator Koenig offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1291, Page 1, Section A, Line 8, by inserting after all of said line the following:

“32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.

2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section, and shall be imposed on all transactions on which the Missouri state sales tax is imposed.

3. (1) Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.

(2) For all tax years beginning on or after January 1, 2019, the total combined rate of sales taxes under the local sales tax law for any given taxing jurisdiction shall not exceed seven and two hundred seventy-five thousandths percent.

4. The brackets required to be established by the director of revenue under the provisions of section

144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose a tax upon all transactions upon which the Missouri state sales tax is imposed to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November 2018, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the \_\_\_\_\_ (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in a reduction of local revenue to provide for vital services for \_\_\_\_\_ (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November 2018, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection

be placed before the voters on or after the general election in November 2014, and on or before the general election in November 2018, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, and calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, 2019.

(8) Notwithstanding any provision of law to the contrary, if any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed after the general election in November 2014, or if the taxing jurisdiction failed to present the ballot to the voters at a general election on or before November 2018, then the governing body of such taxing jurisdiction may, at any election subsequent to the repeal or after the general election in November 2018, if the jurisdiction failed to present the ballot to the voters, place before the voters the issue of imposing a sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 that were purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the \_\_\_\_\_ (local jurisdiction's name) apply and collect the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in an increase of local revenue to provide for vital services for \_\_\_\_\_ (local jurisdiction's name), and it will remove a competitive advantage that non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers have over Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".



(9) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is adopted, such tax shall take effect and be imposed on the first day of the second calendar quarter after the election.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax

law, the sales tax upon the titling of all motor vehicles, trailers, boats, and outboard motors shall be imposed at the rate in effect at the location of the residence of the purchaser, and remitted to that local taxing entity, and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes shall not be imposed on the seller of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, but shall be collected from the purchaser by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent

taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.”; and

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Eigel, Hoskins, Onder and Sifton.

At the request of Senator Koenig, **SA 1** was withdrawn.

Senator Emery offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1291, Pages 22-23, Section 92.105, by striking all of said section from the bill; and

Further amend said bill, pages 23-24, section 92.111, by striking all of said section from the bill; and

Further amend said bill, pages 24-25, section 92.115, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Emery moved that the above amendment be adopted.

Senator Cierpiot offered **SSA 1** for **SA 2**:

#### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1291, Pages 22-23, Section 92.105, by striking all of said section from the bill; and

Further amend said bill, pages 23-24, section 92.111, by striking all of said section from the bill; and

Further amend said bill, pages 24-25, section 92.115, by striking all of said section from the bill; and

Further amend said bill, pages 35-40, section 184.503, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Cierpiot moved that the above substitute amendment be adopted, which motion prevailed.

Senator Libla offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1291, Page 2, Section 41.657, Line 24 of such page, by inserting after all of said line the following:

“52.240. 1. The statement and receipt required by section 52.230 shall be mailed to the address of the taxpayer as shown by the county assessor on the current tax books **or, upon written consent to the collector by the taxpayer, to the address of the taxpayer’s designee**, and postage for the mailing of the statements and receipts shall be furnished by the county commission or the statement and receipt may be electronically transmitted to the electronic address provided and authorized by the taxpayer to the collector of revenue. The failure of the taxpayer to receive the notice provided for in section 52.230 in no case relieves the taxpayer of any tax liability imposed by law.

2. No penalty or interest imposed under any law shall be charged on any real or personal property tax when the county collector certifies due to system failures or other reason that the statement required by section 52.230 was mailed less than thirty days prior to the delinquent date and the taxpayer paid taxes owed by fifteen days after the delinquent date or fifteen days after the certified date of mailing, whichever is later.

3. No penalty or interest imposed under any law shall be charged on any real or personal property tax when there is clear and convincing evidence that the county made an error or omission in determining taxes owed by a taxpayer.

4. Any taxpayer claiming that the county made an error or omission in determining taxes owed may submit a written request for a refund of penalties, interest, or taxes to the county commission or governing body of the county. If the county commission or governing body of the county approves the refund, then such penalties, interest, or taxes shall be refunded as provided in section 139.031. The county commission shall approve or disapprove the taxpayer’s written request within thirty days of receiving said request. The county collector shall refund penalties, interest, and taxes if the county made an error or omission in determining taxes owed by the taxpayer.

5. Nothing in this section shall relieve a taxpayer from paying taxes owed by December thirty-first and paying penalties and interest owed for failing to pay all taxes by December thirty-first, except as provided with regard to penalties and interest by subsection 2 of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Libla moved that the above amendment be adopted, which motion prevailed.

Senator Romine moved that **SS for SCS for HB 1291**, as amended, be adopted, which motion prevailed.

On motion of Senator Romine, **SS for SCS for HB 1291**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Hegeman	Hoskins	Hummel	Kehoe	Libla	Munzlinger	Nasheed
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Schatz	Schupp	Wallingford	Walsh	Wasson—26		

## NAYS—Senators

Eigel	Emery	Koenig	Schaaf	Sifton	Wieland—6
-------	-------	--------	--------	--------	-----------

Absent—Senators—None

Absent with leave—Senators Holsman—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SENATE BILLS FOR PERFECTION**

Senator Sater moved that **SB 953**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 953**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 953

An Act to repeal sections 195.015 and 195.017, RSMo, and to enact in lieu thereof two new sections relating to schedules of controlled substances.

Was taken up.

Senator Sater moved that **SCS** for **SB 953** be adopted, which motion prevailed.

On motion of Senator Sater, **SCS** for **SB 953** was declared perfected and ordered printed.

**THIRD READING OF SENATE BILLS**

**SS** for **SCS** for **SBs 603, 576 and 898**, introduced by Senator Onder, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 603, 576 and 898

An Act to repeal sections 161.670, 167.121, 173.1101, 173.1102, 173.1104, 173.1105, and 173.1107, RSMo, and to enact in lieu thereof seven new sections relating to virtual education, with an effective date.

Was taken up.

On motion of Senator Onder, **SS** for **SCS** for **SBs 603, 576 and 898** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton

Wallingford      Walsh      Wasson      Wieland—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Onder, title to the bill was agreed to.

Senator Onder moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 707**, introduced by Senator Schatz, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 707

An Act repeal sections 301.213, 301.550, 301.553, 301.557, 301.559, 301.560, 301.562, 301.563, 301.564, 301.566, 301.568, and 301.570, RSMo, and to enact in lieu thereof twelve new sections relating to vehicle sales, with existing penalty provisions.

Was taken up.

On motion of Senator Schatz, **SS for SCS for SB 707** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wieland—30					

NAYS—Senator Schaaf—1

Absent—Senator Wasson—1

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 773**, introduced by Senator Hoskins, entitled:

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to income tax for certain nonresidents.

Was taken up.

On motion of Senator Hoskins, **SB 773** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS for SB 705**, introduced by Senator Riddle, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 705

An Act to repeal section 386.266, RSMo, and to enact in lieu thereof two new sections relating to rate adjustments outside of general rate proceedings for certain public utilities.

Was taken up.

On motion of Senator Riddle, **SS for SB 705** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Sifton	Wallingford	Walsh	Wasson	Wieland—28

NAYS—Senators

Chappelle-Nadal	Nasheed	Schaaf	Schupp—4
-----------------	---------	--------	----------

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 547**, introduced by Senator Munzlinger, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 547

An Act to repeal sections 195.010, 195.017, and 196.070, RSMo, and to enact in lieu thereof seventeen new sections relating to industrial hemp, with penalty provisions.

Was taken up.

On motion of Senator Munzlinger, **SS for SCS for SB 547** was read the 3rd time and passed by the following vote:

YEAS—Senators

Chappelle-Nadal	Cierpiot	Cunningham	Curls	Dixon	Eigel	Emery
Hegeman	Hoskins	Hummel	Kehoe	Koenig	Libla	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford	Walsh

Wasson—29

NAYS—Senators

Brown	Crawford	Wieland—3
-------	----------	-----------

Absent—Senators—None

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 743**, introduced by Senator Sater, entitled:



An Act to repeal section 162.401, RSMo, and to enact in lieu thereof one new section relating to bonding requirements for treasurers of seven-director school districts.

Was taken up.

On motion of Senator Sater, **SB 743** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senator Holsman—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 953**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 846**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Rowden assumed the Chair.

### SECOND READING OF SENATE BILLS

The following Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**SJR 37**—Rules, Joint Rules, Resolutions and Ethics.

**SJR 38**—Rules, Joint Rules, Resolutions and Ethics.

**SJR 39**—Rules, Joint Rules, Resolutions and Ethics.

**SJR 40**—General Laws.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HB 1873**—Agriculture, Food Production and Outdoor Resources.

**HB 1428**—Local Government and Elections.

**HB 1896**—Professional Registration.

**HB 1607**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 1928**—Professional Registration.

**HB 1945**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 1618**—Seniors, Families and Children.

**HCS for HB 2079**—Professional Registration.

**HB 1265**—Local Government and Elections.

**HB 1797**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 1525**—Government Reform.

**HB 1250**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 1358**—General Laws.

**HCS for HB 2116**—Transportation, Infrastructure and Public Safety.

**HB 2102**—Agriculture, Food Production and Outdoor Resources.

**HB 1646**—Transportation, Infrastructure and Public Safety.

**HB 2238**—Education.

**HCS for HB 1895**—Seniors, Families and Children.

**HB 1613**—Transportation, Infrastructure and Public Safety.

**HCS for HB 1456**—Commerce, Consumer Protection, Energy and the Environment.

**HB 2110**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 1947**—Local Government and Elections.

**HCS for HB 2104**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 1623**—Economic Development.

**HCS for HB 2062**—Transportation, Infrastructure and Public Safety.

**HCS for HB 1868**—Seniors, Families and Children.

**HB 1625**—Agriculture, Food Production and Outdoor Resources.

**HB 1442**—Local Government and Elections.

**HB 1679**—Education.

**HB 1892**—Transportation, Infrastructure and Public Safety.

**HCS for HB 1645**—Government Reform.

**HB 1953**—Health and Pensions.

**HB 2122**—Transportation, Infrastructure and Public Safety.

**HB 1344**—Judiciary and Civil and Criminal Jurisprudence.

**HB 1800**—Commerce, Consumer Protection, Energy and the Environment.

**HB 1874**—Small Business and Industry.

**HCS for HB 1364**—Commerce, Consumer Protection, Energy and the Environment.

**HCS for HB 1713**—Seniors, Families and Children.

**HCS for HB 1714**—Seniors, Families and Children.

**HB 2026**—Judiciary and Civil and Criminal Jurisprudence.

**HB 2043**—General Laws.

**HCS for HB 2042**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 1991**—Commerce, Consumer Protection, Energy and the Environment.

**HCS for HB 1614**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 1461**—Seniors, Families and Children.

**HB 1600**—Transportation, Infrastructure and Public Safety.

**HCS for HBs 1729, 1621 & 1436**—General Laws.

## **COMMUNICATIONS**

President Pro Tem Richard submitted the following:

SENATE HEARING SCHEDULE

99th GENERAL ASSEMBLY

SECOND REGULAR SESSION

MARCH 15, 2018

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		<p>Insurance and Banking SL (Wieland)</p> <p>Ways and Means SCR 1 (Wallingford)</p> <p>Appropriations SCR 2 (Brown)</p>	<p>Seniors, Families and Children SL (Sater)</p> <p>Government Reform SCR 1 (Rowden)</p> <p>Progress and Development SCR 2 (Walsh)</p>	<p>Transportation, Infrastructure and Public Safety SL (Schatz)</p> <p>Veterans and Military Affairs SCR 1 (Hoskins)</p> <p>Appropriations SCR 2 (Brown)</p>
9:00 a.m.		<p>Rules, Joint Rules, Resolutions and Ethics SL (Kehoe)</p>	<p>Appropriations SCR 2 (Brown)</p>	<p>Fiscal Oversight SCR 1 (Cunningham)</p>
12:00 p.m.		<p>Local Government and Elections SL (Hegeman)</p> <p>Small Business and Industry SCR 1 (Libla)</p>	<p>Gubernatorial Appointments SL (Richard)</p> <p>Health and Pensions SCR 1 (Schaaf)</p>	
1:00 p.m.		<p>Economic Development SL (Wasson)</p> <p>Education SCR 1 (Romine)</p>	<p>Commerce, Consumer Protection, Energy and the Environment SL (Emery)</p> <p>General Laws SCR 1 (Onder)</p>	
2:00 p.m.	<p>Judiciary and Civil and Criminal Jurisprudence SL (Dixon)</p> <p>Professional Registration SCR 1 (Riddle)</p> <p>Agriculture, Food Production and Outdoor Resources SCR 2 (Munzlinger)</p>			

SCR 1 - Senate Committee Rm. 1, Room 118

SL - Senate Lounge

SCR 2 - Senate Committee Rm. 2, Room 119

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2014**, entitled:

An Act to appropriate money for supplemental purposes for the expenses, grants, and distributions of the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the fiscal period ending June 30, 2016; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1872**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto nine new sections relating to broadband internet service.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1578**, entitled:

An Act to repeal sections 507.040, 507.050, 508.010, 508.012, and 537.762, RSMo, and to enact in lieu thereof six new sections relating to civil procedure in tort claims.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1443**, entitled:

An Act to repeal sections 208.024 and 208.182, RSMo, and to enact in lieu thereof one new section relating to temporary assistance for needy families benefits, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1388**, entitled:

An Act to repeal sections 317.006, 317.011, 317.013, 317.014, and 317.019, RSMo, and to enact in lieu thereof six new sections relating to certain sports contests.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1719**, entitled:

An Act to repeal sections 324.920, 324.1108, 327.221, 327.312, 330.030, 331.030, 332.131, 334.530, 334.655, 336.030, 341.170, 344.030, 374.715, 374.784, and 632.005, RSMo, and to enact in lieu thereof twenty-five new sections relating to professional registration.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 2277** and **1983**, entitled:

An Act to repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to license plates and windshield placards for permanently disabled persons.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1828**, entitled:

An Act to amend chapter 273, RSMo, by adding thereto one new section relating to animals, with penalty provisions and a delayed effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2127**, entitled:

An Act to repeal sections 334.036, 334.037, 334.104, and 334.735, RSMo, and to enact in lieu thereof four new sections relating to assistant physicians.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1831**, entitled:

An Act to repeal section 144.049, RSMo, and to enact in lieu thereof one new section relating to a sales tax holiday.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2208**, entitled:

An Act to repeal sections 115.225, 115.237, and 115.287, RSMo, and to enact in lieu thereof three new sections relating to elections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### INTRODUCTION OF GUESTS

Senator Hoskins introduced to the Senate, Alex Bauer, Loose Creek; and Alex was made an honorary page.

Senator Sater introduced to the Senate, Megan Jobes, and her children, Harrison and McKenna, Rogersville; and Harrison and McKenna were made honorary pages.

Senator Kehoe introduced to the Senate, the Physician of the Day, Frances Mei Hardin, MD, Columbia.

Senator Schupp introduced to the Senate, Joy Williams, her father, James, and Kellie Jones, St. Louis; and Leo Gard, Los Angeles, California.

Senator Schatz introduced to the Senate, Mayor Jim Bowlin, Wildwood.

Senator Emery introduced to the Senate, Chloe Bartlett, Miss Missouri Teen USA 2018, Liberal.

Senator Walsh introduced to the Senate, her brother, Philip Rone, and his wife, Julie, O'Fallon.

Senator Kehoe introduced to the Senate, teachers Mrs. Wolken and Mrs. Ferguson, and fourth-grade students from Immaculate Conception School, Jefferson City.

Senator Kehoe introduced to the Senate, Bishop Shawn McKnight, and Monsignor Robert Kurwicki, Jefferson City.

Senator Romine introduced to the Senate, teachers and students from St. Joseph Catholic School, Farmington.

On motion of Senator Kehoe, the Senate adjourned until 10:00 a.m., Wednesday, March 21, 2018.

SENATE CALENDAR

---

FORTY-SECOND DAY—WEDNESDAY, MARCH 21, 2018

---

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1080-Rizzo	SB 1092-Hoskins
SB 1081-Rizzo	SB 1093-Hoskins
SB 1082-Rizzo	SB 1094-Hoskins
SB 1083-Walsh	SB 1095-Hoskins
SB 1084-Schatz	SB 1096-Romine
SB 1085-Chappelle-Nadal	SB 1097-Sifton
SB 1086-Crawford	SB 1098-Sater
SB 1087-Rowden	SB 1099-Hummel and Nasheed
SB 1088-Rowden	SB 1100-Riddle
SB 1089-Wallingford	SB 1101-Schupp
SB 1090-Hummel	SB 1102-Kehoe
SB 1091-Nasheed	

HOUSE BILLS ON SECOND READING

HB 1469-Davis	HCS for HB 1872
HB 1968-Grier	HB 1578-Kolkmeyer
HB 2187-Walker (3)	HCS for HB 1443
HB 2196-Tate	HCS for HB 1388
HB 1517-McCann Beatty	HB 1719-Grier
HB 1573-Rowland (155)	HCS for HBs 2277 & 1983
HB 1893-Baringer	HCS for HB 1828
HB 2243-Houghton	HCS for HB 2127
HB 2318-Marshall	HB 1831-Ruth
HB 2330-Beck	HB 2208-Curtman
HB 2347-Davis	
HCS for HB 2014	



## THIRD READING OF SENATE BILLS

- |   |                          |
|---|--------------------------|
| 1. SS for SB 579-Libla (In Fiscal Oversight)                | 5. SS for SB 704-Hegeman |
| 2. SS for SB 699-Sifton (In Fiscal Oversight)               | 6. SCS for SB 672-Koenig |
| 3. SS#2 for SCS for SB 590-Hegeman<br>(In Fiscal Oversight) | 7. SS for SB 870-Hegeman |
| 4. SB 850-Wallingford                                       | 8. SCS for SB 953-Sater  |

## SENATE BILLS FOR PERFECTION

- |                                |                              |
|--------------------------------|------------------------------|
| 1. SB 578-Romine               | 13. SB 990-Hegeman, with SCS |
| 2. SB 666-Onder                | 14. SB 862-Schatz, with SCS  |
| 3. SB 802-Nasheed, with SCS    | 15. SB 920-Riddle            |
| 4. SB 982-Wieland              | 16. SB 919-Libla             |
| 5. SB 981-Wieland              | 17. SB 822-Hegeman, with SCS |
| 6. SB 928-Onder, with SCS      | 18. SB 652-Nasheed, with SCS |
| 7. SB 782-Cunningham, with SCS | 19. SB 693-Wallingford       |
| 8. SB 553-Dixon, with SCS      | 20. SB 890-Riddle, with SCS  |
| 9. SB 966-Rowden, with SCS     | 21. SB 697-Romine            |
| 10. SB 706-Riddle              | 22. SJR 25-Romine            |
| 11. SB 917-Crawford, with SCS  | 23. SB 808-Brown             |
| 12. SB 884-Koenig              |                              |

## HOUSE BILLS ON THIRD READING

- |                                    |                                  |
|------------------------------------|----------------------------------|
| HB 1769-Mathews, with SCS (Schatz) | HB 1413-Taylor, with SCS (Onder) |
|------------------------------------|----------------------------------|

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 546-Munzlinger, with SS#4 (pending)                                    | SB 591-Hegeman, with SCS                                   |
| SB 550-Wasson, with SCS   | SB 596-Riddle, with SCS                                    |
| SB 552-Dixon, with SS (pending)   | SB 599-Schatz  |
| SBs 555 & 609-Brown, with SCS   | SB 602-Onder, with SCS                                     |
| SB 561-Sater, with SA 1 (pending)   | SB 612-Koenig, with SCS, SS#2 for SCS,                     |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending) | SA 2, SSA 1 for SA 2 & SA 1 to SSA 1<br>for SA 2 (pending) |

SBs 617, 611 & 667-Eigel, with SCS & SS  
for SCS (pending)  
SB 663-Schatz, with SCS (pending)  
SB 674-Koenig  
SB 730-Wallingford, with SCS & SA 1  
(pending)  
SB 751-Schatz  
SB 767-Hoskins, with SCS, SS for SCS &  
SA 2 (pending)  
SB 774-Munzlinger  
SB 786-Schupp, with SA 3 (pending)  
SB 813-Riddle, with SCS & SA 1 (pending)  
SB 832-Rowden, with SCS

SB 837-Rowden  
SB 848-Riddle  
SB 849-Kehoe and Schupp, with SCS, SA 1  
& SA 1 to SA 1 (pending)  
SB 860-Koenig, with SCS, SS for SCS &  
SA 1 (pending)  
SB 861-Hegeman, with SCS  
SB 865-Kehoe  
SB 893-Sater, with SCS, SS for SCS &  
SA 1 (pending)  
SB 907-Kehoe, with SCS  
SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)

#### HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)  
SS for SCS for HB 1350-Smith (163)  
(Rowden) (In Fiscal Oversight)

HB 1691-Miller, with SCS (Emery)

#### CONSENT CALENDAR

Senate Bills

Reported 3/8

SBs 999 & 1000-Rowden, with SCS

Reported 3/15

SB 575-Wallingford

SB 846-Schupp, with SCS

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

✓

# Journal of the Senate

SECOND REGULAR SESSION

---

**FORTY-SECOND DAY—WEDNESDAY, MARCH 21, 2018**

---

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

## **RESOLUTIONS**

On behalf of Senator Cunningham, Senator Kehoe offered Senate Resolution No. 1522, regarding John Greer, Marshfield, which was adopted.

On behalf of Senator Rizzo, Senator Kehoe offered Senate Resolution No. 1523, regarding Brooke Snider, Independence, which was adopted.

On behalf of Senator Rizzo, Senator Kehoe offered Senate Resolution No. 1524, regarding Cecilie Fowler, Independence, which was adopted.

On behalf of Senator Rizzo, Senator Kehoe offered Senate Resolution No. 1525, regarding Alexis Eager, Buckner, which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 1526, regarding 4th Street Theatre, Moberly, which was adopted.

On behalf of Senator Cunningham, Senator Kehoe offered Senate Resolution No. 1527, regarding Keith Moore, Ava, which was adopted.

## **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

March 15, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Stephen M. Kenny, 1717 Ankney Place, Neosho, Newton County, Missouri 64850, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2018, and until his successor is duly appointed and qualified; vice, Stephen M. Kenny, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
March 15, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Luke M. LeGrand, 2520 Allendale Drive, Cape Girardeau, Cape Girardeau County, Missouri 63701, as the student representative of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2020, and until his successor is duly appointed and qualified; vice, Bradley A. Jones, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
March 15, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dana Lopez, 1004 East Skyline Avenue, Ozark, Christian County, Missouri 65721, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2018, and until her successor is duly appointed and qualified; vice, Melinda Nicholson, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
Jefferson City  
65102  
March 15, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kenneth L. Lovelace, Republican, 2605 County Road 325, Palmyra, Marion County, Missouri 63461, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2018, and until his successor is duly appointed and qualified; vice, Charlie Ausfahl, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 15, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael McClaskey, 1445 Forest Trials Drive, Castle Pines, Douglas County, Colorado 80108, as a member of the Truman State University Board of Governors, for a term ending January 1, 2022, and until his successor is duly appointed and qualified; vice, Michael A. Zito, resigned.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI

Jefferson City

65102

March 15, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William L. Miller, 27 Liberty Lane, Sullivan, Crawford County, Missouri 63080, as the student representative of the Missouri State University Board of Governors, for a term ending December 31, 2019, and until his successor is duly appointed and qualified; vice, Tyree Davis IV, term expired.

Respectfully submitted,

Eric R. Greitens

Governor

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2194**, entitled:

An Act to repeal sections 354.465, 375.1250, 375.1252, 375.1255, 375.1257, 375.1260, 375.1262, 375.1265, 375.1267, 375.1269, 375.1270, 375.1272, and 375.1275, RSMo, and to enact in lieu thereof thirteen new sections relating to health organizations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2171**, entitled:

An Act to repeal sections 209.030 and 209.040, RSMo, and to enact in lieu thereof two new sections relating to the blind pension fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 1503**, entitled:

An Act to repeal sections 30.750 and 30.756, RSMo, and to enact in lieu thereof three new sections relating to small business loans for veterans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2322**, entitled:

An Act to repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 86.200, 86.223, 86.247, 86.250, 86.251, 86.253, 86.254, 86.257, 86.260, 86.263, 86.267, 86.277, 86.283, 86.288, 86.290, 86.320, 86.330, 86.333, 86.337, 86.344, and 86.354, RSMo, and to enact in lieu thereof twenty-eight new sections relating to the public employee retirement system for prosecuting and circuit attorneys.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2249**, entitled:

An Act to repeal sections 210.025, 210.254, and 210.258, RSMo, and to enact in lieu thereof five new sections relating to child care facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1656** and **2075**, entitled:

An Act to amend chapter 285, RSMo, by adding thereto nine new sections relating to professional employer organizations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1635**, entitled:

An Act to repeal section 198.070, RSMo, and to enact in lieu thereof twelve new sections relating to sexual assault reporting in long-term care facilities, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2265**, entitled:

An Act to repeal sections 386.135, 386.266, 386.390, 393.170, 393.1025, and 393.1030, RSMo, and to enact in lieu thereof nineteen new sections relating to public utilities, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### INTRODUCTIONS OF GUESTS

On behalf of Senator Kehoe, the President introduced to the Senate, Bruce Miedema, Plymouth, Michigan.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, March 26, 2018.

### SENATE CALENDAR

---

FORTY-THIRD DAY—MONDAY, MARCH 26, 2018

---

### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1080-Rizzo

SB 1081-Rizzo

SB 1082-Rizzo

SB 1083-Walsh

SB 1084-Schatz

SB 1085-Chappelle-Nadal

SB 1086-Crawford

SB 1087-Rowden

SB 1088-Rowden

SB 1089-Wallingford

SB 1090-Hummel

SB 1091-Nasheed

SB 1092-Hoskins

SB 1093-Hoskins

SB 1094-Hoskins

SB 1095-Hoskins

SB 1096-Romine

SB 1097-Sifton

SB 1098-Sater  
 SB 1099-Hummel and Nasheed  
 SB 1100-Riddle

SB 1101-Schupp  
 SB 1102-Kehoe

#### HOUSE BILLS ON SECOND READING

HB 1469-Davis	HCS for HB 1388
HB 1968-Grier	HB 1719-Grier
HB 2187-Walker (3)	HCS for HBs 2277 & 1983
HB 2196-Tate	HCS for HB 1828
HB 1517-McCann Beatty	HCS for HB 2127
HB 1573-Rowland (155)	HB 1831-Ruth
HB 1893-Baringer	HB 2208-Curtman
HB 2243-Houghton	HB 2194-Conway (104)
HB 2318-Marshall	HCS for HB 2171
HB 2330-Beck	HCS#2 for HB 1503
HB 2347-Davis	HB 2322-Walker (3)
HCS for HB 2014	HCS for HB 2249
HCS for HB 1872	HCS for HBs 1656 & 2075
HB 1578-Kolkmeyer	HCS for HB 1635
HCS for HB 1443	HCS for HB 2265

#### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)	SS for SB 704-Hegeman
SS for SB 699-Sifton (In Fiscal Oversight)	SCS for SB 672-Koenig
SS#2 for SCS for SB 590-Hegeman	SS for SB 870-Hegeman
(In Fiscal Oversight)	SCS for SB 953-Sater
SB 850-Wallingford	

#### SENATE BILLS FOR PERFECTION

- |                                |                               |
|--------------------------------|-------------------------------|
| 1. SB 578-Romine               | 8. SB 553-Dixon, with SCS     |
| 2. SB 666-Onder                | 9. SB 966-Rowden, with SCS    |
| 3. SB 802-Nasheed, with SCS    | 10. SB 706-Riddle             |
| 4. SB 982-Wieland              | 11. SB 917-Crawford, with SCS |
| 5. SB 981-Wieland              | 12. SB 884-Koenig             |
| 6. SB 928-Onder, with SCS      | 13. SB 990-Hegeman, with SCS  |
| 7. SB 782-Cunningham, with SCS | 14. SB 862-Schatz, with SCS   |



- 15. SB 920-Riddle
- 16. SB 919-Libla
- 17. SB 822-Hegeman, with SCS
- 18. SB 652-Nasheed, with SCS
- 19. SB 693-Wallingford

- 20. SB 890-Riddle, with SCS
- 21. SB 697-Romine
- 22. SJR 25-Romine
- 23. SB 808-Brown

HOUSE BILLS ON THIRD READING

HB 1769-Mathews, with SCS (Schatz)

HB 1413-Taylor, with SCS (Onder)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)  
SB 550-Wasson, with SCS  
SB 552-Dixon, with SS (pending)  
SBs 555 & 609-Brown, with SCS  
SB 561-Sater, with SA 1 (pending)  
SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 591-Hegeman, with SCS  
SB 596-Riddle, with SCS  
SB 599-Schatz  
SB 602-Onder, with SCS  
SB 612-Koenig, with SCS, SS#2 for SCS,  
SA 2, SSA 1 for SA 2 &  
SA 1 to SSA 1 for SA 2 (pending)  
SBs 617, 611 & 667-Eigel, with SCS &  
SS for SCS (pending)  
SB 663-Schatz, with SCS (pending)  
SB 674-Koenig  
SB 730-Wallingford, with SCS &  
SA 1 (pending)

SB 751-Schatz  
SB 767-Hoskins, with SCS, SS for SCS &  
SA 2 (pending)  
SB 774-Munzlinger  
SB 786-Schupp, with SA 3 (pending)  
SB 813-Riddle, with SCS & SA 1 (pending)  
SB 832-Rowden, with SCS  
SB 837-Rowden  
SB 848-Riddle  
SB 849-Kehoe and Schupp, with SCS, SA 1 &  
SA 1 to SA 1 (pending)  
SB 860-Koenig, with SCS, SS for SCS &  
SA 1 (pending)  
SB 861-Hegeman, with SCS  
SB 865-Kehoe  
SB 893-Sater, with SCS, SS for SCS &  
SA 1 (pending)  
SB 907-Kehoe, with SCS  
SB 912-Rowden, with SCS &  
SS#3 for SCS (pending)

HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)  
SS for SCS for HB 1350-Smith (163) (Rowden)  
(In Fiscal Oversight)

HB 1691-Miller, with SCS (Emery)

## CONSENT CALENDAR

## Senate Bills

Reported 3/8

SBs 999 &amp; 1000-Rowden, with SCS

Reported 3/15

SB 575-Wallingford

SB 846-Schupp, with SCS

## RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-THIRD DAY—MONDAY, MARCH 26, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let days speak, and many years teach wisdom. But it is in the spirit in man, the breathe of the Almighty, that makes him understand.”  
(Job 32:7-8)

Almighty God, we are so thankful for the time we have had to rest and be able to do the things we deem most important. We return encouraged to take on the work that is before us. We ask for Your spirit to be present with us and guide our hearts and minds so that we have a clear understanding what You deem important for us to accomplish that will lead us to be most helpful for the people we serve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 15, 2018 and Wednesday, March 21, 2018 were read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Hoskins—1

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Schatz offered Senate Resolution No. 1528, regarding Billy “Bill” Moody, Chesterfield, which was adopted.

Senator Schatz offered Senate Resolution No. 1529, regarding Jules Pierre “Paul” Guidry, III, Pacific, which was adopted.

Senator Schatz offered Senate Resolution No. 1530, regarding John Anthony Panfil, Chesterfield, which was adopted.

On behalf of Senator Hoskins, Senator Kehoe offered Senate Resolution No. 1531, regarding Piper Killingsworth, Lawson, which was adopted.

On behalf of Senator Hoskins, Senator Kehoe offered Senate Resolution No. 1532, regarding Adones Eskew, Lawson, which was adopted.

On behalf of Senator Hoskins, Senator Kehoe offered Senate Resolution No. 1533, regarding Matthew Shafer, Lawson, which was adopted.

Senator Cierpiot offered Senate Resolution No. 1534, regarding Eagle Scout Hector Emilio Caballero, III, Lee’s Summit, which was adopted.

Senator Cierpiot offered Senate Resolution No. 1535, regarding Eagle Scout Benjamin Thomas Coates, Lee’s Summit, which was adopted.

Senator Cierpiot offered Senate Resolution No. 1536, regarding Eagle Scout Evan Michael Danaher, Lee’s Summit, which was adopted.

Senator Hegeman offered Senate Resolution No. 1537, regarding the Sixtieth Wedding Anniversary of Donnie and Dawn Blair, Savannah, which was adopted.

Senator Hegeman offered Senate Resolution No. 1538, regarding Latorrie Johnson, Trenton, which was adopted.

Senator Hegeman offered Senate Resolution No. 1539, regarding Kailey Mgrdichian, Liberty, which was adopted.

Senator Hegeman offered Senate Resolution No. 1540, regarding Elizabeth Shyanne Adcock, Missouri City, which was adopted.

Senator Hegeman offered Senate Resolution No. 1541, regarding Faithe Neary, which was adopted.

Senator Hegeman offered Senate Resolution No. 1542, regarding Werthen Gass, Trenton, which was adopted.

Senator Hegeman offered Senate Resolution No. 1543, regarding E’Lizabeth NiChea Neal, Trenton, which was adopted.

Senator Holsman offered Senate Resolution No. 1544, regarding Elinor Bortnick, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 1545, regarding Isabella Barnes, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 1546, regarding Tehya Frederick, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 1547, regarding Molly Lombardi, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 1548, regarding Lauren Scott, Grandview, which was adopted.

Senator Holsman offered Senate Resolution No. 1549, regarding Delaney Northington, Kansas City, which was adopted.

Senator Wallingford offered Senate Resolution No. 1550, regarding Vickie Norris, Piedmont, which was adopted.

On behalf of Senator Hoskins, Senator Kehoe offered Senate Resolution No. 1551, regarding the University of Central Missouri women's basketball program, Warrensburg, which was adopted.

Senator Schupp offered Senate Resolution No. 1552, regarding David M. Glazer, Creve Coeur, which was adopted.

Senator Sater offered Senate Resolution No. 1553, regarding the Seventieth Wedding Anniversary of Reverend and Mrs. Archie Jones, Crane, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1554, regarding Drs. Robert and Martha Bergen, which was adopted.

Senator Richard offered Senate Resolution No. 1555, regarding the Fortieth Anniversary of Community Support Services of Missouri, Joplin, which was adopted.

The Senate observed a moment of silence in memory of Michael and Michelle Moore.

The Senate observed a moment of silence in memory of former State Representative Cloria Brown.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

Jefferson City

65102

March 22, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Michael McClaskey as a member of the Truman State University Board of Governors submitted to you on March 15, 2018. Line 3 should be amended to read:

Michael McClaskey, 1445 Forest Trails Drive, Castle Pines, Douglas County, Colorado

Respectfully submitted,

Eric R. Greitens

Governor

President Pro Tem Richard referred the above addendum and the gubernatorial appointments appearing on pages 726 through 728 of the Senate Journal for Wednesday, March 21, 2018, to the Committee on Gubernatorial Appointments.

**REFERRALS**

President Pro Tem Richard referred **SB 850** to the Committee on Fiscal Oversight.

**SENATE BILLS FOR PERFECTION**

Senator Romine moved that **SB 578** be taken up for perfection, which motion prevailed.

At the request of Senator Romine, **SB 578** was placed on the Informal Calendar.

Senator Onder moved that **SB 666** be taken up for perfection, which motion prevailed.

Senator Onder offered **SS** for **SB 666**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 666

An Act to amend chapter 285, RSMo, by adding thereto ten new sections relating to the regulation of the tri-party employment relationship, with penalty provisions.

Senator Onder moved that **SS** for **SB 666** be adopted, which motion prevailed.

On motion of Senator Onder, **SS** for **SB 666** was declared perfected and ordered printed.

Senator Nasheed moved that **SB 802**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 802**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 802

An Act to repeal section 37.020, RSMo, and to enact in lieu thereof one new section relating to women's and minority business enterprises.

Was taken up.

Senator Nasheed moved that **SCS** for **SB 802** be adopted.

Senator Nasheed offered **SS** for **SCS** for **SB 802**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 802

An Act to repeal section 37.020, RSMo, and to enact in lieu thereof one new section relating to nonprofit organizations.

Senator Nasheed moved that **SS** for **SCS** for **SB 802** be adopted.

Senator Schatz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 802, Page 4, Section 37.020, Line 14, by inserting after all of said line the following:

**“5. Any political subdivision of the state shall recognize an entity certified as a minority business enterprise or women’s business enterprise under this section as such an entity without any additional requirements.”.**

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Schatz offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 802, Page 1, In the Title, Lines 3-4, by striking “nonprofit organizations” and inserting in lieu thereof the following: “women’s and minority business enterprises”.

Senator Schatz moved that the above amendment be adopted.

At the request of Senator Nasheed, **SS** for **SCS** for **SB 802**, as amended, was withdrawn, rendering **SA 2** moot.

Senator Nasheed offered **SS No. 2** for **SCS** for **SB 802**, entitled:

**SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 802**

An Act to repeal section 37.020, RSMo, and to enact in lieu thereof one new section relating to nonprofit organizations.

Senator Nasheed moved that **SS No. 2** for **SCS** for **SB 802** be adopted.

At the request of Senator Nasheed, **SB 802**, with **SCS** and **SS No. 2** for **SCS** (pending), was placed on the Informal Calendar.

Senator Wieland moved that **SB 982** be taken up for perfection, which motion prevailed.

President Pro Tem Richard assumed the Chair.

At the request of Senator Wieland, **SB 982** was placed on the Informal Calendar.

Senator Wieland moved that **SB 981** be taken up for perfection, which motion prevailed.

Senator Schatz offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Bill No. 981, Page 1, In the Title, Lines 3-4, by striking all of said lines and inserting in lieu thereof the following: “sections relating to workers’ compensation.”; and

Further amend said bill and page, section A, line 3, by inserting immediately after said line the following:

“287.127. 1. Beginning January 1, 1993, all employers shall post a notice at their place of employment, in a sufficient number of places on the premises to assure that such notice will reasonably be seen by all employees. An employer for whom services are performed by individuals who may not reasonably be expected to see a posted notice shall notify each such employee in writing of the contents of such notice. The notice shall include:

(1) That the employer is operating under and subject to the provisions of the Missouri workers’

compensation law;

(2) That employees must report all injuries immediately to the employer by advising the employer personally, the employer's designated individual or the employee's immediate boss, supervisor or foreman and that the employee may lose the right to receive compensation if the injury or illness is not reported within thirty days or in the case of occupational illness or disease, within thirty days of the time he or she is reasonably aware of work relatedness of the injury or illness; employees who fail to notify their employer within thirty days may jeopardize their ability to receive compensation, and any other benefits under this chapter;

(3) The name, address and telephone number of the insurer, if insured. If self-insured, the name, address and telephone number of the employer's designated individual responsible for reporting injuries or the name, address and telephone number of the adjusting company or service company designated by the employer to handle workers' compensation matters;

(4) The name, address and the toll-free telephone number of the division of workers' compensation;

(5) That the employer will supply, upon request, additional information provided by the division of workers' compensation;

(6) That a fraudulent action by the employer, employee or any other person is unlawful.

2. The division of workers' compensation shall develop the notice to be posted [and shall], distribute such notice free of charge to employers and insurers upon request, **and publish the notice on the website of the department of labor and industrial relations**. Failure to request such notice does not relieve the employer of its obligation to post the notice. If the employer carries workers' compensation insurance, the carrier shall provide the notice, **in paper or electronic format**, to the insured within thirty days of the insurance policy's inception date. **A carrier who elects to provide the notice in electronic format shall direct the insured to the notice available on the website of the department of labor and industrial relations.**

3. Any employer who willfully violates the provisions of this section shall be guilty of a class A misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment, and each such violation or each day such violation continues shall be deemed a separate offense."; and

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wieland, **SB 981**, as amended, was declared perfected and ordered printed.

President Parson assumed the Chair.

At the request of Senator Onder, **SB 928**, with **SCS**, was placed on the Informal Calendar.

Senator Cunningham moved that **SB 782**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 782**, entitled:



SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 782

An Act to repeal sections 260.380, 260.475, 444.768, 444.772, 644.016, 644.051, 644.054, and 644.057, RSMo, and to enact in lieu thereof nine new sections relating to the department of natural resources.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 782** be adopted.

Senator Cunningham offered **SS** for **SCS** for **SB 782**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 782

An Act to repeal sections 260.262, 260.380, 260.475, 319.129, 444.768, 444.772, 644.054, and 644.057, RSMo, and to enact in lieu thereof ten new sections relating to the department of natural resources.

Senator Cunningham moved that **SS** for **SCS** for **SB 782** be adopted.

Senator Hegeman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 782, Page 25, Section 444.772, Line 15 of said page, by inserting immediately after said line the following:

“640.620. In any case, the grant shall not be in excess of [one] **three** thousand [four hundred] dollars per connection, or, in the case of a source water protection project, for more than twenty percent of the cost per acre for conservation reserve and, except as otherwise provided in this section, no district or system may receive more than one grant for any purpose in any two-year period. Grantees who received or who are receiving funds under the 1993-1994 special allocation for flood-impacted communities are not subject to the prohibition against receiving more than one grant during any two-year period for a period ending two years after the final grant allocation for flood-impacted communities is received by that grantee.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Eigel offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 782, Pages 12-17, Section 319.129, by striking all of said section from the bill and inserting in lieu thereof the following:

**“319.140. 1. There is established a task force of the general assembly to be known as the “Task Force on the Petroleum Storage Tank Insurance Fund”. Such task force shall be composed of six members, with three members being from the house of representatives appointed by the speaker of the house of representatives and three members being from the senate appointed by the president pro tempore of the senate. No more than two members from either the house of representatives or the senate shall be from the same political party. A majority of the task force shall constitute a quorum.**

**2. The task force shall conduct research and compile a report for delivery to the general assembly by December 31, 2018, on the following:**

- (1) The efficacy of the petroleum storage tank insurance fund and program;
- (2) The sustainability of the petroleum storage tank insurance fund and program;
- (3) The administration of the petroleum storage tank insurance fund and program;
- (4) The availability of private insurance for above and below ground petroleum storage tanks, and the necessity of insurance subsidies created through the petroleum storage tank insurance program;
- (5) Compliance with federal programs, regulations, and advisory reports; and
- (6) The comparability of the petroleum storage tank insurance program to other states' programs and states without such programs.

3. The task force shall meet within thirty days after its creation and organize by selecting a chairperson and vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. Thereafter, the task force may meet as often as necessary in order to accomplish the tasks assigned to it.

4. The task force shall be staffed by legislative staff as necessary to assist the task force in the performance of its duties.

5. The members of the task force shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

6. This section shall expire on December 31, 2018.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted.

Senator Schupp offered SA 1 to SA 2:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 782, Page 1, Section 319.140, Lines 7-10, by striking all of said lines and inserting in lieu thereof the following: **“of six members. Three members shall be from the house of representatives with two appointed by the speaker of the house of representatives and one appointed by the minority floor leader of the house of representatives. Three members shall be from the senate with two appointed by the president pro tempore of the senate and one appointed by the minority floor leader of the senate. No more than two”**.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Eigel moved that SA 2, as amended, be adopted, which motion prevailed.

Senator Schupp offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 782, Page 29, Section 644.059, Lines 1-2, by striking the words “include but not be limited to” and inserting in lieu thereof the

following: “**only include**”.

Senator Schupp moved that the above amendment be adopted, which motion failed.

Senator Cunningham moved that **SS** for **SCS** for **SB 782**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SS** for **SCS** for **SB 782**, as amended, was declared perfected and ordered printed.

Senator Nasheed moved that **SB 802**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS No. 2** for **SCS** for **SB 802** was again taken up.

Senator Nasheed moved that **SS No. 2** for **SCS** for **SB 802**, as amended, be adopted, which motion prevailed.

On motion of Senator Nasheed, **SS No. 2** for **SCS** for **SB 802**, as amended, was declared perfected and ordered printed.

#### **HOUSE BILLS ON SECOND READING**

The following Bill was read the 2nd time and referred to the Committee indicated:

**HCS** for **HB 2014**—Appropriations.

#### **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 981** and **SS** for **SB 666**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

#### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 2280, 2120, 1468** and **1616**, entitled:

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet benefits for pregnant women.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2274**, entitled:

An Act to repeal section 301.3148, RSMo, and to enact in lieu thereof one new section relating to the Missouri DeMolay license plate.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **RESOLUTIONS**

Senator Crawford offered Senate Resolution No. 1556, regarding Route 54 Cruisers, El Dorado Springs, which was adopted.

Senator Kehoe offered Senate Resolution No. 1557, regarding Ken Johnson, which was adopted.

Senator Kehoe offered Senate Resolution No. 1558, regarding Mary Scruggs, which was adopted.

### **INTRODUCTION OF GUESTS**

Senator Nasheed introduced to the Senate, Matt Brooks, St. Louis.

Senator Walsh introduced to the Senate, her granddaughter, Prudence Jane Friederich, O'Fallon; and Prudence was made an honorary page.

On motion of Senator Kehoe, the Senate adjourned under the rules.

### **SENATE CALENDAR**

---

FORTY-FOURTH DAY—TUESDAY, MARCH 27, 2018

---

### **FORMAL CALENDAR**

#### **SECOND READING OF SENATE BILLS**

SB 1080-Rizzo	SB 1092-Hoskins
SB 1081-Rizzo	SB 1093-Hoskins
SB 1082-Rizzo	SB 1094-Hoskins
SB 1083-Walsh	SB 1095-Hoskins
SB 1084-Schatz	SB 1096-Romine
SB 1085-Chappelle-Nadal	SB 1097-Sifton
SB 1086-Crawford	SB 1098-Sater
SB 1087-Rowden	SB 1099-Hummel and Nasheed
SB 1088-Rowden	SB 1100-Riddle
SB 1089-Wallingford	SB 1101-Schupp
SB 1090-Hummel	SB 1102-Kehoe
SB 1091-Nasheed	

#### **HOUSE BILLS ON SECOND READING**

HB 1469-Davis

HB 1968-Grier

HB 2187-Walker (3)	HCS for HB 1828
HB 2196-Tate	HCS for HB 2127
HB 1517-McCann Beatty	HB 1831-Ruth
HB 1573-Rowland (155)	HB 2208-Curtman
HB 1893-Baringer	HB 2194-Conway (104)
HB 2243-Houghton	HCS for HB 2171
HB 2318-Marshall	HCS#2 for HB 1503
HB 2330-Beck	HB 2322-Walker (3)
HB 2347-Davis	HCS for HB 2249
HCS for HB 1872	HCS for HBs 1656 & 2075
HB 1578-Kolkmeier	HCS for HB 1635
HCS for HB 1443	HCS for HB 2265
HCS for HB 1388	HCS for HBs 2280, 2120, 1468 & 1616
HB 1719-Grier	HCS for HB 2274
HCS for HBs 2277 & 1983	

### THIRD READING OF SENATE BILLS

- |  |                          |
|--|--------------------------|
| 1. SS for SB 579-Libla (In Fiscal Oversight)             | 5. SS for SB 704-Hegeman |
| 2. SS for SB 699-Sifton (In Fiscal Oversight)            | 6. SCS for SB 672-Koenig |
| 3. SS#2 for SCS for SB 590-Hegeman (In Fiscal Oversight) | 7. SS for SB 870-Hegeman |
| 4. SB 850-Wallingford (In Fiscal Oversight)              | 8. SCS for SB 953-Sater  |
|  | 9. SB 981-Wieland        |
|  | 10. SS for SB 666-Onder  |

### SENATE BILLS FOR PERFECTION

- |                              |                              |
|------------------------------|------------------------------|
| 1. SB 553-Dixon, with SCS    | 9. SB 919-Libla              |
| 2. SB 966-Rowden, with SCS   | 10. SB 822-Hegeman, with SCS |
| 3. SB 706-Riddle             | 11. SB 652-Nasheed, with SCS |
| 4. SB 917-Crawford, with SCS | 12. SB 693-Wallingford       |
| 5. SB 884-Koenig             | 13. SB 890-Riddle, with SCS  |
| 6. SB 990-Hegeman, with SCS  | 14. SB 697-Romine            |
| 7. SB 862-Schatz, with SCS   | 15. SJR 25-Romine            |
| 8. SB 920-Riddle             | 16. SB 808-Brown             |

### HOUSE BILLS ON THIRD READING

- |                                    |                                  |
|------------------------------------|----------------------------------|
| HB 1769-Mathews, with SCS (Schatz) | HB 1413-Taylor, with SCS (Onder) |
|------------------------------------|----------------------------------|

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)	SB 767-Hoskins, with SCS, SS for SCS & SA 2 (pending)
SB 550-Wasson, with SCS	SB 774-Munzlinger
SB 552-Dixon, with SS (pending)	SB 786-Schupp, with SA 3 (pending)
SBs 555 & 609-Brown, with SCS	SB 813-Riddle, with SCS & SA 1 (pending)
SB 561-Sater, with SA 1 (pending)	SB 832-Rowden, with SCS
SB 567-Cunningham, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)	SB 837-Rowden
SB 578-Romine	SB 848-Riddle
SB 591-Hegeman, with SCS	SB 849-Kehoe and Schupp, with SCS, SA 1 & SA 1 to SA 1 (pending)
SB 596-Riddle, with SCS	SB 860-Koenig, with SCS, SS for SCS & SA 1 (pending)
SB 599-Schatz	SB 861-Hegeman, with SCS
SB 602-Onder, with SCS	SB 865-Kehoe
SB 612-Koenig, with SCS, SS#2 for SCS, SA 2, SSA 1 for SA 2 & SA 1 to SSA 1 for SA 2 (pending)	SB 893-Sater, with SCS, SS for SCS & SA 1 (pending)
SBs 617, 611 & 667-Eigel, with SCS & SS for SCS (pending)	SB 907-Kehoe, with SCS
SB 663-Schatz, with SCS (pending)	SB 912-Rowden, with SCS & SS#3 for SCS (pending)
SB 674-Koenig	SB 928-Onder, with SCS
SB 730-Wallingford, with SCS & SA 1 (pending)	SB 982-Wieland
SB 751-Schatz	

## HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)	HB 1691-Miller, with SCS (Emery)
SS for SCS for HB 1350-Smith (163)	
(Rowden) (In Fiscal Oversight)	

## CONSENT CALENDAR

Senate Bills

Reported 3/8

SBs 999 &amp; 1000-Rowden, with SCS

Reported 3/15

SB 575-Wallingford

SB 846-Schupp, with SCS

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-FOURTH DAY—TUESDAY, MARCH 27, 2018**

---

The Senate met pursuant to adjournment.

President Pro Tem Richard in the Chair.

Reverend Carl Gauck offered the following prayer:

“No one shall be able to stand against you all the days of your life.” (Joshua 1:5)

We are thankful for Your word, O Lord, for You remind us that we will never be alone and we are never forsaken for You are with us. We are thankful for Your constant presence in our lives and the grace You provide so that whatever befalls on us You are there and Your gift of hope and encouragement will never leave us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

The Senate observed a moment of silence in memory of former State Representative Louis H. Ford.

Senator Rowden assumed the Chair.

The Senate observed a moment of silence in memory of Linda Brown.



President Pro Tem Richard assumed the Chair.

The Senate observed a moment of silence in memory of James Taylor.

The Senate observed a moment of silence in memory of the unborn.

Senator Hummel requested unanimous consent of the Senate to withdraw **SB 1099**, which request was granted.

### **RESOLUTIONS**

Senators Nasheed, Chappelle-Nadal and Curls offered Senate Resolution No. 1559, regarding the death of former State Representative Louis H. Ford, St. Louis, which was adopted.

Senator Richard offered Senate Resolution No. 1560, regarding Kansas City University College of Osteopathic Medicine, which was adopted.

Senator Romine offered Senate Resolution No. 1561, regarding Patrick J. Lamping, Barnhart, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS No. 2** for **SCS** for **SB 802** and **SS** for **SCS** for **SB 782**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **SENATE BILLS FOR PERFECTION**

Senator Dixon moved that **SB 553**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 553**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 553**

An Act to repeal sections 67.398, 67.410, 143.783, 302.321, 302.341, 347.048, 479.020, 479.350, 479.353, 479.359, and 479.360, RSMo, and to enact in lieu thereof eleven new sections relating to local government, with existing penalty provisions.

Was taken up.

Senator Dixon moved that **SCS** for **SB 553** be adopted.

Senator Dixon offered **SS** for **SCS** for **SB 553**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 553**

An Act to repeal sections 67.398, 67.410, 143.783, 302.321, 302.341, 347.048, 479.020, 479.350,

479.353, 479.359, and 479.360, RSMo, and to enact in lieu thereof eleven new sections relating to local government, with existing penalty provisions.

Senator Dixon moved that **SS** for **SCS** for **SB 553** be adopted.

Senator Nasheed offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 553, Pages 16-17, Section 479.350, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

At the request of Senator Dixon, **SB 553**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

**SENATE BILLS FOR PERFECTION**

Senator Rowden moved that **SB 966**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 966**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 966**

An Act to repeal sections 43.507, 217.015, 217.030, 217.075, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.105, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, and 595.220, RSMo, and to enact in lieu thereof thirty-two new sections relating to administration of the criminal justice system, with existing penalty provisions.

Was taken up.

Senator Rowden moved that **SCS** for **SB 966** be adopted.

Senator Rowden offered **SS** for **SCS** for **SB 966**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 966**

An Act to repeal sections 43.507, 217.015, 217.030, 217.075, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.105, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, and 595.220, RSMo, and to enact in lieu thereof thirty-four new sections relating to administration of the criminal justice system, with existing penalty provisions.

Senator Rowden moved that **SS** for **SCS** for **SB 966** be adopted.

Senator Nasheed offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 2, Section 43.507, Line 12, by inserting after all of said line the following:

“57.450. All general laws relating and applicable to the sheriffs of the several counties of this state shall apply to the same officer in the City of St. Louis, except that the sheriff of the City of St. Louis shall not enforce the general criminal laws of the state of Missouri unless such enforcement shall be incidental to the duties customarily performed by the sheriff of the City of St. Louis. **The sheriff and sworn deputies of the office of sheriff of the city of St. Louis may be eligible for training and licensure by the peace officer standards and training commission under chapter 590, and such office shall be considered a law enforcement agency with the sheriff and sworn deputies considered law enforcement officers.** All acts and parts of acts providing for any legal process to be directed to any sheriff of any county shall be so construed as to mean the sheriff of the city of St. Louis as if such officer were specifically named in such act.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 73, Section 650.035, Line 25, by inserting after the word “county,” the following:

**“located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, and any county of the third classification without a township form of government and with more than forty-one thousand but fewer than forty-five thousand inhabitants”.**

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Sater offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 46, Section 455.095, Line 2 of said page, by inserting immediately after said line the following:

“566.147. 1. Any person who, since July 1, 1979, has been or hereafter has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it

existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not reside within one thousand feet of any public school as defined in section 160.011, any private school giving instruction in a grade or grades not higher than the twelfth grade, or any child care facility that is licensed under chapter 210, or any child care facility as defined in section 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility, where the school or facility is in existence at the time the individual begins to reside at the location. **Such person shall also not reside within one thousand feet of the property line of the residence of a former victim of such person.**

2. If such person has already established a residence and a public school, a private school, or child care facility is subsequently built or placed within one thousand feet of such person's residence, **or a former victim subsequently resides on property with a property line within one thousand feet of such person's residence**, then such person shall, within one week of the opening of such public school, private school, or child care facility, **or the former victim residing on the property**, notify the county sheriff where such public school, private school, [or] child care facility, **or residence of a former victim** is located that he or she is now residing within one thousand feet of such public school, private school, [or] child care facility, **or property line of the residence of a former victim**, and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child care facility, **or the former victim residing on the property**.

3. For purposes of this section, "resides" means sleeps in a residence, which may include more than one location and may be mobile or transitory.

4. **For the purposes of the section, one thousand feet shall be measured from the edge of the offender's property nearest the public school, private school, child care facility, or former victim to the nearest edge of the public school, private school, child care facility, or former victim's property.**

5. Violation of the provisions of subsection 1 of this section is a class E felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class E felony."; and

Further amend the title and enacting clause accordingly.

Senator Sater moved that the above amendment be adopted, which motion prevailed.

Senator Curls offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 72, Section 595.220, Line 24, by inserting after all of said line the following:

"610.140. 1. Notwithstanding any other provision of law and subject to the provisions of this section,

any person may apply to any court in which such person was charged or found guilty of any offenses, violations, or infractions for an order to expunge records of such arrest, plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person may apply to have one or more offenses, violations, or infractions expunged if such offense, violation, or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person lists all the offenses, violations, and infractions he or she is seeking to have expunged in the petition and so long as all such offenses, violations, and infractions are not excluded under subsection 2 of this section. If the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed as part of the same course of criminal conduct, the person may include all the related offenses, violations, and infractions in the petition, regardless of the limits of subsection 12 of this section, and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.

2. The following offenses, violations, and infractions shall not be eligible for expungement under this section:

(1) Any class A felony offense;

(2) Any dangerous felony as that term is defined in section 556.061;

(3) Any offense that requires registration as a sex offender;

(4) Any felony offense where death is an element of the offense;

(5) Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping;

(6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.100, 569.160, 570.025, 570.030, 570.090, 570.100, 570.130, 570.180, 570.223, 570.224, 570.310, 571.020, [571.030,] 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;

(7) Any offense eligible for expungement under section 577.054 or 610.130;

(8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;

(9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section; [and]

(10) Any [violations] **violation** of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state; **and**

**(11) Any offense of section 571.030, except any offense under subdivision (1) of subsection 1 of section 571.030 where the person was convicted or found guilty prior to January 1, 2017.**

3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses, violations, and infractions listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.

4. The petition shall include the following information:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Driver's license number, if applicable; and

(e) Current address;

(2) Each offense, violation, or infraction for which the petitioner is requesting expungement;

(3) The approximate date the petitioner was charged for each offense, violation, or infraction; and

(4) The name of the county where the petitioner was charged for each offense, violation, or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the name of the municipality for each offense, violation, or infraction; and

(5) The case number and name of the court for each offense.

5. The clerk of the court shall give notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed within thirty days after receipt of service, the court may set a hearing on the matter and shall give reasonable notice of the hearing to each entity named in the petition. At any hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses, violations, or infractions listed in the petition for expungement:

(1) It has been at least seven years if the offense is a felony, or at least three years if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;

(2) The person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters 304 and 307, during the time period specified for the underlying offense, violation, or infraction in subdivision (1) of this subsection;

(3) The person has satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;

(4) The person does not have charges pending;

(5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and

(6) The expungement is consistent with the public welfare and the interests of justice warrant the expungement.

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at any hearing held under this section, and the court may make a determination based solely on such victim's testimony.

6. A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

7. If the court determines that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses, violations, or infractions listed in the petition for expungement, the court shall enter an order of expungement. In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition. A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall close any record in its possession relating to any offense, violation, or infraction listed in the petition, in the manner established by section 610.120. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense, infraction, or violation ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

8. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, violation, or infraction to any court when asked or upon being charged with any subsequent offense, violation, or infraction. The expunged offense, violation, or infraction may be considered a prior offense in determining a sentence to be imposed

for any subsequent offense that the person is found guilty of committing.

9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, violation, or infraction when the disclosure of such information is necessary to complete any application for:

(1) A license, certificate, or permit issued by this state to practice such individual's profession;

(2) Any license issued under chapter 313 or permit issued under chapter 571;

(3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency;

(4) Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

(5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from employment; or

(6) Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection. Notwithstanding any provision of law to the contrary, an expunged offense, violation, or infraction shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that the petitioner has not met the criteria for any of the offenses, violations, or infractions listed in the petition for expungement or the petitioner has knowingly provided false information in the petition, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

12. A person may be granted more than one expungement under this section provided that during his or her lifetime, the total number of offenses, violations, or infractions for which orders of expungement are



granted to the person shall not exceed the following limits:

(1) Not more than two misdemeanor offenses or ordinance violations that have an authorized term of imprisonment; and

(2) Not more than one felony offense.

A person may be granted expungement under this section for any number of infractions. Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense, violation, or infraction.

13. The court shall make available a form for pro se petitioners seeking expungement, which shall include the following statement: "I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief."

14. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law."; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

Senator Cierpiot offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 2, Section 43.507, Line 12, by inserting after all of said line the following:

**"57.117. Hereafter no sheriff in this state shall appoint any under sheriff or deputy sheriff [except] unless the person so appointed shall be, at the time of his or her appointment, a bona fide resident of [the] this state or of an adjoining state.";** and

Further amend the title and enacting clause accordingly.

Senator Cierpiot moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Richard assumed the Chair.

Senator Onder offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 41, Section 221.105, Line 17, by inserting after "proposal." the following:

**"Any county that declines to convey a proposal to the department, pursuant to the provisions of this subsection, shall receive in full its per diem cost of incarceration for all prisoners chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this section."**

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Rizzo offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 74, Section 650.035, Line 2, by inserting after all of said line the following:

**“Section 1. If an inmate in the custody of the department of corrections is determined by a court to have not committed the crime of which such person was convicted and sentenced to a term of imprisonment, upon release from the prison or as soon thereafter as possible, the department of corrections shall provide one Missouri nondriver’s license, or driver’s license if qualified, at no cost to the person. The department shall provide one copy of each of the documents listed in subdivision (2) of subsection 6 of section 115.427, free of charge, if needed by the person to obtain the nondriver’s license or driver’s license.”; and**

Further amend the title and enacting clause accordingly.

Senator Rizzo moved that the above amendment be adopted.

Senator Sifton offered SA 1 to SA 7:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 1, Line 2, by inserting after all of said line the following:

“650.055. 1. Every individual who:

(1) Is found guilty of a felony or any offense under chapter 566; or

(2) Is seventeen years of age or older and arrested for [burglary in the first degree under section 569.160, or burglary in the second degree under section 569.170, or] a felony offense [under chapter 565, 566, 567, 568, or 573]; or

(3) Has been determined to be a sexually violent predator pursuant to sections 632.480 to 632.513; or

(4) Is an individual required to register as a sexual offender under sections 589.400 to 589.425;

shall have a fingerprint and blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis.

2. Any individual subject to DNA collection and profiling analysis under this section shall provide a DNA sample:

(1) Upon booking at a county jail or detention facility; or

(2) Upon entering or before release from the department of corrections reception and diagnostic centers;  
or

(3) Upon entering or before release from a county jail or detention facility, state correctional facility, or any other detention facility or institution, whether operated by a private, local, or state agency, or any mental health facility if committed as a sexually violent predator pursuant to sections 632.480 to 632.513;  
or

(4) When the state accepts a person from another state under any interstate compact, or under any other reciprocal agreement with any county, state, or federal agency, or any other provision of law, whether or not the person is confined or released, the acceptance is conditional on the person providing a DNA sample if the person was found guilty of a felony offense in any other jurisdiction; or

(5) If such individual is under the jurisdiction of the department of corrections. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, and on parole, as also defined in section 217.650; or

(6) At the time of registering as a sex offender under sections 589.400 to 589.425.

3. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody or jurisdiction over individuals included in subsection 1 of this section which shall not be set aside or reversed is hereby made mandatory. The board of probation or parole shall recommend that an individual on probation or parole who refuses to provide a DNA sample have his or her probation or parole revoked. In the event that a person's DNA sample is not adequate for any reason, the person shall provide another sample for analysis.

4. The procedure and rules for the collection, analysis, storage, expungement, use of DNA database records and privacy concerns shall not conflict with procedures and rules applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA databank system.

5. Unauthorized use or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

6. Implementation of sections 650.050 to 650.100 shall be subject to future appropriations to keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA databank system.

7. All DNA records and biological materials retained in the DNA profiling system are considered closed records pursuant to chapter 610. All records containing any information held or maintained by any person or by any agency, department, or political subdivision of the state concerning an individual's DNA profile shall be strictly confidential and shall not be disclosed, except to:

(1) Peace officers, as defined in section 590.010, and other employees of law enforcement agencies who need to obtain such records to perform their public duties;

(2) The attorney general or any assistant attorneys general acting on his or her behalf, as defined in chapter 27;

(3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, and their employees who need to obtain such records to perform their public duties;

(4) The individual whose DNA sample has been collected, or his or her attorney; or

(5) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court judges, and

their employees who need to obtain such records to perform their public duties.

8. Any person who obtains records pursuant to the provisions of this section shall use such records only for investigative and prosecutorial purposes, including but not limited to use at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes, including identification of human remains. Such records shall be considered strictly confidential and shall only be released as authorized by this section.

9. (1) An individual may request expungement of his or her DNA sample and DNA profile through the court issuing the reversal or dismissal, or through the court granting an expungement of all official records under section 568.040. A certified copy of the court order establishing that such conviction has been reversed, guilty plea has been set aside, or expungement has been granted under section 568.040 shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of the court order, the laboratory will determine that the requesting individual has no other qualifying offense as a result of any separate plea or conviction and no other qualifying arrest prior to expungement.

(2) A person whose DNA record or DNA profile has been included in the state DNA database in accordance with this section and sections 650.050, 650.052, and 650.100 may request expungement on **one or more of the following** grounds [that the conviction has been reversed, the guilty plea on which the authority for including that person's DNA record or DNA profile was based has been set aside, or an expungement of all official records has been granted by the court under section 568.040]:

**(a) The conviction on which the authority for including that person's DNA record or DNA profile was based on has been reversed;**

**(b) The guilty plea on which the authority for including that person's DNA record or DNA profile was based on has been set aside;**

**(c) The prosecutor has declined prosecution on all alleged offenses which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile;**

**(d) The prosecutor has withdrawn all qualifying charges which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile;**

**(e) The case or cases containing all charges which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile, are dismissed;**

**(f) The court finds at a preliminary hearing that there is no probable cause to try that person for any charge which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile;**

**(g) That person is found not guilty of all charges which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile.**

(3) Upon receipt of a written request for expungement, a certified copy of the final court order reversing the conviction, setting aside the plea, or granting an expungement of all official records under section 568.040, and any other information necessary to ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall expunge all DNA records and identifiable information in the state DNA database pertaining to the person and destroy the DNA sample of the person, unless the Missouri state highway patrol determines that the person is otherwise obligated to submit a DNA sample. Within thirty

days after the receipt of the court order, the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA sample and DNA profile, or the basis for its determination that the person is otherwise obligated to submit a DNA sample.

(4) The Missouri state highway patrol is not required to destroy any item of physical evidence obtained from a DNA sample if evidence relating to another person would thereby be destroyed.

(5) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from the database shall not be excluded or suppressed from evidence, nor shall any conviction be invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging DNA records.

[10. When a DNA sample is taken from an individual pursuant to subdivision (2) of subsection 1 of this section and the prosecutor declines prosecution and notifies the arresting agency of that decision, the arresting agency shall notify the Missouri state highway patrol crime laboratory within ninety days of receiving such notification. Within thirty days of being notified by the arresting agency that the prosecutor has declined prosecution, the Missouri state highway patrol crime laboratory shall determine whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken and retained. If the individual has no other qualifying offenses or arrests, the crime laboratory shall expunge all DNA records in the database taken at the arrest for which the prosecution was declined pertaining to the person and destroy the DNA sample of such person.

11. When a DNA sample is taken of an arrestee for any offense listed under subsection 1 of this section and charges are filed:

(1) If the charges are later withdrawn, the prosecutor shall notify the state highway patrol crime laboratory that such charges have been withdrawn;

(2) If the case is dismissed, the court shall notify the state highway patrol crime laboratory of such dismissal;

(3) If the court finds at the preliminary hearing that there is no probable cause that the defendant committed the offense, the court shall notify the state highway patrol crime laboratory of such finding;

(4) If the defendant is found not guilty, the court shall notify the state highway patrol crime laboratory of such verdict.

If the state highway patrol crime laboratory receives notice under this subsection, such crime laboratory shall determine, within thirty days, whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken. If the individual has no other qualifying arrests or offenses, the crime laboratory shall expunge all DNA records in the database pertaining to such person and destroy the person's DNA sample.]”.

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

**SA 7**, as amended, was again taken up.

Senator Rizzo moved that **SA 7**, as amended, be adopted, which motion prevailed.

Senator Sifton offered **SA 8**:

#### SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 46, Section 455.095, Line 2, by inserting after all of said line the following:

**“455.560. 1. A prosecuting attorney or circuit attorney may impanel a domestic violence fatality review panel for the county or city not within a county in which he or she serves to investigate the deaths of victims of homicides determined to be related to domestic violence, as the term is defined in section 455.010.**

**2. Members of the panel may include any representative of programs or organizations that provide services and responses to victims of domestic violence within the county or city not within a county. The panel shall include, but shall not be limited to, the following members:**

- (1) The prosecuting or circuit attorney;**
- (2) The coroner or medical examiner for the county or city not within a county;**
- (3) A representative of law enforcement personnel in the county or city not within a county;**
- (4) A provider of public health care services;**
- (5) A provider of emergency medical services or other medical or health care providers;**
- (6) A representative of any victim assistant unit for the prosecuting or circuit attorney, law enforcement organization, or court of the county or city not within a county;**
- (7) A representative of shelters for victims of domestic violence, as defined in section 455.200, or domestic violence services organizations that provide services for victims within the county or city not within a county; and**
- (8) A representative of rape crisis centers, as defined in section 455.003, that provide sexual assault services for victims within the county or city not within a county.**

**3. A prosecuting or circuit attorney shall organize the panel and shall call the first organizational meeting of the panel. The panel shall elect a chairperson who shall convene the panel to meet to review all deaths of victims of homicides determined to be related to domestic violence.**

**4. The executive officer of any municipality or county may request that a domestic violence fatality review panel be convened in response to any fatality which occurs within the boundaries of the municipality or county.**

**5. Work products of the domestic violence fatality review panel other than the final report required by subsection 6 of this section, including, but not limited to internal memoranda, summaries or minutes of panel meetings, and written, audio recorded, or electronic records and communications, are not public records as defined by subdivision (6) of section 610.010 and are not available for public examination, reproduction, or disclosure, and are not admissible as evidence in any civil, criminal, or administrative proceeding.**

**6. The panel shall issue a final report, which shall be a public record as defined by subdivision (6) of section 610.010, of each investigation. The final report shall include the panel’s findings and recommendations for enhanced practices, protocols, and collaborations to address domestic violence and prevent homicides, and a copy shall be provided to the governor, the speaker of the house of representatives, the president pro tempore of the senate, the executive leadership of the government of the political subdivision of the state of Missouri in which the panel operates, and the statewide domestic violence coalition, as such is recognized by the United States Department of Justice and the**

**United States Department of Health and Human Services. The final report shall also include a summary.”; and**

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

Senator Hoskins offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 17, Section 217.690, Line 17, by striking the opening bracket “[”]; and further amend line 27 by striking the closing bracket “]”; and further renumber the remaining subsections accordingly.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 46, Section 455.095, Line 2, by inserting after all of said line the following:

“571.070. 1. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:

(1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; [or]

(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent; **or**

**(3) Such person is subject to a full order of protection as such term is defined in section 455.010; or**

**(4) Such person has been convicted of a misdemeanor domestic violence offense within the preceding five years, or a misdemeanor under a law of another jurisdiction which is substantially similar to such misdemeanor offense. As used in this subdivision, the term “domestic violence” shall have the same meaning as in section 455.010.**

2. Unlawful possession of a firearm is a class D felony.

3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted.

Senator Rowden raised the point of order that **SA 10** is out of order as it goes beyond the scope of the bill.

Senator Onder assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Riddle offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 1, Section A, Line 12, by inserting after all of said line the following:

“43.505. 1. The department of public safety is hereby designated as the central repository for the collection, maintenance, analysis and reporting of crime incident activity generated by law enforcement agencies in this state. The department shall develop and operate a uniform crime reporting system that is compatible with the national uniform crime reporting system operated by the Federal Bureau of Investigation.

2. The department of public safety shall:

(1) Develop, operate and maintain an information system for the collection, storage, maintenance, analysis and retrieval of crime incident and arrest reports from Missouri law enforcement agencies;

(2) Compile the statistical data and forward such data as required to the Federal Bureau of Investigation or the appropriate Department of Justice agency in accordance with the standards and procedures of the national system;

(3) Provide the forms, formats, procedures, standards and related training or training assistance to all law enforcement agencies in the state as necessary for such agencies to report incident and arrest activity for timely inclusion into the statewide system;

(4) Annually publish a report on the nature and extent of crime and submit such report to the governor and the general assembly. Such report and other statistical reports shall be made available to state and local law enforcement agencies and the general public through an electronic or manual medium;

(5) Maintain the privacy and security of information in accordance with applicable state and federal laws, regulations and orders; and

(6) Establish such rules and regulations as are necessary for implementing the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

3. Every law enforcement agency in the state shall:

(1) Submit crime incident reports to the department of public safety on forms or in the format prescribed by the department; and

(2) Submit any other crime incident information which may be required by the department of public safety.



4. Any law enforcement agency that violates this section **after December 31, 2021**, may be ineligible to receive state or federal funds which would otherwise be paid to such agency for law enforcement, safety or criminal justice purposes.”; and

Further amend said bill, page 46, section 455.095, line 2, by inserting after all of said line the following:

“488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for their services rendered in criminal cases and in all proceedings for contempt or attachment, as required by law, the sum of seventy-five dollars for each felony case or contempt or attachment proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, including cases disposed of by a violations bureau established pursuant to law or supreme court rule. Such charges shall be charged and collected in the manner provided by sections 488.010 to 488.020 and shall be payable to the county treasury; except that, those charges from cases disposed of by a violations bureau shall be distributed as follows: one-half of the charges collected shall be forwarded and deposited to the credit of the MODEX fund established in subsection [6] 5 of this section for the operational cost of the Missouri data exchange (MODEX) system, and one-half of the charges collected shall be deposited to the credit of the inmate security fund, established in section 488.5026, of the county or municipal political subdivision from which the citation originated. If the county or municipal political subdivision has not established an inmate security fund, all of the funds shall be deposited in the MODEX fund.

2. [Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or other officers in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their services rendered in cases disposed of by a violations bureau established pursuant to law or supreme court rule.

3.] The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse the sheriff of any other county or the City of St. Louis the sum of three dollars for each pleading, writ, summons, order of court or other document served in connection with the case or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum amount of the total charge received pursuant to subsection 1 of this section.

[4.] 3. The charges provided in subsection 1 of this section shall be taxed as other costs in criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no such charge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court; provided further, that all costs, incident to the issuing and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias and scire facias shall be paid by the defendant and such defendant’s sureties, and costs for attachments for witnesses shall be paid by such witnesses.

[5.] 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

[6.] 5. (1) There is hereby created in the state treasury the “MODEX Fund”, which shall consist of money collected under subsection 1 of this section. The fund shall be administered by the peace officers standards and training commission established in section 590.120. The state treasurer shall be custodian of

the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the operational support and expansion of the MODEX system.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

513.653. 1. Law enforcement agencies involved in using the federal forfeiture system under federal law shall file a report regarding federal seizures and the proceeds therefrom. Such report shall be filed annually by [January thirty-first] **February fifteenth** for the previous calendar year with the [department of public safety and the] state auditor's office. The report for the calendar year shall [include the type and value of items seized and turned over to the federal forfeiture system, the beginning balance as of January first of federal forfeiture funds or assets previously received and not expended or used, the proceeds received from the federal government (the equitable sharing amount), the expenditures resulting from the proceeds received, and the ending balance as of December thirty-first of federal forfeiture funds or assets on hand. The department of public safety shall not issue funds to any law enforcement agency that fails to comply with the provisions of this section] **consist of a copy of the federal form entitled "ACA Form - Equitable Sharing Agreement and Certification" which is identical to the form submitted in that year to the federal government.**

2. [Intentional or knowing failure to comply with the reporting requirement contained in this section shall be a class A misdemeanor, punishable by a fine of up to one thousand dollars.] **Any law enforcement agency that intentionally or knowingly fails to comply with the reporting requirement contained in this section shall be ineligible to receive state or federal funds which would otherwise be paid to such agency for law enforcement, safety, or criminal justice purposes."**; and

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Rowden moved that **SS for SCS for SB 966**, as amended, be adopted, which motion prevailed.

On motion of Senator Rowden, **SS for SCS for SB 966**, as amended, was declared perfected and ordered printed.

Senator Riddle moved that **SB 706** be taken up for perfection, which motion prevailed.

On motion of Senator Riddle, **SB 706** was declared perfected and ordered printed.

Senator Crawford moved that **SB 917**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 917**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 917

An Act to repeal section 260.242, RSMo, and to enact in lieu thereof one new section relating to coal ash.

Was taken up.

Senator Crawford moved that **SCS** for **SB 917** be adopted, which motion prevailed.

On motion of Senator Crawford, **SCS** for **SB 917** was declared perfected and ordered printed.

Senator Koenig moved that **SB 884**, be taken up for perfection, which motion prevailed.

On motion of Senator Koenig, **SB 884** was declared perfected and ordered printed.

Senator Hegeman moved that **SB 990**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 990**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 990**

An Act to repeal section 162.441, RSMo, and to enact in lieu thereof one new section relating to the attachment of school districts to community college districts.

Was taken up.

Senator Hegeman moved that **SCS** for **SB 990** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SCS** for **SB 990** was declared perfected and ordered printed.

**REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 706**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**REFERRALS**

President Pro Tem Richard referred **SS** for **SCS** for **SB 782**; **SS** for **SB 666**; and **SB 981** to the Committee on Fiscal Oversight.

**RESOLUTIONS**

Senator Hummel offered Senate Resolution No. 1562, regarding the Cheltenham Neighborhood Association, St. Louis, which was adopted.

**INTRODUCTION OF GUESTS**

On behalf of Senator Richard, the President introduced to the Senate, Matt Brooks, St. Louis.

Senator Kehoe introduced to the Senate, his daughter, Claire, and Rylee Andrews, Jefferson City.

Senator Schatz introduced to the Senate, the Physician of the Day, Dr. Keith Ratcliff, Washington.

Senator Riddle introduced to the Senate, Mike Wood, Jenn McCord, Jill Cooper, Mary Sullivan-Thomas, Hannah Curtis, Leah Almeling, Nichole Frichtel, Linda Patton and Michelle Frye, representatives of the Chamber of Commerce, Leadership Troy.

Senator Munzlinger introduced to the Senate, Mrs. Reed, and fourth grade students from Atlanta C-3 School, Atlanta.

Senator Schatz introduced to the Senate, representatives of Mercury Alliance.

Senator Kehoe introduced to the Senate, Ms. Raymer and Ms. Bell, and fourth grade students from St. Peter's Interparish School, Jefferson City.

Senator Cunningham introduced to the Senate, Chris Harlin, Cory Hillhouse, Bill Trivitt, Josh Gaulding and John Everett, Gainesville; and Bill Owens, Springfield.

Senator Hoskins introduced to the Senate, Alex Haun, Holden.

Senator Schatz introduced to the Senate, representatives of the City of Borgholzhausen, Germany.

Senator Kehoe introduced to the Senate, Danny and Jennifer Dampf, Russellville.

Senator Chappelle-Nadal introduced to the Senate, John Collins-Muhammad and Chris Cater, Sr., St. Louis.

Senator Romine introduced to the Senate, his son, Daniel, Springfield.

On motion of Senator Kehoe, the Senate adjourned under the rules.

## SENATE CALENDAR

---

FORTY-FIFTH DAY—WEDNESDAY, MARCH 28, 2018

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1080-Rizzo	SB 1091-Nasheed
SB 1081-Rizzo	SB 1092-Hoskins
SB 1082-Rizzo	SB 1093-Hoskins
SB 1083-Walsh	SB 1094-Hoskins
SB 1084-Schatz	SB 1095-Hoskins
SB 1085-Chappelle-Nadal	SB 1096-Romine
SB 1086-Crawford	SB 1097-Sifton
SB 1087-Rowden	SB 1098-Sater
SB 1088-Rowden	SB 1100-Riddle
SB 1089-Wallingford	SB 1101-Schupp
SB 1090-Hummel	SB 1102-Kehoe

## HOUSE BILLS ON SECOND READING

HB 1469-Davis	HCS for HBs 2277 & 1983
HB 1968-Grier	HCS for HB 1828
HB 2187-Walker (3)	HCS for HB 2127
HB 2196-Tate	HB 1831-Ruth
HB 1517-McCann Beatty	HB 2208-Curtman
HB 1573-Rowland (155)	HB 2194-Conway (104)
HB 1893-Baringer	HCS for HB 2171
HB 2243-Houghton	HCS#2 for HB 1503
HB 2318-Marshall	HB 2322-Walker (3)
HB 2330-Beck	HCS for HB 2249
HB 2347-Davis	HCS for HBs 1656 & 2075
HCS for HB 1872	HCS for HB 1635
HB 1578-Kolkmeier	HCS for HB 2265
HCS for HB 1443	HCS for HBs 2280, 2120, 1468 & 1616
HCS for HB 1388	HCS for HB 2274
HB 1719-Grier	

## THIRD READING OF SENATE BILLS

- |   |   |
|---|---|
| 1. SS for SB 579-Libla (In Fiscal Oversight)                | 8. SCS for SB 953-Sater                                       |
| 2. SS for SB 699-Sifton (In Fiscal Oversight)               | 9. SB 981-Wieland (In Fiscal Oversight)                       |
| 3. SS#2 for SCS for SB 590-Hegeman<br>(In Fiscal Oversight) | 10. SS for SB 666-Onder (In Fiscal Oversight)                 |
| 4. SB 850-Wallingford (In Fiscal Oversight)                 | 11. SS#2 for SCS for SB 802-Nasheed                           |
| 5. SS for SB 704-Hegeman                                    | 12. SS for SCS for SB 782-Cunningham<br>(In Fiscal Oversight) |
| 6. SCS for SB 672-Koenig                                    | 13. SB 706-Riddle   |
| 7. SS for SB 870-Hegeman                                    |   |

## SENATE BILLS FOR PERFECTION

- |                             |                            |
|-----------------------------|----------------------------|
| 1. SB 862-Schatz, with SCS  | 6. SB 693-Wallingford      |
| 2. SB 920-Riddle            | 7. SB 890-Riddle, with SCS |
| 3. SB 919-Libla             | 8. SB 697-Romine           |
| 4. SB 822-Hegeman, with SCS | 9. SJR 25-Romine           |
| 5. SB 652-Nasheed, with SCS | 10. SB 808-Brown           |

HOUSE BILLS ON THIRD READING

HB 1769-Mathews, with SCS (Schatz)

HB 1413-Taylor, with SCS (Onder)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)

SB 550-Wasson, with SCS

SB 552-Dixon, with SS (pending)

SB 553-Dixon, with SCS, SS for SCS &  
SA 1 (pending)

SBs 555 & 609-Brown, with SCS

SB 561-Sater, with SA 1 (pending)

SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)

SB 578-Romine

SB 591-Hegeman, with SCS

SB 596-Riddle, with SCS

SB 599-Schatz

SB 602-Onder, with SCS

SB 612-Koenig, with SCS, SS#2 for SCS,  
SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
for SA 2 (pending)

SBs 617, 611 & 667-Eigel, with SCS & SS  
for SCS (pending)

SB 663-Schatz, with SCS (pending)

SB 674-Koenig

SB 730-Wallingford, with SCS & SA 1  
(pending)

SB 751-Schatz

SB 767-Hoskins, with SCS, SS for SCS &  
SA 2 (pending)

SB 774-Munzlinger

SB 786-Schupp, with SA 3 (pending)

SB 813-Riddle, with SCS & SA 1 (pending)

SB 832-Rowden, with SCS

SB 837-Rowden

SB 848-Riddle

SB 849-Kehoe and Schupp, with SCS, SA 1  
& SA 1 to SA 1 (pending)

SB 860-Koenig, with SCS, SS for SCS &  
SA 1 (pending)

SB 861-Hegeman, with SCS

SB 865-Kehoe

SB 893-Sater, with SCS, SS for SCS &  
SA 1 (pending)

SB 907-Kehoe, with SCS

SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)

SB 928-Onder, with SCS

SB 982-Wieland

HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)  
SS for SCS for HB 1350-Smith (163)  
(Rowden) (In Fiscal Oversight)

HB 1691-Miller, with SCS (Emery)

## CONSENT CALENDAR

## Senate Bills

Reported 3/8

SBs 999 &amp; 1000-Rowden, with SCS

Reported 3/15

SB 575-Wallingford

SB 846-Schupp, with SCS

## RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-FIFTH DAY—WEDNESDAY, MARCH 28, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Whatever your hand finds to do, do it with your might...” (Ecclesiastes 7:10)

Yahweh, King of the Universe, may we delight in the gift of each new day and the gifts You provide from Your gracious hand that are a delight to our soul. We are grateful for the opportunity to serve and to accomplish that which is well pleasing in Your sight. May we always find ways that are helpful to Your people and brings a benefit to others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Wallingford offered Senate Resolution No. 1563, regarding Eagle Scout Chase Kassel Parrish, Scott City, which was adopted.

Senator Rowden offered Senate Resolution No. 1564, regarding Christopher Zachary, Columbia, which was adopted.

Senator Rowden offered Senate Resolution No. 1565, regarding Muhammad Salim, Columbia, which was adopted.

Senator Rowden offered Senate Resolution No. 1566, regarding Halie Pyla, Aurora, Illinois, which was adopted.

Senator Rowden offered Senate Resolution No. 1567, regarding Kania Johnson, Minneapolis, Minnesota, which was adopted.

Senator Rowden offered Senate Resolution No. 1568, regarding Sierra Clemetson, Flossmoor, which was adopted.

The Senate observed a moment of silence in memory of Garry Mansfield.

The Senate observed a moment of silence in memory of children that have lost their lives.

**REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 917; SB 884; and SCS for SB 990**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**REFERRALS**

President Pro Tem Richard referred **SB 706** and **SCS for SB 917** to the Committee on Fiscal Oversight.

**SENATE BILLS FOR PERFECTION**

Senator Schatz moved that **SB 862**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 862**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 862**

An Act to repeal sections 324.920 and 324.925, RSMo, and to enact in lieu thereof two new sections relating to electrical contractors.

Was taken up.

Senator Schatz moved that **SCS for SB 862** be adopted, which motion prevailed.

On motion of Senator Schatz, **SCS for SB 862** was declared perfected and ordered printed.

Senator Riddle moved that **SB 920** be taken up for perfection, which motion prevailed.

Under the provisions of Senate Rule 91, Senator Holsman requested unanimous consent to be excused from voting on **SB 920**, which request was granted.

At the request of Senator Riddle, **SB 920** was placed on the Informal Calendar.

Senator Libla moved that **SB 919** be taken up for perfection, which motion prevailed.

Senator Riddle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 919, Page 1, In the Title, Line 3 of the title, by striking “licensure” and inserting in lieu thereof the following: “licenses”; and

Further amend said bill, Page 9, Section 302.173, Line 104, by inserting after all of said line the following:

“302.174. 1. As used in this section, the following terms mean:

(1) “Deaf person”, any person who, because of hearing loss, is not able to discriminate speech when spoken in a normal conversation tone regardless of the use of amplification devices;

(2) [“Hearing-impaired person”, any person who, because of hearing loss, has a diminished capacity to discriminate speech when spoken in a normal conversational tone;

(3) “J88”] **“DHH”**, a notation on a driver’s license that indicates the person is a deaf or [hearing-impaired] **hard of hearing** person who uses alternative communication;

**(3) “Hard of hearing person”, any person who, because of hearing loss, has a diminished capacity to discriminate speech when spoken in a normal conversation tone.**

2. Any resident of this state who is a deaf or [hearing-impaired] **hard of hearing** person may apply to the department of revenue to have the notation “[J88] **DHH**” placed on the person’s driver’s license. The department of revenue, by rule, may establish the cost and criteria for placement of the “[J88] **DHH**” notation, such as requiring an applicant to submit certain medical proof of deafness or hearing [impairment] **loss. The department may also, by rule, elect to use the phrase “deaf or hard of hearing” in lieu of the notation “DHH” on a driver’s license.**

**3. The Missouri commission for the deaf and hard of hearing shall make an informational video in American Sign Language explaining what a “DHH” notation means on a driver’s license and informing Missourians of their right to receive a license with the “DHH” notation under this section. This video shall also be captioned in English and converted to QR-Code which shall be posted in a conspicuous place at every driver’s license office in Missouri.**

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Libla, **SB 919**, as amended, was declared perfected and ordered printed.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 28, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ronald D. Boyer, 5654 East State Highway AF, Fair Grove, Greene County, Missouri 65648, as a member of the Air Conservation Commission, for a term ending October 14, 2021, and until his successor is duly appointed and qualified; vice, Douglas B. Drysdale, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 28, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Tina L. Klocke, Independent, 5736 Biddeford Drive, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2024, and until her successor is duly appointed and qualified; vice, Thomas M. Meyer, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

March 28, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Todd Mayfield, 1526 Timber Trail, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Developmental Disabilities Council, for a term ending June 30, 2019, and until his successor is duly appointed and qualified; vice, Brenda L. Niemeyer, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

President Pro Tem Richard referred the above appointments to the Committee on Gubernatorial Appointments.

### **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 862**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

### **RESOLUTIONS**

Senator Onder offered Senate Resolution No. 1569, regarding Monica Witzke, O'Fallon, which was adopted.

Senator Wallingford offered Senate Resolution No. 1570, regarding Gary W. Rust, Cape Girardeau, which was adopted.

Photographers from KOMU-8 were given permission to take pictures in the Senate Chamber.

### **REPORTS OF STANDING COMMITTEES**

Senator Brown, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2014**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 919** and **SS** for **SCS** for **SB 966**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **SENATE BILLS FOR PERFECTION**

Senator Hegeman moved that **SB 822**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 822**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 822**

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to the admissibility of the use of a safety belt as evidence in certain civil actions, with an existing penalty provision.

Was taken up.

Senator Hegeman moved that **SCS** for **SB 822** be adopted.

Senator Hegeman offered **SS** for **SCS** for **SB 822**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 822

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to the admissibility of failure to wear a safety belt as evidence in certain civil actions, with an existing penalty provision.

Senator Hegeman moved that **SS** for **SCS** for **SB 822** be adopted.

Senator Schupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 822, Page 1, Section 307.178, Lines 8-9 of said page, by striking all of said lines and inserting in lieu thereof the following: “motorcycles, motorized bicycles, **or** motor tricycles[, and trucks with a licensed gross weight of twelve thousand pounds or more].”; and further amend line 14 of said page, by striking “front seat”; and further amend line 16 of said page, by striking “less than eighteen years of”; and

Further amend said bill and section, Page 2, Line 1 of said page, by striking “age”; and further amend lines 4-6 of said page, by striking “No person shall be stopped, inspected, or detained solely to determine compliance with this subsection.”; and further amend line 8 of said page, by striking “persons” and inserting in lieu thereof “**any person**”; and further amend line 8 of said page, by striking “have” as it appears the first time on said line and inserting in lieu thereof “**possesses documentation from a physician that such person has**”; and further amend line 9 of said page, by striking said line and inserting in lieu thereof “fastened about [their] **his or her** body[, nor shall]. **No person shall be found guilty of violating this section or section 307.179 if such person demonstrates to the court that he or she has a medical reason for failing to have a seat belt fastened about his or her body.** The provisions of this”; and further amend line 10 of said page, by inserting after “section” the following: “**shall not**”; and

Further amend said bill and section, page 4, line 4 of said page, by inserting immediately after “U.S.C.” the word “**Section**”; and further amend line 7 of said page, by striking said line and inserting in lieu thereof the following: “are unable to wear seat belts **because all existing seat belts are in use** shall sit [in the area] **on the seats** behind the”.

Senator Schupp moved that the above amendment be adopted.

Senator Munzlinger raised the point of order that **SA 1** goes beyond the scope of the title. The point of order was referred to the President Pro Tem, who ruled it well taken.

President Pro Tem Richard assumed the Chair.

At the request of Senator Hegeman, **SB 822**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Nasheed moved that **SB 652**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 652**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 652

An Act to repeal section 57.450, RSMo, and to enact in lieu thereof one new section relating to the office of sheriff of the city of St. Louis.

Was taken up.

Senator Nasheed moved that **SCS** for **SB 652** be adopted.

Senator Nasheed offered **SS** for **SCS** for **SB 652**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 652

An Act to repeal section 57.450, RSMo, and to enact in lieu thereof one new section relating to the office of sheriff of the city of St. Louis.

Senator Nasheed moved that **SS** for **SCS** for **SB 652** be adopted.

Senator Cierpiot offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 652, Page 1, In the Title, Lines 3-4 of the title, by striking “the office of sheriff of the city of St. Louis” and inserting in lieu thereof the following: “county sheriffs”; and

Further amend said bill and page, Section A, Line 3 of said page, by inserting after all of said line the following:

“57.117. Hereafter no sheriff in this state shall appoint any under sheriff or deputy sheriff [except] **unless** the person so appointed shall be, at the time of his **or her** appointment, a bona fide resident of [the] **this state or of an adjoining state.**”; and

Further amend the title and enacting clause accordingly.

Senator Cierpiot moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed moved that **SS** for **SCS** for **SB 652**, as amended, be adopted, which motion prevailed.

On motion of Senator Nasheed, **SS** for **SCS** for **SB 652**, as amended, was declared perfected and ordered printed.

Senator Wallingford moved that **SB 693** be taken up for perfection, which motion prevailed.

On motion of Senator Wallingford, **SB 693** was declared perfected and ordered printed.

Senator Eigel moved that **SB 617**, **SB 611** and **SB 667**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SBs 617, 611** and **667** was again taken up.

At the request of Senator Eigel, **SS** for **SCS** for **SBs 617, 611** and **667** was withdrawn.

Senator Eigel offered **SS No. 2** for **SCS** for **SBs 617, 611** and **667**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 617, 611 and 667

An Act to repeal sections 32.087, 32.200, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 142.803, 143.011, 143.071, 143.151, 143.161, 143.171, 143.183, 143.431, 143.451, 143.461, 143.471, 144.010, 144.011, 144.014, 144.020, 144.030, 144.032, 144.043, 144.049, 144.054, 144.060, 144.069, 144.080, 144.083, 144.100, 144.140, 144.190, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.655, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 184.845, 221.407, 238.235, 238.410, 620.1350, and 644.032, RSMo, and to enact in lieu thereof ninety-five new sections relating to taxation, with penalty provisions, an effective date for certain sections, and a contingent effective date for certain sections.

Senator Eigel moved that **SS No. 2** for **SCS** for **SBs 617, 611 and 667** be adopted.

Senator Kehoe offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 617, 611 and 667, Page 199, Section 142.803, Line 17 of said page, by inserting immediately after “alternative” the following: “**motor**”; and further amend line 20 of said page, by inserting immediately after “taxed” the following: “**equally and**”.

Senator Kehoe moved that the above amendment be adopted, which motion prevailed.

Senator Schatz offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 617, 611 and 667, Page 196, Section 142.803, Line 28 of said page, by inserting immediately after “made,” the following: “**and ending on or before June 30, 2025,**”; and

Further amend said bill and section, page 197, line 6 of said page, by inserting immediately after “year” the following: “. **For all fiscal years beginning on or after July 1, 2025, the rate of tax under this subdivision shall be the sum of the rate under paragraph (a) of this subdivision as adjusted under paragraph (b) of this subdivision, if applicable, plus all adjustments made under this paragraph**”.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Eigel moved that **SS No. 2** for **SCS** for **SBs 617, 611 and 667**, as amended, be adopted, which motion prevailed.

On motion of Senator Eigel, **SS No. 2** for **SCS** for **SBs 617, 611 and 667**, as amended, was declared perfected and ordered printed.

At the request of Senator Riddle, **SB 890**, with **SCS**, was placed on the Informal Calendar.

Senator Romine moved that **SB 697** be taken up for perfection, which motion prevailed.

On motion of Senator Romine, **SB 697** was declared perfected and ordered printed.

Senator Romine moved that **SJR 25** be taken up for perfection, which motion prevailed.

On motion of Senator Romine, **SJR 25** was declared perfected and ordered printed.

Senator Brown moved that **SB 808** be taken up for perfection, which motion prevailed.

Senator Schatz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 808, Page 2, Section 311.300, Line 32, by inserting immediately after said line the following:

**“311.367. 1. The provisions of this section shall apply to all persons, firms, or corporations who own and operate more than one premises licensed to sell intoxicating liquor containing alcohol in excess of five percent by weight at retail.**

**2. Any person, firm, or corporation described in subsection 1 of this section, with the permission of the supervisor of liquor control, may designate one or more places in this state as a central warehouse to which intoxicating liquors, except beer and other intoxicating malt liquor, ordered and purchased by a person, firm, or corporation from licensed wholesalers in this state may be delivered by licensed wholesalers in this state and at which intoxicating liquors so owned by a person, firm, or corporation may be stored.**

**3. Any person, firm, or corporation described in subsection 1 of this section who owns and stores intoxicating liquors in a central warehouse may transfer all or any part of the intoxicating liquors, except beer and other intoxicating malt liquor due to the perishability and limited life span of beer and intoxicating malt liquor, so stored from the central warehouse in this state to any premises licensed to sell intoxicating liquors at retail which is owned and operated by the same person, firm, or corporation and which is located in the state.”; and**

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Brown, **SB 808**, as amended, was declared perfected and ordered printed.

Senator Riddle moved that **SB 890**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 890**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 890

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to child abuse or neglect investigations, with penalty provisions.

Was taken up.

Senator Riddle moved that **SCS** for **SB 890** be adopted.



Senator Riddle offered SS for SCS for **SB 890**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 890

An Act to repeal section 211.447, RSMo, and to enact in lieu thereof two new sections relating to child abuse and neglect, with penalty provisions.

Senator Riddle moved that SS for SCS for **SB 890** be adopted.

Senator Riddle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 890, Page 1, Section 210.151, Line 9 of said page, by inserting after “court to a” the following: “**children’s division worker for a visual assessment of the child’s health and safety; to a**”; and further amend line 12 of said page, by striking the comma “,” after the word “examination” and inserting in lieu thereof the following: “;”; and further amend line 13 of said page, by inserting after “interview.” the following: “**A visual assessment may include an unhindered view of the child’s head or limbs, but no child shall be required to answer questions without the consent of a parent or guardian during the visual assessment, unless such questioning is otherwise authorized law.**”; and

Further amend said bill and section, Page 2, Line 3 of said page, by inserting after “order” the following: “**for presentation of a child for a sexual assault forensic examination, a child physical abuse forensic examination, or an interview**”; and further amend line 8 of said page, by inserting at the end of said line the following: “**The court shall enter an order for a visual assessment under this section if the court determines that there is reasonable suspicion to believe that the child has been abused or neglected and the parent or guardian will not voluntarily provide access to the child, a visual assessment is reasonably necessary for the completion of an investigation or for the collection of evidence, and doing so would be in the best interests of the child.**”.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Riddle moved that SS for SCS for **SB 890**, as amended, be adopted, which motion prevailed.

On motion of Senator Riddle, SS for SCS for **SB 890**, as amended, was declared perfected and ordered printed.

**THIRD READING OF SENATE BILLS**

**SB 999** and **SB 1000**, introduced by Senator Rowden, with SCS, entitled respectively:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of memorial infrastructure.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of memorial infrastructure.

Were called from the Consent Calendar and taken up by Senator Rowden.

SCS for **SBs 999** and **1000**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 999 and 1000

An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to the designation of memorial infrastructure.

Was taken up.

Senator Rowden moved that **SCS** for **SBs 999** and **1000** be adopted, which motion prevailed.

On motion of Senator Rowden, **SCS** for **SBs 999** and **1000**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Rowden, title to the bill was agreed to.

Senator Rowden moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 575**, introduced by Senator Wallingford, entitled:

An Act to repeal section 354.603, RSMo, and to enact in lieu thereof one new section relating to the accreditation of managed care plans.

Was called from the Consent Calendar and taken up.

On motion of Senator Wallingford, **SB 575** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 846**, with **SCS**, introduced by Senator Schupp, entitled:

An Act to repeal sections 337.020, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, and 337.718, RSMo, and to enact in lieu thereof eleven new sections relating to suicide prevention training for health care professionals.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 846**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 846

An Act to repeal sections 337.020, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, and 337.718, RSMo, and to enact in lieu thereof eleven new sections relating to suicide prevention training for health care professionals.

Was taken up.

Senator Schupp moved that **SCS** for **SB 846** be adopted, which motion prevailed.

President Parson assumed the Chair.

On motion of Senator Schupp, **SCS** for **SB 846** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Schupp, title to the bill was agreed to.

Senator Schupp moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Dixon moved that **SB 552**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SB 552** was again taken up.

At the request of Senator Dixon, **SS** for **SB 552** was withdrawn.

Senator Dixon offered **SS No. 2** for **SB 552**, entitled:

#### SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 552

An Act to repeal sections 105.478 and 576.040, RSMo, and to enact in lieu thereof five new sections relating to official misconduct, with penalty provisions.

Senator Dixon moved that **SS No. 2** for **SB 552** be adopted, which motion prevailed.

On motion of Senator Dixon, **SS No. 2** for **SB 552** was declared perfected and ordered printed.

### THIRD READING OF SENATE BILLS

**SS** for **SB 704**, introduced by Senator Hegeman, entitled:

#### SENATE SUBSTITUTE FOR SENATE BILL NO. 704

An Act to repeal sections 49.020, 49.060, 50.660, 50.783, 54.140, 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 65.610, 65.620, 67.617, 70.370, 71.015, 84.510, 88.770, 94.900, 105.030, 115.124, 137.556, 162.441, 227.600, and 304.060, RSMo, and to enact in lieu thereof twenty-seven new sections relating to political subdivisions, with existing penalty provisions.

Was taken up.

On motion of Senator Hegeman, **SS** for **SB 704** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

#### NAYS—Senators

Emery	Koenig—2
-------	----------

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SCS for SB 672**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 672

An Act to repeal sections 210.115 and 475.024, RSMo, and to enact in lieu thereof four new sections relating to guardianships.

Was taken up by Senator Koenig.

On motion of Senator Koenig, **SCS for SB 672** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS for SB 870**, introduced by Senator Hegeman, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 870

An Act to repeal sections 99.848, 100.050, 100.059, 135.090, 190.094, 190.100, 190.103, 190.105,

190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, 191.630, and 353.110, RSMo, and to enact in lieu thereof thirty-four new sections relating to emergency medical services, with existing penalty provisions.

Was taken up.

On motion of Senator Hegeman, **SS** for **SB 870** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 953**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 953

An Act to repeal sections 195.015 and 195.017, RSMo, and to enact in lieu thereof two new sections relating to schedules of controlled substances.

Was taken up by Senator Sater.

On motion of Senator Sater, **SCS** for **SB 953** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS No. 2 for SCS for SB 802**, introduced by Senator Nasheed, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 802

An Act to repeal section 37.020, RSMo, and to enact in lieu thereof one new section relating to nonprofit organizations.

Was taken up.

On motion of Senator Nasheed, **SS No. 2 for SCS for SB 802** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Nasheed, title to the bill was agreed to.

Senator Nasheed moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SJR 25**; **SB 693**; and **SS** for **SCS** for **SB 652**, begs leave to report that it has examined the same and finds that the joint resolution and bills have been truly perfected and that the printed copies furnished the Senators are correct.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HB 1465** and has taken up and passed **SS** for **SCS** for **HB 1465**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HB 1838** and has taken up and passed **SS** for **SCS** for **HB 1838**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **HB 1504** and has taken up and passed **SS** for **HB 1504**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **HB 1531** and has taken up and passed **SS** for **HB 1531**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 1291**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2216**, entitled:

An Act to repeal section 640.648, RSMo, and to enact in lieu thereof one new section relating to the regulation of water resources.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### REFERRALS

President Pro Tem Richard referred **SS** for **SCS** for **SB 966** and **SJR 25** to the Committee on Fiscal Oversight.

### RESOLUTIONS

Senator Wasson offered Senate Resolution No. 1571, regarding Dr. Stephen L. Kleinsmith, Nixa, which was adopted.



### INTRODUCTION OF GUESTS

On behalf of Senator Chappelle-Nadal and himself, Senator Richard introduced to the Senate, employees and management from Express Scripts Corporation, St. Louis.

Senator Nasheed introduced to the Senate, Dr. Kynedra Oqunnaike, and her daughter, Legacy Jackson, St. Louis; and Legacy was made an honorary page.

Senator Walsh introduced to the Senate, her brother, Joe Rone, and his wife, Tracy, Florissant.

Senator Walsh introduced to the Senate, members of Heat and Frost Insulators Local 1, St. Louis.

Senator Hummel introduced to the Senate, Pat Dolan and Patrick Mulcahey, St. Louis County.

Senator Rowden introduced to the Senate, the Physician of the Day, Nathan Skelley, MD, Columbia.

Senator Crawford introduced to the Senate, Emily Whipple, Windyville.

Senator Romine introduced to the Senate, Lee Asher, Farmington.

Senator Riddle introduced to the Senate, Cindy Young, Leslie Wigger and Chris Schulz, representatives of the Missouri Ambulatory Surgery Center Association.

Senator Munzlinger introduced to the Senate, seventeen students from Culver-Stockton College, Canton.

Senator Emery introduced to the Senate, Tina Sudkamp, and students Aedon Fowler, Brandon Moore, Ben Nowak, Brinna Ream and Elizabatha Szekeres-Wagoner, ninth grade students from the Gifted Program, Nevada High School.

Senator Cunningham introduced to the Senate, Rylan and Carson Ross, Eunice.

Senator Wallingford introduced to the Senate, Principal Shawn Nix, Shannon Sievers and Jennifer Wittmaier; and thirty-five fourth grade students from Oak Ridge Elementary School.

Senator Brown introduced to the Senate, Clayton Noltkamper; and students Myla Picker, Emily Weinbaum, Makayla Picker and Kati Benney, St. James High School.

Senator Shupp introduced to the Senate, Laura Pupillo and Andrea Newstead; and students: Emily Bernstein, Lior Birka, Samuel Cooper, Leora Dean, Michael Fentaw, Sydney Fowler, Jacob Genin, Avigail Inberg, Cole Levison, David Levison, Noah Moll, AJ Ornberg, Lucas Padratzik, Adeena Peters, Danielle Podorozhansky, Shayna Smith and Jenna Wasserman, Saul Mirowitz Jewish Community School, St. Louis.

Senator Sater introduced to the Senate, twenty-two students from St. Mary's School, Pierce City.

Senator Eigel introduced to the Senate, Nicole Gattas, and her children, Patrick and Colson, St. Charles.

Senator Hoskins introduced to the Senate, Jason Groene, and his son, Michael, Koeltztown.

Senator Hoskins introduced to the Senate, Beth Rutt; and Courtney Abt, Ashley Winn, Chris Sadler, Orie Hemme, Cole Fine, Trevor Gillespie, Zack Walker, Luke Hawley and Shari Bax, University of Central Missouri Student Government, Warrensburg.

Senators Brown and Hoskins introduced to the Senate, Connie Shoemaker; and Alex Regulus and Elle Jansen, Rolla High School.

Senator Schaaf introduced to the Senate, Derek Frieling, Makayla Tovey, Jonathan Hatcher, Ashley Losson, Justice Woosley, Alexis Roland and Colby Kyle, Lafayette High School, St. Joseph.

Senator Nasheed introduced to the Senate, students from the Saint Louis College of Pharmacy.

On motion of Senator Kehoe, the Senate adjourned under the rules.

## SENATE CALENDAR

---

FORTY-SIXTH DAY—THURSDAY, MARCH 29, 2018

---

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1080-Rizzo	SB 1091-Nasheed
SB 1081-Rizzo	SB 1092-Hoskins
SB 1082-Rizzo	SB 1093-Hoskins
SB 1083-Walsh	SB 1094-Hoskins
SB 1084-Schatz	SB 1095-Hoskins
SB 1085-Chappelle-Nadal	SB 1096-Romine
SB 1086-Crawford	SB 1097-Sifton
SB 1087-Rowden	SB 1098-Sater
SB 1088-Rowden	SB 1100-Riddle
SB 1089-Wallingford	SB 1101-Schupp
SB 1090-Hummel	SB 1102-Kehoe

### HOUSE BILLS ON SECOND READING

HB 1469-Davis	HCS for HB 1872
HB 1968-Grier	HB 1578-Kolkmeyer
HB 2187-Walker (3)	HCS for HB 1443
HB 2196-Tate	HCS for HB 1388
HB 1517-McCann Beatty	HB 1719-Grier
HB 1573-Rowland (155)	HCS for HBs 2277 & 1983
HB 1893-Baringer	HCS for HB 1828
HB 2243-Houghton	HCS for HB 2127
HB 2318-Marshall	HB 1831-Ruth
HB 2330-Beck	HB 2208-Curtman
HB 2347-Davis	HB 2194-Conway (104)

HCS for HB 2171  
HCS#2 for HB 1503  
HB 2322-Walker (3)  
HCS for HB 2249  
HCS for HBs 1656 & 2075

HCS for HB 1635  
HCS for HB 2265  
HCS for HBs 2280, 2120, 1468 & 1616  
HCS for HB 2274  
HCS for HB 2216

### THIRD READING OF SENATE BILLS

- |  |   |
|--|---|
| 1. SS for SB 579-Libla (In Fiscal Oversight)                 | 9. SCS for SB 917-Crawford<br>(In Fiscal Oversight)       |
| 2. SS for SB 699-Sifton (In Fiscal Oversight)                | 10. SB 884-Koenig   |
| 3. SS#2 for SCS for SB 590-Hegeman<br>(In Fiscal Oversight)  | 11. SCS for SB 990-Hegeman                                |
| 4. SB 850-Wallingford (In Fiscal Oversight)                  | 12. SCS for SB 862-Schatz                                 |
| 5. SB 981-Wieland (In Fiscal Oversight)                      | 13. SB 919-Libla  |
| 6. SS for SB 666-Onder<br>(In Fiscal Oversight)              | 14. SS for SCS for SB 966-Rowden<br>(In Fiscal Oversight) |
| 7. SS for SCS for SB 782-Cunningham<br>(In Fiscal Oversight) | 15. SJR 25-Romine (In Fiscal Oversight)                   |
| 8. SB 706-Riddle (In Fiscal Oversight)                       | 16. SB 693-Wallingford                                    |
|  | 17. SS for SCS for SB 652-Nasheed                         |

### HOUSE BILLS ON THIRD READING

HB 1769-Mathews, with SCS (Schatz)	HCS for HB 2014 (Brown)
HB 1413-Taylor, with SCS (Onder)	

### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)	SB 602-Onder, with SCS
SB 550-Wasson, with SCS	SB 612-Koenig, with SCS, SS#2 for SCS, SA 2, SSA 1 for SA 2 & SA 1 to SSA 1 for SA 2 (pending)
SB 553-Dixon, with SCS, SS for SCS & SA 1 (pending)	SB 663-Schatz, with SCS (pending)
SBs 555 & 609-Brown, with SCS	SB 674-Koenig
SB 561-Sater, with SA 1 (pending)	SB 730-Wallingford, with SCS & SA 1 (pending)
SB 567-Cunningham, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)	SB 751-Schatz
SB 578-Romine	SB 767-Hoskins, with SCS, SS for SCS & SA 2 (pending)
SB 591-Hegeman, with SCS	SB 774-Munzlinger
SB 596-Riddle, with SCS	
SB 599-Schatz	

SB 786-Schupp, with SA 3 (pending)  
SB 813-Riddle, with SCS & SA 1 (pending)  
SB 822-Hegeman, with SCS & SS for SCS  
(pending)  
SB 832-Rowden, with SCS  
SB 837-Rowden  
SB 848-Riddle  
SB 849-Kehoe and Schupp, with SCS, SA 1  
& SA 1 to SA 1 (pending)  
SB 860-Koenig, with SCS, SS for SCS &  
SA 1 (pending)

SB 861-Hegeman, with SCS  
SB 865-Kehoe  
SB 893-Sater, with SCS, SS for SCS &  
SA 1 (pending)  
SB 907-Kehoe, with SCS  
SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)  
SB 920-Riddle  
SB 928-Onder, with SCS  
SB 982-Wieland

#### HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)  
SS for SCS for HB 1350-Smith (163)  
(Rowden) (In Fiscal Oversight)

HB 1691-Miller, with SCS (Emery)

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### Requests to Recede or Grant Conference

HB 1291-Henderson, with SS for SCS,  
as amended (Romine) (House requests  
Senate recede or grant conference)

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-SIXTH DAY—THURSDAY, MARCH 29, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Create in me a clean heart, O God; and renew a right spirit within me.” (Psalm 51:10)

Blessed Lord, we know all life continues as long as it is renewed and so we pray daily that we might be renewed by Your Holy Spirit so that we might be capable of performing the work You have given us to do and do it with diligence so all who are touched by it benefit. May there be joy and love that comes forth from our thoughts and actions that bring comfort and affirmation to those we love and who love us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Kehoe offered Senate Resolution No. 1572, regarding James O. “J.O.” Rackers, which was adopted.

Senator Nasheed offered Senate Resolution No. 1573, regarding Matthew Joseph Brooks, St. Louis County, which was adopted.

Senator Holsman offered Senate Resolution No. 1574, regarding Eagle Scout Bryce Baker, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 1575, regarding Eagle Scout Stephen Nicholson Lewis, Kansas City, which was adopted.

Senator Holsman offered Senate Resolution No. 1576, regarding Eagle Scout Duncan MacDonald, Kansas City, which was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SCS for SB 917; SB 981; SB 850; SS for SCS for SB 782; SB 706; SS for SB 666; and SS No. 2 for SCS for SB 590**, begs leave to report that it has considered the same and recommends that the bills do pass.

**HOUSE BILLS ON THIRD READING**

At the request of Senator Schatz, **HB 1769**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Onder, **HB 1413**, with **SCS**, was placed on the Informal Calendar.

**HCS for HB 2014**, entitled:

An Act to appropriate money for supplemental purposes for the expenses, grants, and distributions of the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the fiscal period ending June 30, 2018.

Was taken up by Senator Brown.

President Pro Tem Richard assumed the Chair.

On motion of Senator Brown, **HCS for HB 2014** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

**NAYS—Senators—None**

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### THIRD READING OF SENATE BILLS

**SS No. 2** for **SCS** for **SB 590**, introduced by Senator Hegeman, entitled:

#### SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 590

An Act to repeal sections 253.545, 253.550, 253.559, and 620.1900, RSMo, and to enact in lieu thereof four new sections relating to historic buildings, with an emergency clause.

Was taken up.

On motion of Senator Hegeman, **SS No. 2** for **SCS** for **SB 590** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Eigel
Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig	Libla
Munzlinger	Onder	Richard	Rizzo	Romine	Rowden	Sater
Schaaf	Schatz	Wasson—24				

#### NAYS—Senators

Dixon	Hummel	Nasheed	Schupp	Sifton	Wallingford	Walsh
Wieland—8						

Absent—Senator Riddle—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was defeated by the following vote:

#### YEAS—Senators

Brown	Cunningham	Wasson—3
-------	------------	----------

## NAYS—Senators

Chappelle-Nadal	Cierpiot	Crawford	Curls	Dixon	Eigel	Emery
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Rizzo	Romine	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	Wieland—28

## Absent—Senators

Riddle                      Schaaf—2

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 850**, introduced by Senator Wallingford, entitled:

An Act to repeal sections 193.265, 210.145, 210.150, 210.152, 210.498, 453.015, 453.030, 453.080, 453.121, and 610.021, RSMo, and to enact in lieu thereof eleven new sections relating to records involving children.

Was taken up.

On motion of Senator Wallingford, **SB 850** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

## Absent—Senators

Riddle                      Schaaf—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.



**SB 981**, introduced by Senator Wieland, entitled:

An Act to repeal sections 287.127, 287.690, and 287.715, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation, with an existing penalty provision.

Was taken up.

On motion of Senator Wieland, **SB 981** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators

Riddle            Schaaf—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS for SB 666**, introduced by Senator Onder, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 666

An Act to amend chapter 285, RSMo, by adding thereto ten new sections relating to the regulation of the tri-party employment relationship, with penalty provisions.

Was taken up.

On motion of Senator Onder, **SS for SB 666** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder
Richard	Romine	Rowden	Sater	Schatz	Wallingford	Wasson
Wieland—22						

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Hummel	Nasheed	Rizzo	Schupp
-----------------	-------	---------	--------	---------	-------	--------

Sifton                      Walsh—9

Absent—Senators

Riddle                      Schaaf—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Onder, title to the bill was agreed to.

Senator Onder moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 782**, introduced by Senator Cunningham, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 782

An Act to repeal sections 260.262, 260.380, 260.475, 444.768, 444.772, 640.620, 644.054, and 644.057, RSMo, and to enact in lieu thereof eleven new sections relating to the department of natural resources.

Was taken up.

On motion of Senator Cunningham, **SS for SCS for SB 782** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder
Richard	Romine	Rowden	Sater	Schatz	Wallingford	Walsh
Wasson	Wieland—23					

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Hummel	Nasheed	Rizzo	Schupp
Sifton—8						

Absent—Senator Schaaf—1

Absent with leave—Senator Riddle—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 706** was placed on the Informal Calendar.

**SCS** for **SB 917**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 917

An Act to repeal section 260.242, RSMo, and to enact in lieu thereof one new section relating to coal ash.

Was taken up by Senator Crawford.

On motion of Senator Crawford, **SCS** for **SB 917** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Richard
Romine	Rowden	Sater	Schatz	Wallingford	Wasson	Wieland—21

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Hummel	Nasheed	Rizzo	Schupp
Sifton	Walsh—9					

Absent—Senators

Onder	Schaaf—2
-------	----------

Absent with leave—Senator Riddle—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 884**, introduced by Senator Koenig, entitled:

An Act to repeal section 144.087, RSMo, and to enact in lieu thereof one new section relating to bonding requirements of retail sales licensees.

Was taken up.

On motion of Senator Koenig, **SB 884** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Richard	Rizzo	Romine

Rowden	Sater	Schatz	Sifton	Wallingford	Walsh	Wasson
Wieland—29						

NAYS—Senator Schupp—1

Absent—Senators

Onder	Schaaf—2
-------	----------

Absent with leave—Senator Riddle—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SCS for SB 990**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 990

An Act to repeal section 162.441, RSMo, and to enact in lieu thereof one new section relating to the attachment of school districts to community college districts.

Was taken up by Senator Hegeman.

On motion of Senator Hegeman, **SCS for SB 990** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Libla	Munzlinger	Nasheed	Richard	Rizzo	Romine	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	Wasson
Wieland—29						

NAYS—Senator Koenig—1

Absent—Senators

Onder	Schaaf—2
-------	----------

Absent with leave—Senator Riddle—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SCS for SB 862**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 862

An Act to repeal sections 324.920 and 324.925, RSMo, and to enact in lieu thereof two new sections relating to electrical contractors.

Was taken up by Senator Schatz.

On motion of Senator Schatz, **SCS for SB 862** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Richard	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators—None

Absent—Senators

Onder                Schaaf—2

Absent with leave—Senator Riddle—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 919**, introduced by Senator Libla, entitled:

An Act to repeal sections 302.170, 302.173, 302.174, and 302.720, RSMo, and to enact in lieu thereof four new sections relating to licenses to operate motor vehicles, with existing penalty provisions.

Was taken up.

On motion of Senator Libla, **SB 919** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Richard	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh

Wasson                      Wieland—30

NAYS—Senators—None

Absent—Senators

Onder                      Schaaf—2

Absent with leave—Senator Riddle—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 693**, introduced by Senator Wallingford, entitled:

An Act to repeal sections 475.050 and 475.075, RSMo, and to enact in lieu thereof two new sections relating to the appointment of a guardian or conservator for certain persons.

Was taken up.

On motion of Senator Wallingford, **SB 693** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Richard	Rizzo	Romine
Rowden	Sater	Schatz	Sifton	Wallingford	Walsh	Wasson

Wieland—29

NAYS—Senators—None

Absent—Senators

Onder                      Schaaf                      Schupp—3

Absent with leave—Senator Riddle—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 652**, introduced by Senator Nasheed, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 652

An Act to repeal sections 57.117 and 57.450, RSMo, and to enact in lieu thereof two new sections relating to county sheriffs.

Was taken up.

On motion of Senator Nasheed, **SS** for **SCS** for **SB 652** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Richard	Rizzo	Romine	Rowden
Sater	Schatz	Sifton	Wallingford	Walsh	Wasson	Wieland—28

NAYS—Senators—None

Absent—Senators

Holsman	Onder	Schaaf	Schupp—4
---------	-------	--------	----------

Absent with leave—Senator Riddle—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Nasheed, title to the bill was agreed to.

Senator Nasheed moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**REPORTS OF STANDING COMMITTEES**

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 954**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 43**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 30**, begs leave to report that it has considered the same and recommends that the concurrent resolution

do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 31**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 40**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SJR 27**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS No. 2** for **SB 552**; **SS** for **SCS** for **SB 890**; **SB 808**; and **SB 697**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### **PRIVILEGED MOTIONS**

Senator Romine moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 1291**, as amended, and grant the House a conference thereon, which motion prevailed.

### **REPORTS OF STANDING COMMITTEES**

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **SB 722**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Riddle, Chairman of the Committee on Professional Registration, Senator Kehoe submitted the following report:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 843**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 1050**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was



referred **SB 556**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 949**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 687**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 582**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Onder, Chairman of the Committee on General Laws, Senator Kehoe submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 891**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden, Chairman of the Committee on Government Reform, submitted the following report:

Mr. President: Your Committee on Government Reform, to which was referred **SB 1007**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2001**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, and Fourth State Building Bond and Interest Fund, and to transfer money among certain funds for the period beginning July 1, 2016 and ending June 30, 2017; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2002**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and

programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2016 and ending June 30, 2017; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that no funds from these sections shall be expended for the purpose of aerial travel within the state of Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2003**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2016 and ending June 30, 2017; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided that no funds shall be expended at public institutions of higher education that offer a tuition rate to any student with an unlawful immigration status in the United States that is less than the tuition rate charged to international students, and further provided that no scholarship funds shall be expended on behalf of students with an unlawful immigration status in the United States.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2004**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018 and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2005**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among

certain funds for the period beginning July 1, 2016 and ending June 30, 2017; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2006**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2016 and ending June 30, 2017; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General, and further provided the Department of Natural Resources notify members of the General Assembly about pending land purchases sixty (60) days prior to the close of sale, and further provided that no funds from these sections shall be expended for the purpose of aerial travel within the state of Missouri by members of the Conservation Commission, and further provided that the Department of Natural Resources not implement or enforce any portion of a federal proposed rule finalized after January 1, 2015, to revise or provide guidance on the regulatory definition of “waters of the United States” or “navigable waters” under the federal Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq., without the approval of the General Assembly, and further provided the Department of Natural Resources not implement or enforce any portion of the federal Environmental Protection Agency’s “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units,” 80 Fed. Reg. 64,662 (October 23, 2015).

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2007**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2016 and ending June 30, 2017; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2008**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018 and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2009**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2016 and ending June 30, 2017; provided that no funds from these sections shall be expended for the purpose of costs associated with the travel or staffing of the offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Rowden assumed the Chair.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 1469**—Veterans and Military Affairs.

**HB 1968**—Transportation, Infrastructure and Public Safety.

**HB 2187**—Transportation, Infrastructure and Public Safety.

**HB 2196**—General Laws.

**HB 1517**—Government Reform.

**HB 1573**—Education.

**HB 1893**—Local Government and Elections.

**HB 2243**—Local Government and Elections.

**HB 2318**—Transportation, Infrastructure and Public Safety.

**HB 2330**—Transportation, Infrastructure and Public Safety.

**HB 2347**—Transportation, Infrastructure and Public Safety.

**HCS for HB 1872**—Commerce, Consumer Protection, Energy and the Environment.

**HB 1578**—Government Reform.

**HCS for HB 1443**—Seniors, Families and Children.

**HCS for HB 1388**—Professional Registration.

**HB 1719**—Professional Registration.

**HCS for HBs 2277 and 1983**—Transportation, Infrastructure and Public Safety.

**HCS for HB 1828**—Agriculture, Food Production and Outdoor Resources.

**HCS for HB 2127**—Professional Registration.

**HB 1831**—Ways and Means.

**HB 2208**—Local Government and Elections.

**HB 2194**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 2171**—Seniors, Families and Children.

**HCS No. 2 for HB 1503**—Veterans and Military Affairs.

**HB 2322**—Health and Pensions.

**HCS for HB 2249**—Seniors, Families and Children.

**HCS for HBs 1656 and 2075**—Professional Registration.

**HCS for HB 1635**—Seniors, Families and Children.

**HCS for HB 2265**—Commerce, Consumer Protection, Energy and the Environment.

## **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 1080**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1081**—General Laws.

**SB 1082**—Health and Pensions.

**SB 1083**—Seniors, Families and Children.

**SB 1084**—Transportation, Infrastructure and Public Safety.

**SB 1085**—General Laws.

**SB 1086**—Local Government and Elections.

**SB 1087**—Transportation, Infrastructure and Public Safety.

**SB 1088**—Professional Registration.

**SB 1089**—Small Business and Industry.

**SB 1090**—Transportation, Infrastructure and Public Safety.

**SB 1091**—Transportation, Infrastructure and Public Safety.

**SB 1092**—Commerce, Consumer Protection, Energy and the Environment.

**SB 1093**—Agriculture, Food Production and Outdoor Resources.

**SB 1094**—Professional Registration.

**SB 1095**—Health and Pensions.

**SB 1096**—Education.

**SB 1097**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1098**—Insurance and Banking.

**SB 1100**—Professional Registration.

**SB 1101**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1102**—Government Reform.

President Pro Tem Richard assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Hegeman, Chairman of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 568**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **RESOLUTIONS**

Senator Emery offered Senate Resolution No. 1577, regarding Eagle Scout Colton Walker Suess, Peculiar, which was adopted.

Senator Sifton offered Senate Resolution No. 1578, regarding Donald Eugene “Don” Hammer, Affton, which was adopted.

### **INTRODUCTION OF GUESTS**

Senator Riddle introduced to the Senate, the Physician of the Day, Dr. Peggy Barjenbruch, Mexico.

Senator Chappelle-Nadal introduced to the Senate, Julie Hook and students from Jennings High School.

Senator Schatz introduced to the Senate, eight students from Eureka High School.

Senator Schupp introduced to the Senate, Ken McManus; and Hannah Thiede, Sophia Strathman and Isaiah Mays, Parkway High School.

Senator Cunningham introduced to the Senate, Rylan and Carson Ross, Texas County; and Rylan and Carson were made honorary pages.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Tuesday, April 3, 2018.

SENATE CALENDAR

---

FORTY-SEVENTH DAY—TUESDAY, APRIL 3, 2018

---

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 2280, 2120, 1468 & 1616	HCS for HB 2004
HCS for HB 2274	HCS for HB 2005
HCS for HB 2216	HCS for HB 2006
HCS for HB 2001	HCS for HB 2007
HCS for HB 2002	HCS for HB 2008
HCS for HB 2003	HCS for HB 2009

THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)	SS#2 for SB 552-Dixon
SS for SB 699-Sifton (In Fiscal Oversight)	SS for SCS for SB 890-Riddle
SS for SCS for SB 966-Rowden (In Fiscal Oversight)	SB 808-Brown
SJR 25-Romine (In Fiscal Oversight)	SB 697-Romine

SENATE BILLS FOR PERFECTION

1. SB 954-Curls	7. SB 949-Emery, with SCS
2. SJR 27-Holsman	8. SB 687-Sater
3. SB 722-Sater	9. SB 582-Walsh
4. SB 843-Riddle, with SCS	10. SB 891-Kehoe
5. SB 1050-Schatz, with SCS	11. SB 1007-Kehoe, with SCS
6. SB 556-Brown	12. SB 568-Cunningham, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 706-Riddle

## SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)  
 SB 550-Wasson, with SCS  
 SB 553-Dixon, with SCS, SS for SCS &  
   SA 1 (pending)  
 SBs 555 & 609-Brown, with SCS  
 SB 561-Sater, with SA 1 (pending)  
 SB 567-Cunningham, with SCS, SS for SCS,  
   SA 1 & SA 1 to SA 1 (pending)  
 SB 578-Romine  
 SB 591-Hegeman, with SCS  
 SB 596-Riddle, with SCS  
 SB 599-Schatz  
 SB 602-Onder, with SCS  
 SB 612-Koenig, with SCS, SS#2 for SCS,  
   SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
   for SA 2 (pending)  
 SB 663-Schatz, with SCS (pending)  
 SB 674-Koenig  
 SB 730-Wallingford, with SCS & SA 1  
   (pending)  
 SB 751-Schatz  
 SB 767-Hoskins, with SCS, SS for SCS &  
   SA 2 (pending)

SB 774-Munzlinger  
 SB 786-Schupp, with SA 3 (pending)  
 SB 813-Riddle, with SCS & SA 1 (pending)  
 SB 822-Hegeman, with SCS & SS for SCS  
   (pending)  
 SB 832-Rowden, with SCS  
 SB 837-Rowden  
 SB 848-Riddle  
 SB 849-Kehoe and Schupp, with SCS, SA 1  
   & SA 1 to SA 1 (pending)  
 SB 860-Koenig, with SCS, SS for SCS &  
   SA 1 (pending)  
 SB 861-Hegeman, with SCS  
 SB 865-Kehoe  
 SB 893-Sater, with SCS, SS for SCS &  
   SA 1 (pending)  
 SB 907-Kehoe, with SCS  
 SB 912-Rowden, with SCS & SS#3 for SCS  
   (pending)  
 SB 920-Riddle  
 SB 928-Onder, with SCS  
 SB 982-Wieland

## HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)  
 SS for SCS for HB 1350-Smith (163)  
   (Rowden) (In Fiscal Oversight)

HB 1413-Taylor, with SCS (Onder)  
 HB 1691-Miller, with SCS (Emery)  
 HB 1769-Mathews, with SCS (Schatz)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

HB 1291-Henderson, with SS for SCS, as  
   amended (Romine)



RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

Reported from Committee

SCR 30-Wallingford

SCR 40-Hoskins

SCR 31-Wallingford

SCR 43-Munzlinger

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-SEVENTH DAY—TUESDAY, APRIL 3, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“I lie down and sleep, I wake up again, for the Lord sustains me.” (Psalm 3:5)

Gracious God, You have given us the opportunity to celebrate new life as the new life appears all around us, and even though the weather isn’t always cooperating we are thankful for the rains that water our fields and refresh our rivers and lakes. Help us to live our lives that are in harmony with Your creation and promote the care of the earth. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 29, 2018 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 1291**, as amended: Senators Romine, Onder, Hegeman, Sifton and Walsh.

**RESOLUTIONS**

Senator Munzlinger offered Senate Resolution No. 1579, regarding Barton F. Niedner, Louisiana, which was adopted.

Senator Wallingford offered Senate Resolution No. 1580, regarding William Reginald “Reg” Swan, Cape Girardeau, which was adopted.

Senator Kehoe offered Senate Resolution No. 1581, regarding the Eightieth Birthday of Donna Bloom, Jefferson City, which was adopted.

Senator Riddle offered Senate Resolution No. 1582, regarding Bailey Kemp-Abell, Auxvasse, which was adopted.

Senator Dixon offered Senate Resolution No. 1583, regarding the Missouri Alliance of Boys and Girls Clubs, which was adopted.

Senator Dixon offered Senate Resolution No. 1584, regarding the Fiftieth Anniversary of Greater Springfield Board of Realtors, which was adopted.

Senator Kehoe offered Senate Resolution No. 1585, regarding Jefferson City Area Board of Realtors, which was adopted.

Senator Kehoe offered Senate Resolution No. 1586, regarding Roger Whittler, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1587, regarding Andrea Holloway, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1588, regarding Heather McCreery Conway, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1589, regarding Denise Gillam, Jefferson City, which was adopted.

Senator Kehoe offered the following resolution:

**SENATE RESOLUTION 1590**

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide students with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the St. Louis University civics class is a program which helps to ensure students have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs;

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the St. Louis University civics class permission to use the Senate Chamber from 9:00 a.m. to 11:00 a.m. on Monday, May 7th, 2018.

Senator Kehoe requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1590** up for adoption, which request was granted.

Senator Kehoe moved that **SR 1590** be adopted, which motion prevailed.

Senator Holsman offered the following resolution:

SENATE RESOLUTION NO. 1591

Whereas, the members of the Missouri Senate feel it is altogether right and proper to pause from time to time to recognize milestones in the legislative history of this great country; and

Whereas, the members now pause to observe the fiftieth anniversary of the Wild and Scenic Rivers Act, an Act passed by a unanimous vote in the United States Senate and signed by President Lyndon B. Johnson on October 2, 1968; and

Whereas, in the Act, Congress sought to protect outstanding rivers that “shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations”; and

Whereas, to implement this objective, the Act created the National Wild and Scenic Rivers System, providing for the designation of wild and scenic rivers; and

Whereas, the Act defines wild and scenic rivers as “certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geological, fish and wildlife, historical, cultural, or other similar values”; and

Whereas, the Eleven Point River in Missouri was one of the eight rivers designated by the original Act in 1968; and

Whereas, in 2018, forty-four miles of the Eleven Point River were included in the National Wild and Scenic Rivers System, providing Missourians with a high quality recreational opportunity and natural resource; and

Whereas, the Eleven Point Wild and Scenic River is administered by the United States Forest Service, with the cooperation and assistance of state and local governments, private groups, and land owners, which have done an outstanding job of protecting the river for the past fifty years; and

Whereas, public awareness of the importance of wild and scenic rivers must be raised and public and private cooperation encouraged to promote the continued protection of these precious river values; and

Whereas, tourism on the Eleven Point River supports many local businesses, including canoe rental liveries, fishing guide services, rental cabins, and restaurants:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, hereby recognize the fiftieth anniversary of the Wild and Scenic Rivers Act and encourage citizens to protect our state’s river resources; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Department of Natural Resources.

Senator Crawford offered Senate Resolution No. 1592, regarding the Fiftieth Anniversary of Joel E. Barber Elementary School, Lebanon, which was adopted.

Senator Wallingford offered Senate Resolution No. 1593, regarding Teagan Schnurbusch, Burdfordville, which was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SBs 617, 611 and 667**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**SENATE BILLS FOR PERFECTION**

Senator Curls moved that **SB 954** be taken up for perfection, which motion prevailed.

On motion of Senator Curls, **SB 954** was declared perfected and ordered printed.

**SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 2014**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

**SENATE BILLS FOR PERFECTION**

Senator Holsman moved that **SJR 27** be taken up for perfection, which motion prevailed.

Senator Onder offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Joint Resolution No. 27, Page 1, Section 8, by striking all of said section from the resolution; and

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Schaaf offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Joint Resolution No. 27, Page 1, Section 16(a), Line 3, by inserting after the word “law” the following: “**or from any lobbyist principal, as defined by law**”.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Joint Resolution No. 27, Page 1, Section 8, Lines 4-5, by striking the opening and closing brackets and the bold-faced language on said lines.

President Pro Tem Richard assumed the Chair.

Senator Nasheed moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Koenig offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Joint Resolution No. 27, Page 1, Section 8, Line 1, by inserting immediately after “8.” the following: “**1.**”; and further amend line 8, by inserting immediately after all of said line the following:

“**2. No one elected to serve in the General Assembly shall serve more than four years in each of the following positions:**

**(1) Speaker of the House of Representatives;**

**(2) President pro tempore of the Senate;**

- (3) Majority leader of the House of Representatives;**
- (4) Majority leader of the Senate;**
- (5) Minority leader of the House of Representatives; or**
- (6) Minority leader of the Senate.”.**

Senator Koenig moved that the above amendment be adopted.

At the request of Senator Holsman, **SJR 27**, with **SA 4** (pending), was placed on the Informal Calendar.

Senator Sater moved that **SB 722** be taken up for perfection, which motion prevailed.

On motion of Senator Sater, **SB 722** was declared perfected and ordered printed.

At the request of Senator Riddle, **SB 843**, with **SCS**, was placed on the Informal Calendar.

Senator Schatz moved that **SCS** for **SB 1050**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 1050**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1050

An Act to repeal sections 108.120, 137.555, 227.240, 292.606, 301.010, 301.020, 301.055, 301.130, 301.350, 304.001, 304.005, 304.044, and 307.175, RSMo, and to enact in lieu thereof fifteen new sections relating to transportation, with existing penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Schatz moved that **SCS** for **SB 1050** be adopted.

Senator Schatz offered **SS** for **SCS** for **SB 1050**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1050

An Act to repeal sections 108.120, 137.555, 227.240, 292.606, 301.010, 301.020, 301.055, 301.130, 301.350, 302.170, 302.173, 302.174, 302.720, 304.001, 304.005, 304.044, 306.126, 307.175, and 414.032, RSMo, and to enact in lieu thereof twenty-two new sections relating to transportation, with existing penalty provisions and an emergency clause for a certain section.

Senator Schatz moved that **SS** for **SCS** for **SB 1050** be adopted.

Senator Hegeman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1050, Page 7, Section 227.544, Line 10 of said page, by inserting after all of said line the following:

“263.245. 1. **Subject to voter approval under section 263.247**, all owners of land in:

**(1)** Any county with a township form of government, located north of the Missouri River and having

no portion of the county located east of U.S. Highway 63 [and located in];

(2) Any county of the third classification without a township form of government and with more than four thousand one hundred but fewer than four thousand two hundred inhabitants[.]; or [in]

(3) Any county of the third classification without a township form of government and with more than two thousand three hundred but fewer than two thousand four hundred inhabitants

shall control all brush growing on such owner's property that is designated as the county right-of-way or county maintenance easement part of such owner's property and which is adjacent to any county road. Such brush shall be cut, burned, or otherwise destroyed as often as necessary in order to keep such lands accessible for purposes of maintenance and safety of the county road **and to prevent brush from interfering with any vehicle that may travel the road.**

2. The county commission, either upon its own motion or upon receipt of a written notice requesting the action from any residents of the county in which the county road bordering the lands in question is located or upon written request of any person regularly using the county road, may control such brush so as to allow easy access to the land described in subsection 1 of this section, and for that purpose the county commission, or its agents, servants, or employees shall have authority to enter on such lands without being liable to an action of trespass therefor, and shall keep an accurate account of the expenses incurred in eradicating the brush, and shall verify such statement under seal of the county commission, and transmit the same to the officer whose duty it is or may be to extend state and county taxes on tax books or bills against real estate. Such officer shall extend the aggregate expenses so charged against each tract of land as a special tax, which shall then become [a lien on such lands,] **due on such landowner's real and personal property tax assessment** and be collected as state and county taxes are collected by law and paid to the county commission and credited to the county control fund.

3. Before proceeding to control brush as provided in this section, the county commission of the county in which the land is located shall notify the owner of the land of the requirements of this law [by certified mail, return receipt requested, from a list] **in writing using any mail service with delivery tracking and an address** supplied by the officer who prepares the tax list[,], and shall allow the owner of the land thirty days from [acknowledgment date of return receipt, or] **the** date of [refusal of acceptance of] delivery [as the case may be,] to eradicate all such brush growing on land designated as the county right-of-way or county maintenance easement part of such owner's land and which is adjacent to the county road. In the event that the property owner cannot be located by [certified] mail, notice shall be placed in a newspaper of general circulation in the county in which the land is located at least thirty days before the county commission removes the brush pursuant to subsection 2 of this section. Such property owner shall be granted an automatic thirty-day extension due to hardship by notifying the county commission that such owner cannot comply with the requirements of this section, due to hardship, within the first thirty-day period. The property owner may be granted a second extension by a majority vote of the county commission. There shall be no further extensions. For the purposes of this subsection, "hardship" may be financial, physical or any other condition that the county commission deems to be a valid reason to allow an extension of time to comply with the requirements of this section.

4. County commissions shall not withhold rock, which is provided from funds from the county aid road trust fund, for maintaining county roads due to the abutting property owner's refusal to remove brush located on land designated as the county right-of-way or county maintenance easement part of such owner's

land. County commissions shall use such rock on the county roads, even though the brush is not removed, or county commissions may resort to the procedures in this section to remove the brush.

**5. The county right-of-way or county maintenance easement shall extend fifteen feet from the center of the county road or the distance set forth in the original conveyance, whichever is greater. For purposes of this subsection, the “center of the county road” shall be the point equidistant from both edges of the drivable ground of the road in its current condition.**

**6. In the event a county is required to obtain a land survey to enforce this section, the costs of such survey shall be divided equally between the county and the landowner.”; and**

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Schatz, **SB 1050**, with SCS and SS for SCS (pending), was placed on the Informal Calendar.

### **MESSAGES FROM THE HOUSE**

The following corrected messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2001**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, and Fourth State Building Bond and Interest Fund, and to transfer money among certain funds for the period beginning July 1, 2018 and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2002**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018 and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2003**, entitled:



An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018 and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2005**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018 and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2006**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2018 and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2007**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018 and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2009**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2018 and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2010**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018 and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2011**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018 and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2012**, entitled:

An Act to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and

the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2018 and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2013**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2018 and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2031**, entitled:

An Act to repeal section 209.204, RSMo, and to enact in lieu thereof one new section relating to service dogs, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1369**, entitled:

An Act to repeal sections 209.150 and 209.200, RSMo, and to enact in lieu thereof two new sections relating to service dogs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1266**, entitled:

An Act to repeal section 188.027, RSMo, and to enact in lieu thereof two new sections relating to the pain capable unborn child protection act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1486**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the supplemental nutrition assistance program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2101**, entitled:

An Act to repeal section 514.040, RSMo, and to enact in lieu thereof one new section relating to guardian ad litem fees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2192**, entitled:

An Act to repeal section 162.401, RSMo, and to enact in lieu thereof one new section relating to bonding requirements for treasurers of seven-director school districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2221**, entitled:

An Act to repeal section 324.409, RSMo, and to enact in lieu thereof one new section relating to registered interior designers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 722**; and **SB 954**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**RESOLUTIONS**

Senator Kehoe offered Senate Resolution No. 1594, regarding Keith DeWitt Stennis, II, which was adopted.

**INTRODUCTION OF GUESTS**

Senator Richard introduced to the Senate, former State Representative T. Mark Elliott, Carthage; and former State Senator Charlie Shields, Kansas City.

On motion of Senator Kehoe, the Senate adjourned under the rules.

**SENATE CALENDAR**


---

FORTY-EIGHTH DAY—WEDNESDAY, APRIL 4, 2018

---

**FORMAL CALENDAR****HOUSE BILLS ON SECOND READING**

HCS for HBs 2280, 2120, 1468 & 1616	HCS for HB 2010
HCS for HB 2274	HCS for HB 2011
HCS for HB 2216	HCS for HB 2012
HCS for HB 2001	HCS for HB 2013
HCS for HB 2002	HCS for HB 2031
HCS for HB 2003	HB 1369-Sommer
HCS for HB 2004	HB 1266-Lichtenegger
HCS for HB 2005	HCS for HB 1486
HCS for HB 2006	HB 2101-Beard
HCS for HB 2007	HB 2192-Redmon
HCS for HB 2008	HB 2221-Franklin
HCS for HB 2009	

**THIRD READING OF SENATE BILLS**

- |   |                                 |
|---|---------------------------------|
| 1. SS for SB 579-Libla (In Fiscal Oversight)  | 3. SS for SCS for SB 966-Rowden |
| 2. SS for SB 699-Sifton (In Fiscal Oversight) | (In Fiscal Oversight)           |

4. SJR 25-Romine (In Fiscal Oversight)  
5. SS#2 for SB 552-Dixon  
6. SS for SCS for SB 890-Riddle  
7. SB 808-Brown

8. SB 697-Romine  
9. SS#2 for SCS for SBs 617, 611 & 667-Eigel  
10. SB 722-Sater  
11. SB 954-Curls

#### SENATE BILLS FOR PERFECTION

SB 556-Brown  
SB 949-Emery, with SCS  
SB 687-Sater  
SB 582-Walsh

SB 891-Kehoe  
SB 1007-Kehoe, with SCS  
SB 568-Cunningham, with SCS

#### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

SB 706-Riddle

#### SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)  
SB 550-Wasson, with SCS  
SB 553-Dixon, with SCS, SS for SCS &  
SA 1 (pending)  
SBs 555 & 609-Brown, with SCS  
SB 561-Sater, with SA 1 (pending)  
SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 578-Romine  
SB 591-Hegeman, with SCS  
SB 596-Riddle, with SCS  
SB 599-Schatz  
SB 602-Onder, with SCS  
SB 612-Koenig, with SCS, SS#2 for SCS,  
SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
for SA 2 (pending)  
SB 663-Schatz, with SCS (pending)  
SB 674-Koenig  
SB 730-Wallingford, with SCS & SA 1  
(pending)  
SB 751-Schatz  
SB 767-Hoskins, with SCS, SS for SCS &  
SA 2 (pending)

SB 774-Munzlinger  
SB 786-Schupp, with SA 3 (pending)  
SB 813-Riddle, with SCS & SA 1 (pending)  
SB 822-Hegeman, with SCS & SS for SCS  
(pending)  
SB 832-Rowden, with SCS  
SB 837-Rowden  
SB 843-Riddle, with SCS  
SB 848-Riddle  
SB 849-Kehoe and Schupp, with SCS, SA 1  
& SA 1 to SA 1 (pending)  
SB 860-Koenig, with SCS, SS for SCS &  
SA 1 (pending)  
SB 861-Hegeman, with SCS  
SB 865-Kehoe  
SB 893-Sater, with SCS, SS for SCS &  
SA 1 (pending)  
SB 907-Kehoe, with SCS  
SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)  
SB 920-Riddle  
SB 928-Onder, with SCS  
SB 982-Wieland

SB 1050-Schatz, with SCS & SS for SCS  
(pending)

SJR 27-Holsman, with SA 4 (pending)

#### HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)  
SS for SCS for HB 1350-Smith (163)  
(Rowden) (In Fiscal Oversight)

HB 1413-Taylor, with SCS (Onder)  
HB 1691-Miller, with SCS (Emery)  
HB 1769-Mathews, with SCS (Schatz)

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

HB 1291-Henderson, with SS for SCS,  
as amended (Romine)

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

##### Reported from Committee

SCR 30-Wallingford  
SCR 31-Wallingford

SCR 40-Hoskins  
SCR 43-Munzlinger

##### To be Referred

SR 1591-Holsman

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-EIGHTH DAY—WEDNESDAY, APRIL 4, 2018**

---

The Senate met pursuant to adjournment.

President Pro Tem Richard in the Chair.

Reverend Carl Gauck offered the following prayer:

“Is anything too wonderful for the Lord?” (Genesis 18:14a)

Almighty God, help us this day remember that You are a loving Abba, from whom we receive so much more than we deserve. Grant us an understanding of this world so that which we do and say is a witness to the wonders we see in Your creation given for our sake. And may we make good use of this time serving in this place for the people we represent. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1



**RESOLUTIONS**

Senator Sater offered Senate Resolution No. 1595, regarding Jasmine White, which was adopted.

Senator Sater offered Senate Resolution No. 1596, regarding Dr. Kelli Rogers, which was adopted.

Senator Rowden offered Senate Resolution No. 1597, regarding the death of Erin Ashley (Henricks) Reynolds, Columbia, which was adopted.

Senator Eigel offered Senate Resolution No. 1598, regarding Autumn Vaughn, which was adopted.

Senator Dixon offered Senate Resolution No. 1599, regarding Jaydun Sydnor, which was adopted.

Senator Crawford offered Senate Resolution No. 1600, regarding Jacob Rogers, which was adopted.

Senator Rizzo offered Senate Resolution No. 1601, regarding Vanesa Rodriguez, which was adopted.

Senator Libla offered Senate Resolution No. 1602, regarding Alan Wire Company, which was adopted.

Senator Libla offered Senate Resolution No. 1603, regarding Ryan J. Windham, which was adopted.

Senator Libla offered Senate Resolution No. 1604, regarding Parengo Coffee, which was adopted.

Senator Libla offered Senate Resolution No. 1605, regarding Gina Hart, which was adopted.

Senator Libla offered Senate Resolution No. 1606, regarding Joseph Blanton, Jr., which was adopted.

Senator Libla offered Senate Resolution No. 1607, regarding Brandy Mason, which was adopted.

Senator Libla offered Senate Resolution No. 1608, regarding Bulldog Pantry, which was adopted.

Senator Libla offered Senate Resolution No. 1609, regarding Cooper McKelvey, which was adopted.

Senator Libla offered Senate Resolution No. 1610, regarding Zach Fayette, which was adopted.

Senator Libla offered Senate Resolution No. 1611, regarding Rob Mitchell, which was adopted.

Senator Libla offered Senate Resolution No. 1612, regarding Shelby LeAnn Lutes, which was adopted.

**SENATE BILLS FOR PERFECTION**

Senator Brown moved that **SB 556** be taken up for perfection, which motion prevailed.

Senator Riddle offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Bill No. 556, Page 3, Section 302.026, Line 15, by inserting immediately after said line the following:

“304.015. 1. All vehicles not in motion shall be placed with their right side as near the right-hand side of the highway as practicable, except on streets of municipalities where vehicles are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

2. Upon all public roads or highways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;

(2) When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of sections 304.014 to 304.025 or traffic regulations thereunder or of municipalities;

(3) When the right half of a roadway is closed to traffic while under construction or repair;

(4) Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic; **and**

**(5) Motorcycles and motortricycles may operate on the shoulder of state limited access highways and interstate highways when traffic has slowed to below thirty miles per hour. Motorcycles and motortricycles operated on a shoulder shall not exceed the lesser of thirty-five miles per hour or ten miles per hour in excess of the flow of traffic. This subdivision shall not be construed to permit operation of a motor vehicle in excess of a posted speed limit.**

3. It is unlawful to drive any vehicle upon any highway or road which has been divided into two or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway, except to the right of such barrier or dividing section, or to make any left turn or semicircular or U-turn on any such divided highway, except at an intersection or interchange or at any signed location designated by the state highways and transportation commission or the department of transportation. The provisions of this subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles owned by the commission or the department.

4. The authorities in charge of any highway or the state highway patrol may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway, and all members of the Missouri highway patrol and other peace officers may direct traffic in conformance with such signs. When authorized signs have been erected designating off-center traffic lanes, no person shall disobey the instructions given by such signs.

5. Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

(2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation;

(3) Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in sections 304.014 to 304.025;

(4) Official signs may be erected by the highways and transportation commission or the highway patrol may place temporary signs directing slow-moving traffic to use a designated lane or allocating specified

lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign;

(5) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half of the main traveled portion of the roadway whenever possible.

6. All vehicles in motion upon a highway having two or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

7. All trucks registered for a gross weight of more than forty-eight thousand pounds shall not be driven in the far left-hand lane upon all interstate highways, freeways, or expressways within urbanized areas of the state having three or more lanes of traffic proceeding in the same direction. This restriction shall not apply when:

(1) It is necessary for the operator of the truck to follow traffic control devices that direct use of a lane other than the right lane; or

(2) The right half of a roadway is closed to traffic while under construction or repair.

8. As used in subsection 7 of this section, “truck” means any vehicle, machine, tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term “truck” also includes a commercial motor vehicle as defined in section 301.010.

9. Violation of this section shall be deemed a class C misdemeanor unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class B misdemeanor, or unless an accident results from such violation, in which case such violation shall be deemed a class A misdemeanor.”; and

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted.

At the request of Senator Brown, **SB 556**, with **SA 1** (pending), was placed on the Informal Calendar.

### **REPORTS OF STANDING COMMITTEES**

Senator Onder, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HBs 1729, 1621 and 1436**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden, Chairman of the Committee on Government Reform, submitted the following report:

Mr. President: Your Committee on Government Reform, to which was referred **HB 1578**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden assumed the Chair.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HB 2001**—Appropriations.

**HCS for HB 2002**—Appropriations.

**HCS for HB 2003**—Appropriations.

**HCS for HB 2004**—Appropriations.

**HCS for HB 2005**—Appropriations.

**HCS for HB 2006**—Appropriations.

**HCS for HB 2007**—Appropriations.

**HCS for HB 2008**—Appropriations.

**HCS for HB 2009**—Appropriations.

**HCS for HB 2010**—Appropriations.

**HCS for HB 2011**—Appropriations.

**HCS for HB 2012**—Appropriations.

**HCS for HB 2013**—Appropriations.

#### **REFERRALS**

President Pro Tem Richard referred **SR 1591** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

#### **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Richard.

#### **SENATE BILLS FOR PERFECTION**

Senator Schatz moved that **SB 663**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS for SB 663** was again taken up.

Senator Schatz offered **SS** for **SCS for SB 663**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 663**

An Act to repeal section 67.641, RSMo, and to enact in lieu thereof two new sections relating to certain tourism infrastructure facilities.

Senator Schatz moved that **SS for SCS for SB 663** be adopted.

Senator Koenig offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 663, Page 4, Section

99.585, Line 22 of said page, by striking “six” and inserting in lieu thereof **“two”**; and further amend said line by inserting immediately after “year” the following: **“for all fiscal years ending on or before June 30, 2028, and four million dollars per year for all fiscal years beginning on or after July 1, 2028”**; and further amend line 24 of said page, by inserting immediately after “state” the following: **“of at least one dollar and twenty cents for each dollar appropriated”**; and further amend line 27 of said page, by inserting immediately after “require” the following: **“, including a requirement that if after five years the land clearance project shall be determined to produce a net fiscal impact of less than one dollar and twenty cents for each dollar appropriated, the agreement entered into under this section shall be void and the state shall not make any further appropriations for such land clearance project”**.

Senator Koenig moved that the above amendment be adopted.

At the request of Senator Schatz, **SB 663**, with SCS, SS for SCS and SA 1 (pending), was placed on the Informal Calendar.

Senator Schupp moved that **SB 786**, with SA 3 (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 3** was again taken up.

At the request of Senator Eigel, the above amendment was withdrawn.

On motion of Senator Schupp, **SB 786** was declared perfected and ordered printed.

Senator Holsman moved that **SJR 27**, with SA 4 (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 4** was again taken up.

At the request of Senator Koenig, the above amendment was withdrawn.

Senator Koenig offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Joint Resolution No. 27, Page 1, Section 8, Line 1, by inserting immediately after “8.” the following: **“1.”**; and further amend line 8, by inserting immediately after all of said line the following:

**“2. No one elected to serve in the General Assembly shall serve more than four years in each of the following positions:**

- (1) Speaker of the House of Representatives;**
- (2) President pro tempore of the Senate;**
- (3) Majority leader of the House of Representatives;**
- (4) Majority leader of the Senate;**
- (5) Minority leader of the House of Representatives; or**
- (6) Minority leader of the Senate.”.**

Senator Koenig moved that the above amendment be adopted, which motion prevailed on a standing division vote.

On motion of Senator Holsman, **SJR 27**, as amended, was declared perfected and ordered printed on a standing division vote.

### **RESOLUTIONS**

Senator Wieland offered Senate Resolution No. 1613, regarding Sister Marita Anne Marrah, Richmond Heights, which was adopted.

Senator Curls offered Senate Resolution No. 1614, regarding Paul W. Spear, Lee's Summit, which was adopted.

Senator Rizzo offered Senate Resolution No. 1615, regarding the 2017-2018 National Association of Inter-Collegiate Athletics Division I Champion Graceland University Men's Basketball Yellowjackets, which was adopted.

Senator Hummel offered Senate Resolution No. 1616, regarding Michaelmonique Mayo, which was adopted.

Senator Brown offered Senate Resolution No. 1617, regarding the death of Stephan Rowland Bass, Steelville, which was adopted.

On motion of Senator Kehoe, the Senate recessed until 6:45 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Richard.

### **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 786**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Onder, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **SB 1023**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **SENATE BILLS FOR PERFECTION**

Senator Rowden moved that **SB 832**, with **SCS**, be taken up for perfection, which motion prevailed. **SCS** for **SB 832**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 832**

An Act to repeal sections 407.020, 407.025, 508.010, and 537.762, RSMo, and to enact in lieu thereof eight new sections relating to civil actions, with an existing penalty provision.

Was taken up.

Senator Rowden moved that **SCS** for **SB 832** be adopted.

Senator Rowden offered **SS** for **SCS** for **SB 832**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 832

An Act to repeal sections 407.020, 407.025, and 537.762, RSMo, and to enact in lieu thereof seven new sections relating to civil actions, with an existing penalty provision.

Senator Rowden moved that **SS** for **SCS** for **SB 832** be adopted.

Senator Wallingford assumed the Chair.

Senator Schaaf was inquiring of Senator Sifton. Senator Rowden rose and requested to withdraw **SS** for **SCS** for **SB 832**, which request was granted.

Senator Rowden offered **SS No. 2** for **SCS** for **SB 832**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 832

An Act to repeal sections 407.020, 407.025, and 537.762, RSMo, and to enact in lieu thereof seven new sections relating to civil actions, with an existing penalty provision.

Senator Rowden moved that **SS No. 2** for **SCS** for **SB 832** be adopted.

Senator Schaaf raised the point of order that Senator Rowden had the right to seek the floor for the purpose of withdrawing **SS** for **SCS** for **SB 832**; however, once that substitute had been withdrawn, he should retain the floor, therefore Senator Rowden should not have been recognized to offer a new substitute.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed **SB 832**, with **SCS** and **SS No. 2** for **SCS** (pending), back on the Informal Calendar.

Senator Emery moved that **SCS** for **SB 949**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 949**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 949

An Act to repeal sections 167.263, 167.268, and 167.645, RSMo, and to enact in lieu thereof two new sections relating to reading intervention in schools.

Was taken up.

Senator Emery moved that **SCS** for **SB 949** be adopted.

Senator Emery offered **SS** for **SCS** for **SB 949**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 949

An Act to repeal sections 167.263, 167.268, and 167.645, RSMo, and to enact in lieu thereof two new sections relating to reading intervention in schools.

Senator Emery moved that **SS** for **SCS** for **SB 949** be adopted.

Senator Hummel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 949, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“167.225. 1. As used in this section, the following terms mean:

(1) [”Blind persons”, individuals who:

(a) Have a visual acuity of 20/200 or less in the better eye with conventional correction, or have a limited field of vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty degrees; or

(b) Have a reasonable expectation of visual deterioration; or

(c) Cannot read printed material at a competitive rate of speed and with facility due to lack of visual acuity;

(2)] “Braille”, the system of reading and writing through touch [commonly known as standard English braille];

[(3)] (2) “Student”, any student who [is blind or any student eligible for special education services for visually impaired as defined in P.L. 94-142] **has an impairment in vision that, even with correction, adversely affects a child’s educational performance and who is determined eligible for special education services under the Individuals with Disabilities Education Act.**

2. All students [may] **shall** receive instruction in braille reading and writing as part of their individualized education plan **unless the individual education program team determines, after an evaluation of the child’s reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the child’s future needs for instruction in braille or the use of braille, that instruction in braille or the use of braille is not appropriate.** No student shall be denied the opportunity of instruction in braille reading and writing solely because the student has some remaining vision.

3. Instruction in braille reading and writing shall be sufficient to enable each student to communicate effectively and efficiently at a level commensurate with [his] **the student’s** sighted peers of comparable grade level and intellectual functioning. The student’s individualized education plan shall specify:

(1) How braille will be implemented as the primary mode for learning through integration with normal classroom activities. If braille will not be provided to a child who is blind, the reason for not incorporating it in the individualized education plan shall be documented therein;

(2) The date on which braille instruction will commence;

(3) The level of competency in braille reading and writing to be achieved by the end of the period covered by the individualized education plan; and

(4) The duration of each session.

4. As part of the certification process, teachers certified in the education of blind and visually impaired children shall be required to demonstrate competence in reading and writing braille. The department of elementary and secondary education shall adopt assessment procedures to assess such competencies which are consistent with standards adopted by the National Library Service for the Blind and Physically



Handicapped, Library of Congress, Washington, D. C.”; and

Further amend the title and enacting clause accordingly.

Senator Hummel moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 949, Page 3, Section 167.450, Line 20, by inserting after “2.” the following: **“Except as provided for in section 167.735,”**; and

Further amend said bill and section, page 10, line 13, by inserting after all of said line the following:

**“167.735. 1. Notwithstanding the provisions of section 167.450 to the contrary, beginning July 1, 2019, every public school in the metropolitan school district or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county, including charter schools, shall incorporate a response-to-intervention tiered approach to reading instruction to focus resources on students who are determined by their school to need additional or changed instruction to make progress as readers. At a minimum, the reading levels of students in kindergarten through tenth grade shall be assessed at the beginning and middle of the school year, and students who score below district benchmarks shall be provided with intensive, systematic reading instruction.**

**2. Beginning January 1, 2019, and every January first thereafter, every public school in the metropolitan school district or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county, including charter schools, shall prepare a personalized learning plan for any kindergarten or first grade student whose most recent school-wide reading assessment result shows the student is working below grade level unless the student has been determined by other means in the current school year to be working at grade level or above. The provisions of this section shall not apply to students otherwise served under an individualized education program, to students receiving services through a plan prepared under Section 504 of the Rehabilitation Act of 1973 that includes an element addressing reading below grade level, or to students determined to have limited English proficiency.**

**3. For any student in a metropolitan school district or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county that is required by this section to have a personalized learning plan, the student’s main teacher shall consult with the student’s parent or guardian during the preparation of the plan and shall consult, as appropriate, any district personnel or department of elementary and secondary education personnel with necessary expertise to develop such a plan. The school shall require the written consent of the parent or guardian to implement the plan; however, if the school is unsuccessful in contacting the parent or guardian by January fifteenth, the school may send a letter by certified mail to the student’s last known address stating its intention to implement the plan by February first.**

**4. After implementing the personalized learning plan through the end of the student’s first grade year, the school shall refer any student who still performs below grade level for assessment to determine if an individualized education program is necessary for the student. A student who is assessed as not needing an individualized education program but who is reading below grade level**

at the end of the first grade shall continue to be required to have a personalized learning plan until the student is reading at grade level.

5. Notwithstanding any provision of law to the contrary, any student in a metropolitan or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county who is not reading at second-grade level by the end of second grade may be promoted to the third grade only under one of the following circumstances:

(1) The school provides additional reading instruction during the summer and demonstrates the student has the abilities and the knowledge to successfully learn in third grade at the end of the summer school;

(2) The school provides a combined classroom in which the student continues with the same teacher, sometimes referred to as “looping”. If the student in such a classroom is not reading at third-grade level by the end of third grade, the student shall be retained in third grade; or

(3) The student’s parents or guardians have signed a notice that they prefer to have their student promoted although the student is reading below grade level. The school shall have the final determination on the issue of retention.

6. The metropolitan school district, any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county, and each charter school located in such districts shall provide in its annual report card under section 160.522 the numbers and percentages by grade from first grade to tenth grade in each school of any students at any grade level who have been promoted who have been determined as reading below grade level, except that no reporting shall permit the identification of an individual student.

7. School districts and charter schools under this section may provide for a student promotion and retention program and a reading instruction program that are equivalent to those which are described in this section with the oversight and approval of the department of elementary and secondary education.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

Senator Rowden assumed the Chair.

At the request of Senator Emery, **SB 949**, with **SCS, SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

Senator Sater moved that **SB 687** be taken up for perfection, which motion prevailed.

On motion of Senator Sater, **SB 687** was declared perfected and ordered printed.

Senator Walsh moved that **SB 582** be taken up for perfection, which motion prevailed.

On motion of Senator Walsh, **SB 582** was declared perfected and ordered printed.

Senator Kehoe moved that **SB 891** be taken up for perfection, which motion prevailed.

On motion of Senator Kehoe, **SB 891** was declared perfected and ordered printed.

## REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SJR 27**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

## MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HB 1291**, as amended. Representatives: Henderson, Toalson Reisch, Walker (3), Adams, Burnett.

## INTRODUCTION OF GUESTS

On behalf of Senator Chappelle-Nadal and himself, Senator Kehoe introduced to the Senate, Don and Kathy Davidson, Hazelwood.

Senator Wallingford introduced to the Senate, Dr. Judith Crocker Billingsley, Dr. Dana Branson and fifteen students from Southeast Missouri State University, Cape Girardeau.

Senator Dixon introduced to the Senate, Jayme Mohnier, Danae Duran, Kirstin Tally, Megan Patty, Erika German, Taylor Wiertzema, Jillian Carlile, Sydney McMunn, Lacey Nunnally and Trent Sims, Evangel University, Springfield.

Senator Hoskins introduced to the Senate, international students from colleges and universities representing Missouri International Education Day.

Senator Rowden introduced to the Senate, teacher Audrey Conner; and students Autumn Dowdy, Emily Gorrell, Trevor Mathews, Danie Vang, Megan Hamilton, Savannah Miller, Kaitlyn Young, Nicole Kroeger, Grace Draffen and Taylor Zumsteg, Otterville High School.

Senator Riddle introduced to the Senate, coaches Kenny Hart, Matt Voss and Dave Wilmsmeyer; and athletes Andrew Voss, Brayden Wilmsmeyer, Braeden Grow, Jacob Vaclavik, Cameron Hart, Josh Dames, David Vaclavik, Logan Hart, Michael Foran, Dakota Ball and Noah Chambers, Class 2A State Champion Liberty Christian Academy Boys Basketball Eagles, Wright City.

Senator Walsh introduced to the Senate, teachers Jaime Grun, Mary Pat Skouby and Christina Wojtkowski; and fifty-five seventh- and eighth-grade students, St. Rose Philippine Duchesne School, Florissant; and Lauren Cunningham, Nathan Wojtkowski, Brennan Carpenter and Ja'Kyah Cavin were made honorary pages.

On behalf of Senator Richard, the President introduced to the Senate, British Consul General for Chicago John Saville, and his wife, Fabiola Moreno de Alboran; and Mark Sutherland.

On behalf of Senators Cunningham, Dixon, Emery, Libla, Wallingford and herself, Senator Crawford introduced to the Senate, Kelly J. Slayton, Sara Richardson, Michelle J. Arnold, Mark Campbell, Judy Taylor, Mitchell Nitsch, Mandy L. Anthes, Dawn E. Dauer, Paul D. Gard, James E. Hennemann, Aaron

Panton, Janine M. Ballin, Keri A. Jenkins, Harold M. Miles, Paula R. Miles, Rob Barrett and Susan Barrett, representatives of Target Bankers.

Senator Eigel introduced to the Senate, thirty students from Francis Howell North High School, St. Charles.

Senator Hegeman introduced to the Senate, Sangeetha Detne, Sneha Ojha, Bikash Adhikari, Navaneeth Reddy, Gaby Da Silva, Samuel Heavens and Erika Lees, international students from Northwest Missouri State University.

On behalf of Senator Richard, the President introduced to the Senate, representatives of Leadership Joplin.

Senator Libla introduced to the Senate, Herman Styles, Tony Favazza, Roland DeGregorio, Erin Lang, Steve Belden, Angie Fellers-Beard, John LaRocca, Bob Bonney, Carl Fellers, Mark Price, Angela Tanner, Kristopher Anderson, Todd Hulse, Buddy Lahl, Greg Hunsucker, Bill Teal, Jeff Guinn and Bill Gomel, representatives of the Missouri Restaurant Association.

On behalf of Senator Richard, the President introduced to the Senate, representatives of Franklin Technical Center, Joplin.

On motion of Senator Kehoe, the Senate adjourned under the rules.

## SENATE CALENDAR

---

FORTY-NINTH DAY—THURSDAY, APRIL 5, 2018

---

## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HBs 2280, 2120, 1468 & 1616	HB 1266-Lichtenegger
HCS for HB 2274	HCS for HB 1486
HCS for HB 2216	HB 2101-Beard
HCS for HB 2031	HB 2192-Redmon
HB 1369-Sommer	HB 2221-Franklin

### THIRD READING OF SENATE BILLS

- |  |  |
|--|--|
| 1. SS for SB 579-Libla (In Fiscal Oversight)             | 4. SJR 25-Romine (In Fiscal Oversight) |
| 2. SS for SB 699-Sifton (In Fiscal Oversight)            | 5. SS#2 for SB 552-Dixon               |
| 3. SS for SCS for SB 966-Rowden<br>(In Fiscal Oversight) | 6. SS for SCS for SB 890-Riddle        |
|  | 7. SB 808-Brown                        |

- |  |                    |
|--|--------------------|
| 8. SB 697-Romine                             | 11. SB 954-Curls   |
| 9. SS#2 for SCS for SBs 617, 611 & 667-Eigel | 12. SB 786-Schupp  |
| 10. SB 722-Sater                             | 13. SJR 27-Holsman |

## SENATE BILLS FOR PERFECTION

- |                             |                         |
|-----------------------------|-------------------------|
| SB 1007-Kehoe, with SCS     | SB 1023-Dixon, with SCS |
| SB 568-Cunningham, with SCS |                         |

## HOUSE BILLS ON THIRD READING

- |                                       |                                |
|---------------------------------------|--------------------------------|
| HCS for HBs 1729, 1621 & 1436 (Brown) | HB 1578-Kolkmeyer (Munzlinger) |
|---------------------------------------|--------------------------------|

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SB 706-Riddle

## SENATE BILLS FOR PERFECTION

- |  |  |
|--|--|
| SB 546-Munzlinger, with SS#4 (pending)   | SB 663-Schatz, with SCS, SS for SCS & SA 1 (pending)             |
| SB 550-Wasson, with SCS  | SB 674-Koenig  |
| SB 553-Dixon, with SCS, SS for SCS & SA 1 (pending)  | SB 730-Wallingford, with SCS & SA 1 (pending)                    |
| SBs 555 & 609-Brown, with SCS  | SB 751-Schatz  |
| SB 556-Brown, with SA 1 (pending)  | SB 767-Hoskins, with SCS, SS for SCS & SA 2 (pending)            |
| SB 561-Sater, with SA 1 (pending)  | SB 774-Munzlinger  |
| SB 567-Cunningham, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)                         | SB 813-Riddle, with SCS & SA 1 (pending)                         |
| SB 578-Romine  | SB 822-Hegeman, with SCS & SS for SCS (pending)                  |
| SB 591-Hegeman, with SCS   | SB 832-Rowden, with SCS, SS#2 for SCS & point of order (pending) |
| SB 596-Riddle, with SCS  | SB 837-Rowden  |
| SB 599-Schatz  | SB 843-Riddle, with SCS  |
| SB 602-Onder, with SCS   | SB 848-Riddle  |
| SB 612-Koenig, with SCS, SS#2 for SCS, SA 2, SSA 1 for SA 2 & SA 1 to SSA 1 for SA 2 (pending) |  |

SB 849-Kehoe and Schupp, with SCS, SA 1  
& SA 1 to SA 1 (pending)  
SB 860-Koenig, with SCS, SS for SCS & SA 1  
(pending)  
SB 861-Hegeman, with SCS  
SB 865-Kehoe  
SB 893-Sater, with SCS, SS for SCS & SA 1  
(pending)  
SB 907-Kehoe, with SCS

SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)  
SB 920-Riddle  
SB 928-Onder, with SCS  
SB 949-Emery, with SCS, SS for SCS & SA 2  
(pending)  
SB 982-Wieland  
SB 1050-Schatz, with SCS & SS for SCS  
(pending)

#### HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)  
SS for SCS for HB 1350-Smith (163)  
(Rowden) (In Fiscal Oversight)

HB 1413-Taylor, with SCS (Onder)  
HB 1691-Miller, with SCS (Emery)  
HB 1769-Mathews, with SCS (Schatz)

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

HB 1291-Henderson, with SS for SCS,  
as amended (Romine)

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

##### Reported from Committee

SCR 30-Wallingford  
SCR 31-Wallingford

SCR 40-Hoskins  
SCR 43-Munzlinger

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FORTY-NINTH DAY—THURSDAY, APRIL 5, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Draw near to God and he will draw near to you.” (James 4:8)

Heavenly Father, there are so many ways that You have given us to draw near to You and experience the connection You have with us, in our rooms, in our offices and even during breakfast. Help us always keep a special time with You so we may recharge and truly hear Your word and understand Your instructions for us and the purpose for which You have given us the talents and skills we possess. May we be mindful of our responsibilities in all we do this day even as we return to those You have given us to love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

### RESOLUTIONS

Senator Richard offered Senate Resolution No. 1618, regarding Karen Maturino, Joplin, which was adopted.

Senator Sater offered Senate Resolution No. 1619, regarding the Fiftieth Wedding Anniversary of Richard and Sandy Huston, which was adopted.

Senator Sater offered Senate Resolution No. 1620, regarding Rick Flynn, Noel, which was adopted.

Senator Sater offered Senate Resolution No. 1621, regarding Crissy Carsten, Marionville, which was adopted.

### REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SS** for **SCS** for **SB 966**; **SJR 25**; and **SS** for **SCS** for **HB 1350**, begs leave to report that it has considered the same and recommends that the bills and joint resolution do pass.

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Ron T. Darrah and Fred R. Kostecki, as members of the Missouri State Board of Accountancy;

Also,

Michael J. Grewe, Republican, as a member of the State Lottery Commission;

Also,

Stephen M. Kenny, as a member of the Missouri Real Estate Commission;

Also,

Christopher L. Slinkard, as Director of the Division of Employment Security; and

Dorothy E. Taylor, as State Supervisor of the Missouri Division of Alcohol and Tobacco Control.

Senator Richard requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Richard moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 687**; **SB 582**; and **SB 891**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.



**SENATE BILLS FOR PERFECTION**

Senator Riddle moved that **SB 843**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 843**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 843**

An Act to repeal sections 91.640, 143.1015, 186.007, 189.015, 189.025, 189.030, 189.035, 191.400, 191.980, 192.005, 192.014, 192.230, 192.240, 192.707, 192.710, 192.2030, 194.400, 194.408, 194.409, 196.1100, 196.1103, 196.1106, 196.1112, 196.1118, 196.1121, 196.1124, 196.1127, 196.1129, 196.1130, 208.197, 208.955, 210.170, 217.900, 217.903, 217.905, 217.907, 217.910, 253.408, 253.412, 288.475, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 348.265, 453.600, 620.1200, 633.200, and 701.040, RSMo, sections 196.1109 and 196.1115 as enacted by senate bill no. 7, ninety-sixth general assembly, first extraordinary session, and sections 196.1109 and 196.1115 as enacted by house bill no. 688, ninety-second general assembly, first regular session, and to enact in lieu thereof thirty-five new sections relating to the existence of certain state administrative boards and commissions.

Was taken up.

Senator Riddle moved that moved that **SCS** for **SB 843** be adopted.

Senator Riddle offered **SS** for **SCS** for **SB 843**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 843**

An Act to repeal sections 41.1010, 91.640, 143.1015, 160.2100, 160.2110, 186.007, 189.015, 189.025, 189.030, 189.035, 191.400, 191.980, 192.005, 192.014, 192.230, 192.240, 192.707, 192.710, 192.2030, 194.400, 194.408, 194.409, 196.1129, 208.197, 208.955, 209.287, 209.307, 210.170, 217.900, 217.903, 217.905, 217.907, 217.910, 253.408, 253.412, 288.475, 324.177, 324.180, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.478, 332.086, 334.430, 334.625, 334.749, 335.021, 453.600, 620.1200, 633.200, 701.040, and 701.353, RSMo, and to enact in lieu thereof forty-eight new sections relating to the existence of certain state boards and commissions.

Senator Riddle moved that **SS** for **SCS** for **SB 843** be adopted.

Senator Dixon offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 9, Section 91.640, Line 20, by inserting after all of said line the following:

“105.955. 1. A bipartisan “Missouri Ethics Commission”, composed of [six] **eight** members, **with one member from each congressional district as provided in this section**, is hereby established. The commission shall be assigned to the office of administration with supervision by the office of administration only for budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974. Supervision by the office of administration shall not extend to matters relating

to policies, regulative functions or appeals from decisions of the commission, and the commissioner of administration, any employee of the office of administration, or the governor, either directly or indirectly, shall not participate or interfere with the activities of the commission in any manner not specifically provided by law and shall not in any manner interfere with the budget request of or withhold any moneys appropriated to the commission by the general assembly. All members of the commission shall be appointed by the governor with the advice and consent of the senate [from lists submitted pursuant to this section]. Each congressional district committee of the political parties having the two highest number of votes cast for their candidate for governor at the last gubernatorial election shall submit **a list of at least two but no more than five** names of eligible nominees for membership on the commission **for the position on the commission that corresponds with such congressional district** to the governor, and the governor [shall] **may select [six]** members from such nominees to serve on the commission.

2. [Within thirty days of submission of the person's name to the governor as provided in subsection 1 of this section, and] In order to be an eligible nominee for appointment to the commission, a person shall file a financial interest statement in the manner provided by section 105.485 and shall provide the governor, the president pro tempore of the senate, and the commission with a list of all political contributions and the name of the candidate or committee, political party, or continuing committee, as defined in chapter 130, to which those contributions were made within the four-year period prior to such appointment, made by the nominee, the nominee's spouse, or any business entity in which the nominee has a substantial interest. The information shall be maintained by the commission and available for public inspection during the period of time during which the appointee is a member of the commission. In order to be an eligible nominee for membership on the commission, a person shall be a citizen and a resident of the state and shall have been a registered voter in the state for a period of at least five years preceding the person's appointment. **Each member of the commission shall, at the time of appointment, reside in the congressional district from which he or she was appointed to serve on the commission.**

3. **(1) Except as otherwise provided in this subsection,** the term of each member shall be for four years[, except that of the members first appointed, the governor shall select three members from even-numbered congressional districts and three members from odd-numbered districts].

**(2) Not more than [three] two** members of the commission shall be members of the same political party, [nor shall more than one member be from any one United States congressional district] **provided that beginning March 16, 2021, three members of the commission may be from the same political party and beginning March 16, 2022, four members may be from the same party.** [Not more than two members appointed from the even-numbered congressional districts shall be members of the same political party, and no more than two members from the odd-numbered congressional districts shall be members of the same political party. Of the members first appointed, the terms of the members appointed from the odd-numbered congressional districts shall expire on March 15, 1994, and the terms of the members appointed from the even-numbered congressional districts shall expire on March 15, 1996. Thereafter all successor members of the commission shall be appointed for four-year terms.]

**(3) The term of each member of the commission shall be as follows:**

**(a) The governor shall appoint to the commission a person from the first congressional district which term shall expire on March 15, 2019, with all successive terms lasting four years from March sixteenth of the year in which the previous term expires;**

(b) The term of the member serving from the second congressional district as of March 16, 2018, shall expire on March 15, 2019, with all successive terms lasting four years from March sixteenth of the year in which the previous term expires;

(c) The terms of the members from the third and fifth congressional districts shall each begin on March 16, 2021, with all successive terms lasting four years from March sixteenth of the year in which the previous term expires;

(d) The terms of the members serving from the fourth and sixth congressional districts as of March 16, 2018, shall expire on March 15, 2020, with all successive terms lasting four years from March sixteenth of the year in which the previous term expires; and

(e) The terms of the members from the seventh and eighth congressional districts shall each begin on March 16, 2022, with all successive terms lasting four years from March sixteenth of the year in which the previous term expires.

(4) Terms of [successor] members of the commission shall expire on March fifteenth of the fourth year of their term. No member of the commission shall serve on the commission after the expiration of the member's term. No person shall be appointed to more than one full four-year term on the commission.

4. (1) Vacancies [or expired terms] **due to resignation, removal, or expiration of the term of a member** on the commission shall be filled in the same manner as the original appointment was made, except as provided in this subsection. Within thirty days of [the] **a vacancy due to resignation or removal** or ninety days before [the] **a vacancy due to** expiration of the term, the names of [two] eligible nominees for membership on the commission shall be submitted to the governor by the congressional district committees [of the political party or parties of the vacating member or members, from the even- or odd-numbered congressional districts, based on the residence of the vacating member or members, other than from the congressional district committees from districts then represented on the commission and from the same congressional district party committee or committees which originally appointed the member or members whose positions are vacated]. Appointments to fill vacancies [or expired terms] shall be made within forty-five days after the deadline for submission of names by the congressional district committees, and shall be subject to the same qualifications for appointment and eligibility as is provided in subsections 2 and 3 of this section. Appointments to fill vacancies for unexpired terms shall be for the remainder of the unexpired term of the member whom the appointee succeeds, and such appointees shall be eligible for appointment to one full four-year term. [If the congressional district committee does not submit the required two nominees within the thirty days or if the congressional district committee does not submit the two nominees within an additional thirty days after receiving notice from the governor to submit the nominees, then the governor may appoint a person or persons who shall be subject to the same qualifications for appointment and eligibility as provided in subsections 2 and 3 of this section.]

(2) **Within one hundred twenty days of a vacancy due to resignation or removal or one hundred twenty days prior to a vacancy due to expiration of the term of a member of the commission, the executive director of the commission shall notify the respective congressional district committees, as designated by subdivision (1) of this subsection, that it is the responsibility of such committee or committees to submit eligible nominees to the governor.**

5. The governor, with the advice and consent of the senate, may remove any member only for substantial neglect of duty, inability to discharge the powers and duties of office, gross misconduct or conviction of a

felony or a crime involving moral turpitude. Members of the commission also may be removed from office by concurrent resolution of the general assembly signed by the governor. If such resolution receives the vote of two-thirds or more of the membership of both houses of the general assembly, the signature of the governor shall not be necessary to effect removal. The office of any member of the commission who moves from the congressional district from which the member was appointed shall be deemed vacated upon such change of residence.

6. **(1)** The commission shall elect biennially one of its members as the chairman. The chairman may not succeed himself or herself after two years. No member of the commission shall succeed as chairman any member of the same political party as himself or herself.

**(2) Except as provided in subdivisions (3) and (4) of this subsection,** at least [four] **three** members are necessary to constitute a quorum, and at least [four] **three** affirmative votes shall be required for any action or recommendation of the commission.

**(3) Beginning March 16, 2021, at least four members shall be necessary to constitute a quorum, and at least four affirmative votes shall be required for any action or recommendation of the commission.**

**(4) Beginning March 16, 2022, at least five members shall be necessary to constitute a quorum, and at least five affirmative votes shall be required for any action or recommendation of the commission.**

7. No member or employee of the commission, during the person's term of service, shall hold or be a candidate for any other public office.

8. In the event that a retired judge is appointed as a member of the commission, the judge shall not serve as a special investigator while serving as a member of the commission.

9. No member of the commission shall, during the member's term of service or within one year thereafter:

(1) Be employed by the state or any political subdivision of the state;

(2) Be employed as a lobbyist;

(3) Serve on any other governmental board or commission;

(4) Be an officer of any political party or political organization;

(5) Permit the person's name to be used, or make contributions, in support of or in opposition to any candidate or proposition;

(6) Participate in any way in any election campaign; except that a member or employee of the commission shall retain the right to register and vote in any election, to express the person's opinion privately on political subjects or candidates, to participate in the activities of a civic, community, social, labor or professional organization and to be a member of a political party.

10. Each member of the commission shall receive, as full compensation for the member's services, the sum of one hundred dollars per day for each full day actually spent on work of the commission, and the member's actual and necessary expenses incurred in the performance of the member's official duties.

11. The commission shall appoint an executive director who shall serve subject to the supervision of and at the pleasure of the commission, but in no event for more than six years. The executive director shall be responsible for the administrative operations of the commission and perform such other duties as may be delegated or assigned to the director by law or by rule of the commission. The executive director shall employ staff and retain such contract services as the director deems necessary, within the limits authorized by appropriations by the general assembly.

12. Beginning on January 1, 1993, all lobbyist registration and expenditure reports filed pursuant to section 105.473, financial interest statements filed pursuant to subdivision (1) of section 105.489, and campaign finance disclosure reports filed other than with election authorities or local election authorities as provided by section 130.026 shall be filed with the commission.

13. Within sixty days of the initial meeting of the first commission appointed, the commission shall obtain from the clerk of the supreme court or the state courts administrator a list of retired appellate and circuit court judges who did not leave the judiciary as a result of being defeated in an election. The executive director shall determine those judges who indicate their desire to serve as special investigators and to investigate any and all complaints referred to them by the commission. The executive director shall maintain an updated list of those judges qualified and available for appointment to serve as special investigators. Such list shall be updated at least annually. The commission shall refer complaints to such special investigators on that list on a rotating schedule which ensures a random assignment of each special investigator. Each special investigator shall receive only one unrelated investigation at a time and shall not be assigned to a second or subsequent investigation until all other eligible investigators on the list have been assigned to an investigation. In the event that no special investigator is qualified or available to conduct a particular investigation, the commission may appoint a special investigator to conduct such particular investigation.

14. The commission shall have the following duties and responsibilities relevant to the impartial and effective enforcement of sections 105.450 to 105.496 and chapter 130, as provided in sections 105.955 to 105.963:

(1) Receive and review complaints regarding alleged violation of sections 105.450 to 105.496 and chapter 130, conduct initial reviews and investigations regarding such complaints as provided herein; refer complaints to appropriate prosecuting authorities and appropriate disciplinary authorities along with recommendations for sanctions; and initiate judicial proceedings as allowed by sections 105.955 to 105.963;

(2) Review and audit any reports and statements required by the campaign finance disclosure laws contained in chapter 130, and financial interest disclosure laws or lobbyist registration and reporting laws as provided by sections 105.470 to 105.492, for timeliness, accuracy and completeness of content as provided in sections 105.955 to 105.963;

(3) Develop appropriate systems to file and maintain an index of all such reports and statements to facilitate public access to such information, except as may be limited by confidentiality requirements otherwise provided by law, including cross-checking of information contained in such statements and reports. The commission may enter into contracts with the appropriate filing officers to effectuate such system. Such filing officers shall cooperate as necessary with the commission as reasonable and necessary to effectuate such purposes;

(4) Provide information and assistance to lobbyists, elected and appointed officials, and employees of

the state and political subdivisions in carrying out the provisions of sections 105.450 to 105.496 and chapter 130;

(5) Make recommendations to the governor and general assembly or any state agency on the need for further legislation with respect to the ethical conduct of public officials and employees and to advise state and local government in the development of local government codes of ethics and methods of disclosing conflicts of interest as the commission may deem appropriate to promote high ethical standards among all elected and appointed officials or employees of the state or any political subdivision thereof and lobbyists;

(6) Render advisory opinions as provided by this section;

(7) Promulgate rules relating to the provisions of sections 105.955 to 105.963 and chapter 130. All rules and regulations issued by the commission shall be prospective only in operation;

(8) Request and receive from the officials and entities identified in subdivision (6) of section 105.450 designations of decision-making public servants.

15. In connection with such powers provided by sections 105.955 to 105.963 and chapter 130, the commission may:

(1) Subpoena witnesses and compel their attendance and testimony. Subpoenas shall be served and enforced in the same manner provided by section 536.077;

(2) Administer oaths and affirmations;

(3) Take evidence and require by subpoena duces tecum the production of books, papers, and other records relating to any matter being investigated or to the performance of the commission's duties or exercise of its powers. Subpoenas duces tecum shall be served and enforced in the same manner provided by section 536.077;

(4) Employ such personnel, including legal counsel, and contract for services including legal counsel, within the limits of its appropriation, as it deems necessary provided such legal counsel, either employed or contracted, represents the Missouri ethics commission before any state agency or before the courts at the request of the Missouri ethics commission. Nothing in this section shall limit the authority of the Missouri ethics commission as provided for in subsection 2 of section 105.961; and

(5) Obtain information from any department, division or agency of the state or any political subdivision reasonably calculated to lead to the discovery of evidence which will reasonably assist the commission in carrying out the duties prescribed in sections 105.955 to 105.963 and chapter 130.

16. (1) Upon written request for an advisory opinion received by the commission, and if the commission determines that the person requesting the opinion would be directly affected by the application of law to the facts presented by the requesting person, the commission shall issue a written opinion advising the person who made the request, in response to the person's particular request, regarding any issue that the commission can receive a complaint on pursuant to section 105.957. The commission may decline to issue a written opinion by a vote of four members and shall provide to the requesting person the reason for the refusal in writing. The commission shall give an approximate time frame as to when the written opinion shall be issued. Such advisory opinions shall be issued no later than ninety days from the date of receipt by the commission. Such requests and advisory opinions, deleting the name and identity of the requesting person, shall be compiled and published by the commission on at least an annual basis. Advisory opinions

issued by the commission shall be maintained and made available for public inspection and copying at the office of the commission during normal business hours. Any advisory opinion or portion of an advisory opinion rendered pursuant to this subsection shall be withdrawn by the commission if, after hearing thereon, the joint committee on administrative rules finds that such advisory opinion is beyond or contrary to the statutory authority of the commission or is inconsistent with the legislative intent of any law enacted by the general assembly, and after the general assembly, by concurrent resolution, votes to adopt the findings and conclusions of the joint committee on administrative rules. Any such concurrent resolution adopted by the general assembly shall be published at length by the commission in its publication of advisory opinions of the commission next following the adoption of such resolution, and a copy of such concurrent resolution shall be maintained by the commission, along with the withdrawn advisory opinion, in its public file of advisory opinions. The commission shall also send a copy of such resolution to the person who originally requested the withdrawn advisory opinion. Any advisory opinion issued by the ethics commission shall act as legal direction to any person requesting such opinion and no person shall be liable for relying on the opinion and it shall act as a defense of justification against prosecution. An advisory opinion of the commission shall not be withdrawn unless:

- (a) The authorizing statute is declared unconstitutional;
- (b) The opinion goes beyond the power authorized by statute; or
- (c) The authorizing statute is changed to invalidate the opinion.

(2) Upon request, the attorney general shall give the attorney general's opinion, without fee, to the commission, any elected official of the state or any political subdivision, any member of the general assembly, or any director of any department, division or agency of the state, upon any question of law regarding the effect or application of sections 105.450 to 105.496, or chapter 130. Such opinion need be in writing only upon request of such official, member or director, and in any event shall be rendered within sixty days that such request is delivered to the attorney general.

17. The state auditor and the state auditor's duly authorized employees who have taken the oath of confidentiality required by section 29.070 may audit the commission and in connection therewith may inspect materials relating to the functions of the commission. Such audit shall include a determination of whether appropriations were spent within the intent of the general assembly, but shall not extend to review of any file or document pertaining to any particular investigation, audit or review by the commission, an investigator or any staff or person employed by the commission or under the supervision of the commission or an investigator. The state auditor and any employee of the state auditor shall not disclose the identity of any person who is or was the subject of an investigation by the commission and whose identity is not public information as provided by law.

18. From time to time but no more frequently than annually the commission may request the officials and entities described in subdivision (6) of section 105.450 to identify for the commission in writing those persons associated with such office or entity which such office or entity has designated as a decision-making public servant. Each office or entity delineated in subdivision (6) of section 105.450 receiving such a request shall identify those so designated within thirty days of the commission's request."; and

Further amend said bill, page 82, section 701.353, line 28, by inserting after all of said line the following:

“[105.959. 1. The executive director of the commission, under the supervision of the commission, shall review reports and statements filed with the commission or other appropriate officers pursuant to sections 105.470, 105.483 to 105.492, and chapter 130 for completeness, accuracy and timeliness of filing of the reports or statements and any records relating to the reports or statements, and upon review, if there are reasonable grounds to believe that a violation has occurred, shall conduct an investigation of such reports, statements, and records and assign a special investigator following the provisions of subsection 1 of section 105.961.

2. (1) If there are reasonable grounds to believe that a violation has occurred and after the commission unanimously votes to proceed with all six members voting, the executive director shall, without receipt of a complaint, conduct an independent investigation of any potential violations of the provisions of:

(a) The requirements imposed on lobbyists by sections 105.470 to 105.478;

(b) The financial interest disclosure requirements contained in sections 105.483 to 105.492;

(c) The campaign finance disclosure requirements contained in chapter 130;

(d) Any code of conduct promulgated by any department, division, or agency of state government, or by state institutions of higher education, or by executive order;

(e) The conflict of interest laws contained in sections 105.450 to 105.468 and section 171.181; and

(f) The provisions of the constitution or state statute or order, ordinance, or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions.

(2) If an investigation conducted under this subsection fails to establish reasonable grounds to believe that a violation has occurred, the investigation shall be terminated and the person who had been under investigation shall be notified of the reasons for the disposition of the complaint.

3. Upon findings of the appropriate filing officer which are reported to the commission in accordance with the provisions of section 130.056, the executive director shall investigate disclosure reports, statements and records pertaining to such findings within a reasonable time after receipt of the reports from the appropriate filing officer.

4. The commission may make such investigations and inspections within or outside of this state as are necessary to determine compliance.

5. The commission shall notify the person under investigation under this section, by registered mail, within five days of the decision to conduct such investigation and assign a special investigator following the provisions of subsection 1 of section 105.961.

6. After completion of an investigation, the executive director shall provide a detailed report of such investigation to the commission. Upon determination that there are reasonable grounds to believe that a person has violated the requirements of sections 105.470, 105.483



to 105.492, or chapter 130, by a vote of four members of the commission, the commission may refer the report with the recommendations of the commission to the appropriate prosecuting authority together with the details of the investigation by the commission as is provided in subsection 2 of section 105.961.

7. All investigations by the executive director of an alleged violation shall be strictly confidential with the exception of notification of the commission and the complainant and the person under investigation. Revealing any such confidential investigation information shall be cause for removal or dismissal of the executive director or a commission member or employee.]; and

Further amend said bill, page 93, section 288.475, line 27, by inserting after all of said line the following:

“Section B. Because of the need to ensure effective enforcement of the ethics laws of the state of Missouri, the repeal and reenactment of section 105.955 and the repeal of section 105.959 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 105.955 and the repeal of section 105.959 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Dixon moved that the above amendment be adopted, which motion prevailed.

Senator Riddle moved that **SS for SCS for SB 843**, as amended, be adopted, which motion prevailed.

On motion of Senator Riddle, **SS for SCS for SB 843**, as amended, was declared perfected and ordered printed.

Senator Kehoe announced photographers from Boys and Girls Club were given permission to take pictures in the Senate Chamber.

Senator Schatz moved that **SB 1050**, with **SCS** and **SS for SCS** (pending), be called from the Informal Calendar and again taken for perfection, which motion prevailed.

**SS for SCS for SB 1050** was again taken up.

At the request of Senator Schatz, **SS for SCS for SB 1050** was withdrawn.

Senator Schatz offered **SS No. 2 for SCS for SB 1050**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1050

An Act to repeal sections 108.120, 137.555, 227.240, 263.245, 292.606, 301.010, 301.020, 301.055, 301.130, 301.350, 302.170, 302.173, 302.174, 302.720, 304.005, 304.012, 304.060, 304.180, 304.820, 306.126, 307.175, and 414.032, RSMo, and to enact in lieu thereof twenty-five new sections relating to transportation, with existing penalty provisions and an emergency clause for a certain section.

Senator Schatz moved that **SS No. 2 for SCS for SB 1050** be adopted.

Senator Schatz offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1050, Page 75, Section 304.180, Line 9 of said page, by inserting after all of said line the following:

“304.232. 1. The Missouri state highway patrol shall approve procedures for the certification of municipal police officers, sheriffs, deputy sheriffs, and other law enforcement officials that enforce sections 304.170 to 304.230.

2. The certification procedures shall meet the requirements of the memorandum of understanding between the state of Missouri and the commercial vehicle safety alliance or any successor organization, as periodically adopted or amended.

3. Commercial motor vehicle safety data collection, management, and distribution by law enforcement officials shall be compatible with the information systems of the Missouri state highway patrol.

4. The Missouri state highway patrol shall establish reasonable fees sufficient to recover the cost of training, recurring training, data collection and management, certifying, and additional administrative functions for law enforcement officials approved under this section.

5. The agencies for which law enforcement officials approved under this section shall adhere to the Motor Carrier Safety Assistance Program requirements under 49 Code of Federal Regulations Part 350 of the Federal Motor Carrier Safety Regulations.

6. The agencies for which law enforcement officials approved under this section shall be subject to periodic program reviews and be required to submit a commercial vehicle safety plan that is consistent with and incorporated into the statewide enforcement plan.

7. Beginning January 1, 2009, no local law enforcement officer may conduct a random commercial motor vehicle roadside inspection to determine compliance with the provisions of sections 304.170 to 304.230 unless the law enforcement officer has satisfactorily completed, as a part of his or her training, the basic course of instruction developed by the commercial vehicle safety alliance and has been approved by the Missouri state highway patrol under this section. Law enforcement officers authorized to enforce the provisions of sections 304.170 to 304.230 shall annually receive in-service training related to commercial motor vehicle operations, including but not limited to training in current federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria. The annual training requirements shall be approved by the superintendent of the state highway patrol.

8. Law enforcement officers who have received commercial vehicle safety alliance certification prior to January 1, 2009, shall be exempt from the provisions of this section and such officers shall be qualified to conduct random roadside inspections described under this section and section 304.230.

**9. No safety inspection shall be performed on the shoulder of any highway with a posted speed limit in excess of forty miles per hour.**

10. The superintendent of the state highway patrol shall promulgate rules and regulations necessary to administer the certification procedures and any other provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if

applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Richard assumed the Chair.

Senator Sifton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1050, Page 6, Section 227.240, Line 23 of said page, by inserting immediately after said line the following:

**“227.539. The portion of State Highway 30 from State Highway 21 continuing east to State Highway P in St. Louis County shall be designated as “Officer Blake Snyder Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.”; and**

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1050, Page 63, Section 304.012, Line 25, by striking the word “shall” and inserting in lieu thereof the following: **“may”**; and further amend said line by inserting after the word “include” the following: **“if proven to have caused the driver of the vehicle to be distracted”**; and

further amend said bill and section, page 64, line 11, by striking the words “one hundred” and inserting in lieu thereof the following: **“twenty five”**; and further amend line 13 by striking the word “five” and inserting in lieu thereof the following: **“one”**.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1050, Page 63, Section 304.005, Line 10, by striking the word “shall” and inserting in lieu thereof **“may”**

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Schatz moved that **SS No. 2 for SCS for SB 1050**, as amended, be adopted, which motion prevailed.

On motion of Senator Schatz, **SS No. 2 for SCS for SB 1050**, as amended, was declared perfected and ordered printed.

**THIRD READING OF SENATE BILLS**

**SS** for **SCS** for **SB 966**, introduced by Senator Rowden, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE  
SENATE BILL NO. 966

An Act to repeal sections 43.505, 43.507, 57.117, 57.450, 217.015, 217.030, 217.075, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.105, 488.5320, 513.653, 566.147, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, 595.220, 610.140, and 650.055, RSMo, and to enact in lieu thereof forty-four new sections relating to administration of the criminal justice system, with existing penalty provisions.

Was taken up.

On motion of Senator Rowden, **SS** for **SCS** for **SB 966** was read the 3rd time and passed by the following vote:

YEAS—Senators

Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon	Emery
Holsman	Hoskins	Hummel	Kehoe	Koenig	Libla	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators

Brown	Eigel	Hegeman—3
-------	-------	-----------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Rowden, title to the bill was agreed to.

Senator Rowden moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SJR 25**, introduced by Senator Romine, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 39(a) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bingo.

Was taken up.

On motion of Senator Romine, **SJR 25** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators

Emery                Sifton—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the joint resolution passed.

On motion of Senator Romine, title to the joint resolution was agreed to.

Senator Romine moved that the vote by which the joint resolution passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS No. 2** for **SB 552**, introduced by Senator Dixon, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE BILL NO. 552

An Act to repeal sections 105.478 and 576.040, RSMo, and to enact in lieu thereof five new sections relating to official misconduct, with penalty provisions.

Was taken up.

On motion of Senator Dixon, **SS No. 2** for **SB 552** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 890**, introduced by Senator Riddle, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 890

An Act to repeal section 211.447, RSMo, and to enact in lieu thereof two new sections relating to child abuse and neglect, with penalty provisions.

Was taken up.

On motion of Senator Riddle, **SS for SCS for SB 890** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 808**, introduced by Senator Brown, entitled:

An Act to repeal section 311.300, RSMo, and to enact in lieu thereof two new sections relating to the transfer of intoxicating liquor.

Was taken up.

On motion of Senator Brown, **SB 808** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 697**, introduced by Senator Romine, entitled:

An Act to repeal section 313.040, RSMo, and to enact in lieu thereof one new section relating to bingo, with a contingent effective date and existing penalty provisions.

Was taken up.

On motion of Senator Romine, **SB 697** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Libla	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schaaf	Schatz	Schupp	Wallingford	Walsh	Wasson
Wieland—29						

NAYS—Senators

Emery	Sifton—2
-------	----------

Absent—Senators—None

Absent with leave—Senators

Eigel	Koenig—2
-------	----------

Vacancies—1

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS No. 2** for **SCS** for **SBs 617, 611** and **667** was placed on the Informal Calendar.

**SB 722**, introduced by Senator Sater, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a prescription drug importation study.

Was taken up.

On motion of Senator Sater, **SB 722** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Eigel	Koenig—2
-------	----------

Vacancies—1

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 954**, introduced by Senator Curls, entitled:

An Act to repeal section 610.140, RSMo, and to enact in lieu thereof one new section relating to expungement of records relating to the offense of unlawful use of a weapon.

Was taken up.

On motion of Senator Curls, **SB 954** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					



NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators

Eigel                      Koenig—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 786**, introduced by Senator Schupp, entitled:

An Act to repeal section 105.055, RSMo, and to enact in lieu thereof two new sections relating to freedom to disclose information about public employees.

Was taken up.

On motion of Senator Schupp, **SB 786** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators

Eigel                      Koenig—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Schupp, title to the bill was agreed to.

Senator Schupp moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 706**, introduced by Senator Riddle, entitled:

An Act to repeal section 260.262, RSMo, and to enact in lieu thereof one new section relating to the fee collected at the time of sale for lead-acid batteries.

Was taken up.

On motion of Senator Riddle, **SB 706** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Eigel                      Koenig—2

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

Senator Schaaf, Chairman of the Committee on Health and Pensions, submitted the following reports:

Mr. President: Your Committee on Health and Pensions, to which was referred **SB 1021**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health and Pensions, to which was referred **HB 2044**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health and Pensions, to which was referred **HB 1329**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wasson, Chairman of the Committee on Economic Development, submitted the following reports:

Mr. President: Your Committee on Economic Development, to which were referred **HCS** for **HB 1288**,

**HB 1377** and **HB 2050**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, to which was referred **SB 859**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SRB 975** and **SRB 1024**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 655**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HB 1605**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 36**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 37**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 42**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HB 1630**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS** for

**HB 1461**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Emery, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 1286**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 1880**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 1991**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wallingford, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1858**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1003**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hegeman, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 1442**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **SB 973**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **HCS** for **HB 1690**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **HCS** for **HB 1879**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following reports:

Mr. President: Your Committee on Professional Registration, to which was referred **SB 824**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **HCS for HB 1268**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **HCS for HB 1500**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SJR 36**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HCS for HB 2116**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 1355**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Onder, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HCS for HB 1617**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hoskins, Chairman of the Committee on Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **HB 1492**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden, Chairman of the Committee on Government Reform, submitted the following report:

Mr. President: Your Committee on Government Reform, to which was referred **SB 678**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden assumed the Chair.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HBs 2280, 2120, 1468 and 1616**—Seniors, Families and Children.

**HCS for HB 2274**—Transportation, Infrastructure and Public Safety.

**HCS for HB 2216**—Commerce, Consumer Protection, Energy and the Environment.

**HCS for HB 2031**—General Laws.

**HB 1369**—General Laws.

**HB 1266**—Seniors, Families and Children.

**HCS for HB 1486**—Seniors, Families and Children.

**HB 2101**—Judiciary and Civil and Criminal Jurisprudence.

**HB 2192**—Education.

**HB 2221**—Professional Registration.

### **RE-REFERRALS**

President Pro Tem Richard re-referred **HB 1646** to the Committee on Local Government and Elections.

### **REFERRALS**

President Pro Tem Richard referred **SJR 27** to the Committee on Fiscal Oversight.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 2339**, entitled:

An Act to repeal section 41.1010, RSMo, and to enact in lieu thereof two new sections relating to the Missouri military community reinvestment act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1633**, entitled:

An Act to repeal section 556.046, RSMo, and to enact in lieu thereof one new section relating to convictions of included offenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 1973**, entitled:

An Act to repeal section 644.016, RSMo, and to enact in lieu thereof two new sections relating to agricultural stormwater discharge.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1574**, entitled:

An Act to repeal sections 334.037, 334.104, and 334.735, RSMo, and to enact in lieu thereof three new sections relating to advanced practice registered nurses in collaborative practice arrangements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1832**, entitled:

An Act to repeal sections 407.300, 407.432, 407.433, 407.436, and 407.1500, RSMo, and to enact in lieu thereof seven new sections relating to merchandising practices, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1667**, entitled:

An Act to repeal section 452.375, RSMo, and to enact in lieu thereof one new section relating to child custody arrangements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1368**, entitled:

An Act to repeal section 173.900, RSMo, and to enact in lieu thereof one new section relating to the

Missouri returning heroes education act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2183**, entitled:

An Act to repeal sections 197.052, 197.305, and 536.031, RSMo, and to enact in lieu thereof three new sections relating to licensure of healthcare facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2039**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the Missouri Route 66 centennial commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1257**, entitled:

An Act to amend chapter 285, RSMo, by adding thereto one new section relating to hiring preference for veterans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1516**, entitled:

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to chiropractic services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HRB 1**, entitled:



An Act to repeal sections 8.800, 8.805, 8.830, 8.843, 33.295, 33.700, 33.710, 33.720, 33.730, 42.300, 44.105, 51.165, 61.081, 67.5016, 71.005, 100.710, 104.342, 104.1024, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.380, 105.385, 105.390, 105.400, 105.420, 105.430, 105.440, 105.445, 135.210, 135.311, 135.575, 135.900, 135.903, 135.906, 135.909, 135.950, 137.106, 141.540, 143.105, 143.106, 143.107, 143.811, 143.1007, 144.030, 144.810, 147.020, 147.050, 160.459, 161.215, 165.011, 167.194, 168.700, 168.702, 170.051, 170.055, 170.061, 170.071, 170.081, 170.091, 170.101, 170.111, 170.131, 170.141, 170.151, 170.161, 173.197, 178.930, 196.973, 205.580, 205.590, 205.600, 205.610, 205.620, 205.630, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 208.156, 208.178, 208.630, 208.975, 208.993, 209.015, 210.027, 210.105, 210.114, 211.447, 226.805, 251.650, 261.295, 288.121, 288.128, 288.131, 301.562, 302.700, 324.028, 324.159, 324.406, 327.451, 329.025, 330.190, 332.041, 334.100, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 376.1192, 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485, 414.350, 414.353, 414.356, 414.359, 414.400, 414.406, 414.412, 414.417, 414.510, 442.018, 620.050, 620.511, 620.512, 620.513, 640.150, 640.153, 640.155, 640.157, 640.160, 640.219, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, and to enact in lieu thereof ninety-six new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Please find attached the corrected message for **HCS** for **HB 2014**. The message sent on March 15, 2018 contained printing errors but has been corrected to reflect the title as printed on the perfected version of **HCS** for **HB 2014**, as third read and passed by the House of Representatives on March 15, 2018:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2014**, entitled:

An Act to appropriate money for supplemental purposes for the expenses, grants, and distributions of the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the fiscal period ending June 30, 2018.

In which the concurrence of the Senate is respectfully requested.

### **RESOLUTIONS**

Senator Wallingford offered Senate Resolution No. 1622, regarding Mary Kasten, Cape Girardeau, which was adopted.

Senator Sater offered Senate Resolution No. 1623, regarding the One Hundredth Anniversary of Lion's Club, Aurora, which was adopted.

Senator Sater offered Senate Resolution No. 1624, regarding Hutchens Construction Company, Cassville, which was adopted.

Senator Sater offered Senate Resolution No. 1625, regarding the Fiftieth Wedding Anniversary of Donnie and Raylene Reece, Southwest City, which was adopted.

Senator Sater offered Senate Resolution No. 1626, regarding Paul G. Taylor, which was adopted.

### INTRODUCTION OF GUESTS

Senator Holsman introduced to the Senate, Dr. Beth Rhine, Dr. Natalie Katz, Dr. Katie Black and Dr. Lisa Hiskey, American Academy of Pediatrics, Kansas City.

Senator Cunningham introduced to the Senate, Leslie Collins, Kenya Cook, Aaron Evans and Alexis Lee, Boys and Girls Club, West Plains.

Senator Brown introduced to the Senate, fifty-seven students representing University of Missouri Undergraduate Research Day.

Senator Cunningham introduced to the Senate, Lucas and Emma Alexander, Fordland.

Senator Hummel introduced to the Senate, fourth-grade students from Forsyth School, St. Louis County.

Senator Rowden introduced to the Senate, former State Representative Chris Kelly, Columbia.

Senator Dixon introduced to the Senate, Boys and Girls Clubs of Missouri Youth of the Year.

Senator Cunningham introduced to the Senate, Steven Wilkerson, Ava; and Ben Travlos, Ashland.

Senator Riddle introduced to the Senate, former State Representative Steve Hobbs, Mexico; and Kristin Arnold, Carrie Constable, Andrew Dollens, Rick Geraci, Ashley Hodges, Ed Hoover, Reverend Eric Mattson, Larry Nelson, Kelly Rhodes, Brooke Smith, Lisa Smith, Brent Thomas, April Utterback and Jason Young, Mexico Chamber of Commerce Leadership Class.

Senator Rowden introduced to the Senate, the Physician of the Day, Dr. Frances Mei Hardin, Columbia.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, April 9, 2018.

### SENATE CALENDAR

---

FIFTIETH DAY—MONDAY, APRIL 9, 2018

---

### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HCS for HB 2339  
HB 1633-Corlew  
HCS#2 for HB 1973  
HCS for HB 1574  
HB 1832-Cornejo  
HCS for HB 1667

HCS for HB 1368  
HB 2183-Bondon  
HB 2039-Fraker  
HB 1257-Schroer  
HB 1516-Wiemann  
HRB 1-Shaul

THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)	SB 687-Sater
SS for SB 699-Sifton (In Fiscal Oversight)	SB 582-Walsh
SJR 27-Holsman (In Fiscal Oversight)	SB 891-Kehoe

SENATE BILLS FOR PERFECTION

1. SB 1007-Kehoe, with SCS	7. SB 655-Sifton
2. SB 568-Cunningham, with SCS	8. SB 1003-Wasson, et al
3. SB 1023-Dixon, with SCS	9. SB 973-Rizzo and Curls
4. SB 1021-Dixon and Wallingford, with SCS	10. SB 824-Cunningham, with SCS
5. SB 859-Koenig, with SCS	11. SJR 36-Schatz, with SCS
6. SRBs 975 & 1024-Dixon, with SCS	12. SB 678-Eigel

HOUSE BILLS ON THIRD READING

1. HCS for HBs 1729, 1621 & 1436 (Brown)	12. HB 1858-Christofanelli (Eigel)
2. HB 1578-Kolkmeyer (Munzlinger)	13. HB 1442-Alferman, with SCS (Schatz)
3. HB 2044-Taylor, with SCS (Dixon)	14. HCS for HB 1690
4. HB 1329-Remole, with SCS (Munzlinger)	15. HCS for HB 1879, with SCS (Cunningham)
5. HCS for HBs 1288, 1377 & 2050, with SCS	16. HCS for HB 1268, with SCS
6. HCS for HB 1605, with SCS (Kehoe)	17. HCS for HB 1500, with SCS (Koenig)
7. HB 1630-Evans (Rowden)	18. HCS for HB 2116, with SCS (Schatz)
8. HCS for HB 1461 (Rowden)	19. HB 1355-Phillips, with SCS (Schatz)
9. HCS for HB 1286, with SCS	20. HCS for HB 1617, with SCS (Onder)
10. HB 1880-Trent, with SCS (Cunningham)	21. HB 1492-Lynch (Brown)
11. HCS for HB 1991, with SCS	

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 & 667-Eigel

SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)	SB 556-Brown, with SA 1 (pending)
SB 550-Wasson, with SCS	SB 561-Sater, with SA 1 (pending)
SB 553-Dixon, with SCS, SS for SCS & SA 1 (pending)	SB 567-Cunningham, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)
SBs 555 & 609-Brown, with SCS	SB 578-Romine

SB 591-Hegeman, with SCS  
 SB 596-Riddle, with SCS  
 SB 599-Schatz  
 SB 602-Onder, with SCS  
 SB 612-Koenig, with SCS, SS#2 for SCS,  
   SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
   for SA 2 (pending)  
 SB 663-Schatz, with SCS, SS for SCS & SA 1  
   (pending)  
 SB 674-Koenig  
 SB 730-Wallingford, with SCS & SA 1  
   (pending)  
 SB 751-Schatz  
 SB 767-Hoskins, with SCS, SS for SCS &  
   SA 2 (pending)  
 SB 774-Munzlinger  
 SB 813-Riddle, with SCS & SA 1 (pending)  
 SB 822-Hegeman, with SCS & SS for SCS  
   (pending)  
 SB 832-Rowden, with SCS, SS#2 for SCS &  
   point of order (pending)

SB 837-Rowden  
 SB 848-Riddle  
 SB 849-Kehoe and Schupp, with SCS, SA 1  
   & SA 1 to SA 1 (pending)  
 SB 860-Koenig, with SCS, SS for SCS & SA 1  
   (pending)  
 SB 861-Hegeman, with SCS  
 SB 865-Kehoe  
 SB 893-Sater, with SCS, SS for SCS & SA 1  
   (pending)  
 SB 907-Kehoe, with SCS  
 SB 912-Rowden, with SCS & SS#3 for SCS  
   (pending)  
 SB 920-Riddle  
 SB 928-Onder, with SCS  
 SB 949-Emery, with SCS, SS for SCS & SA 2  
   (pending)  
 SB 982-Wieland

#### HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)  
 SS for SCS for HB 1350-Smith (163)  
   (Rowden)

HB 1413-Taylor, with SCS (Onder)  
 HB 1691-Miller, with SCS (Emery)  
 HB 1769-Mathews, with SCS (Schatz)

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

HB 1291-Henderson, with SS for SCS, as  
   amended (Romine)

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

#### Reported from Committee

SCR 30-Wallingford

SCR 31-Wallingford

SCR 36-Munzlinger  
SCR 37-Eigel and Onder  
SCR 40-Hoskins

SCR 42-Hoskins  
SCR 43-Munzlinger

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTIETH DAY—MONDAY, APRIL 9, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will lift my eyes unto the hills, from where comes my Help? My help comes from the Lord.” (Psalm 121:1-2)

As we begin a new week, O Lord, we are aware of Your servant David who was often pressed from all sides while dealing with the work of the state. David learned as we are learning that You are our help when we are stressed and perplexed by what is before us. You O Lord provide wisdom and calmness, love and grace to deal with these challenges that call for us to make fair and equitable decisions for all who come before us with legitimate concerns and needs. May we be faithful to Your prompting. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 5, 2018 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senators Nasheed and Riddle offered Senate Resolution No. 1627, regarding Missouri Lineworker Appreciation Day, which was adopted.

Senator Libla offered Senate Resolution No. 1628, regarding Agnes Marie Cobb, Caruthersville, which was adopted.

Senator Onder offered Senate Resolution No. 1629, regarding Classic Sign Services, O'Fallon, which was adopted.

Senator Rowden offered Senate Resolution No. 1630, regarding Missouri Task Force One, which was adopted.

Senator Hoskins offered Senate Resolution No. 1631, regarding Holly Wilcox, Centerview, which was adopted.

Senator Curls offered Senate Resolution No. 1632, regarding Greater Kansas City Association of Real Estate Brokers, which was adopted.

Senator Sifton offered Senate Resolution No. 1633, regarding Jacqui Schilling, Webster Groves, which was adopted.

Senator Sifton offered Senate Resolution No. 1634, regarding Laura Leyes-Woods, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1635, regarding Jessica Calloway, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1636, regarding Stefany Caskanett, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1637, regarding Katie Wengert, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1638, regarding Meg Hoelzer, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1639, regarding Sean Jones, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1640, regarding Megan Hall, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1641, regarding James "Jimmy" Hahn, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1642, regarding Alyssa Stock, Belleville, Illinois, which was adopted.

Senator Libla offered Senate Resolution No. 1643, regarding Elizabeth A. Deken, Poplar Bluff, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Wallingford moved that **SCR 30** be taken up for adoption, which motion prevailed.

Senator Schupp offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Concurrent Resolution No. 30, as it appears on Page 77 of the Senate Journal for Wednesday, January 3, 2018, Lines 7-9 of said journal page, by striking all of said lines and inserting in lieu thereof the following: “the Senate, with three members appointed by the President Pro Tempore of the Senate and two members appointed by the Minority Floor Leader of the Senate, and five members of the House of Representatives, with three members appointed by the Speaker of the House of Representatives and two members appointed by the Minority Floor Leader of the House of Representatives. The Joint Committee shall select either a chairperson or co-chairpersons, one of”.

Senator Schupp moved that the above amendment be adopted.

At the request of Senator Wallingford, the motion for adoption was withdrawn, which placed **SCR 30**, with **SA 1** (pending), back on the Calendar.

Senator Wallingford moved that **SCR 31** be taken up for adoption, which motion prevailed.

On motion of Senator Wallingford, **SCR 31** was adopted by the following vote:

**YEAS—Senators**

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Romine
Rowden	Sater	Schaaf	Schatz	Wallingford	Wasson	Wieland—28

**NAYS—Senators**

Hummel	Rizzo	Schupp	Sifton	Walsh—5
--------	-------	--------	--------	---------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

**SCR 36**, introduced by Senator Munzlinger, entitled:

Relating to Shingles Awareness and Prevention Month in Missouri.

Was taken up.

On motion of Senator Munzlinger, **SCR 36** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		



NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the concurrent resolution passed.

On motion of Senator Munzlinger, title to the concurrent resolution was agreed to.

Senator Munzlinger moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Eigel moved that **SCR 37** be taken up for adoption, which motion prevailed.

At the request of Senator Eigel, the motion for adoption was withdrawn, which placed the resolution back on Calendar.

**SCR 40**, introduced by Senator Hoskins, entitled:

Relating to an application to Congress for the calling of an Article V convention of states to propose an amendment to the United States Constitution regarding term limits for members of Congress.

Was taken up.

On motion of Senator Hoskins, **SCR 40** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Eigel	Hegeman
Holsman	Hoskins	Kehoe	Libla	Onder	Richard	Riddle
Romine	Rowden	Sater	Schatz	Sifton	Wallingford	Wasson

Wieland—22

NAYS—Senators

Curls	Dixon	Emery	Hummel	Koenig	Munzlinger	Rizzo
Schupp	Walsh—9					

Absent—Senators

Nasheed	Schaaf—2
---------	----------

Absent with leave—Senators—None

Vacancies—1

The President declared the concurrent resolution passed.

On motion of Senator Hoskins, title to the concurrent resolution was agreed to.

Senator Hoskins moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Hoskins moved that **SCR 42** be taken up for adoption, which motion prevailed.

On motion of Senator Hoskins, **SCR 42** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

Senator Munzlinger moved that **SCR 43** be taken up for adoption, which motion prevailed.

On motion of Senator Munzlinger, **SCR 43** was adopted by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Munzlinger	Onder	Richard
Riddle	Rowden	Sater	Schatz	Wallingford	Wasson	Wieland—21

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Hummel	Libla	Rizzo	Romine
Schupp	Sifton	Walsh—10				

Absent—Senators

Nasheed	Schaaf—2
---------	----------

Absent with leave—Senators—None

Vacancies—1

## SENATE BILLS FOR PERFECTION

Senator Riddle moved that **SB 920** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Riddle offered **SS** for **SB 920**, entitled:

### SENATE SUBSTITUTE FOR SENATE BILL NO. 920

An Act to repeal section 339.190, RSMo, and to enact in lieu thereof one new section relating to real estate licensees.

Senator Riddle moved that **SS** for **SB 920** be adopted.

Senator Rowden assumed the Chair.

President Parson assumed the Chair.

President Pro Tem Richard assumed the Chair.

Senator Eigel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 920, Page 2, Section 339.190, Lines 12-18, by striking all of said lines and inserting in lieu thereof the following:

**“4. In order for a real estate licensee to not be the subject of any action and in order for no action to be instituted against a real estate licensee for the accuracy of any information about the size or area, in square footage or otherwise, of a property or of improvements on the property, a real estate licensee shall obtain the information from a government entity possessing such information, or if the licensee verifies that such an entity does not possess such information, then the licensee discloses on documents pertaining to such property that the accuracy of any such information is only an estimate and the licensee discloses the source of the”.**

Senator Eigel moved that the above amendment be adopted.

Senator Rowden assumed the Chair.

Senator Eigel offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 920, Page 2, Section 339.190, Lines 12-19, by striking all of said lines and inserting in lieu thereof the following:

**“4. In order for a real estate licensee to not be the subject of any action and in order for no action to be instituted against a real estate licensee for the accuracy of any information about the size or area, in square footage or otherwise, of a property or of improvements on the property, a real estate licensee shall obtain the information from a government entity possessing such information, or if the licensee verifies that such an entity does not possess such information, then the licensee discloses on documents pertaining to such property that the accuracy of any such information is only an estimate and the licensee discloses the source of the information. The immunity from suit provided under this subsection shall not apply if the real estate licensee knew the information”.**

Senator Eigel moved that the above substitute amendment be adopted, which motion failed on a standing division vote.

At the request of Senator Eigel, **SA 1** was withdrawn.

Senator Schaaf offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 920, Section 339.190, Page 2, Line 22, by striking the words “or false”.

Senator Schaaf moved that the above amendment be adopted.

At the request of Senator Riddle, **SB 920**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

## REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 843** and **SS No. 2** for **SCS** for **SB 1050**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

## REFERRALS

President Pro Tem Richard referred **SS No. 2** for **SCS** for **SB 1050**; **HCS** for **HB 1286**, with **SCS**; **HB 1329**, with **SCS**; **HB 2044**, with **SCS**; **HCS** for **HBs 1288, 1377** and **2050**, with **SCS**; and **HCS** for **HB 1991**, with **SCS** to the Committee on Fiscal Oversight.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 2337** and **2272**, entitled:

An Act to repeal sections 354.150, 354.495, 374.115, 374.150, and 374.230, RSMo, and to enact in lieu thereof four new sections relating to insurance companies, with a delayed effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1296**, entitled:

An Act to amend chapter 577, RSMo, by adding thereto one new section relating to victim impact programs for driving while intoxicated offenders.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2255**, entitled:

An Act to repeal section 173.670, RSMo, and to enact in lieu thereof two new sections relating to the science, technology, engineering and mathematics (STEM) initiative.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and passed **HB 1499**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to long-acting reversible contraceptives.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2231**, entitled:

An Act to repeal sections 327.313 and 327.321, RSMo, and to enact in lieu thereof two new sections relating to land surveyors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1419**, entitled:

An Act to repeal sections 337.020, 337.025, 337.029, 337.033, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, and 337.718, RSMo, and to enact in lieu thereof twenty-nine new sections relating to occupations and professions, with a contingent date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1275**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the establishment of a work-study program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1629**, entitled:

An Act to repeal sections 337.025, 337.029, and 337.033, RSMo, and to enact in lieu thereof seventeen new sections relating to the licensure of psychologists, with a contingent effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1252**, entitled:

An Act to repeal section 376.782, RSMo, and to enact in lieu thereof one new section relating to low-dose mammography screening.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2562**, entitled:

An Act to repeal sections 208.151, 217.703, 478.001, 478.003, 478.004, 478.005, 478.006, 478.007, 478.008, 478.009, 478.466, 478.550, 478.551, 478.600, 478.716, 488.2230, 488.5358, and 577.001, RSMo, and to enact in lieu thereof fifteen new sections relating to treatment courts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### INTRODUCTION OF GUESTS

Senators Hegeman and Riddle introduced to the Senate, Line Workers from around the state.

Senator Holsman introduced to the Senate, former State Senator Jolie Justus, Kansas City.

Senator Dixon introduced to the Senate, Clark Brown, Marshfield.

On motion of Senator Kehoe, the Senate adjourned until 2:00 p.m., Tuesday, April 10, 2018.

### SENATE CALENDAR

---

FIFTY-FIRST DAY—TUESDAY, APRIL 10, 2018

---

### FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 2339  
HB 1633-Corlew  
HCS#2 for HB 1973  
HCS for HB 1574  
HB 1832-Cornejo  
HCS for HB 1667  
HCS for HB 1368

HB 2183-Bondon  
HB 2039-Fraker  
HB 1257-Schroer  
HB 1516-Wiemann  
HRB 1-Shaul  
HCS for HBs 2337 & 2272  
HB 1296-Kelley

HCS for HB 2255  
 HB 1499-Dogan  
 HB 2231-Ross  
 HB 1419-Haefner

HB 1275-Kendrick  
 HB 1629-Evans  
 HB 1252-Plocher  
 HB 2562-Austin

### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)  
 SS for SB 699-Sifton (In Fiscal Oversight)  
 SJR 27-Holsman (In Fiscal Oversight)  
 SB 687-Sater  
 SB 582-Walsh

SB 891-Kehoe  
 SS for SCS for SB 843-Riddle  
 SS#2 for SCS for SB 1050-Schatz  
 (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

1. SB 1007-Kehoe, with SCS
2. SB 568-Cunningham, with SCS
3. SB 1023-Dixon, with SCS
4. SB 1021-Dixon and Wallingford, with SCS
5. SB 859-Koenig, with SCS
6. SRBs 975 & 1024-Dixon, with SCS

7. SB 655-Sifton
8. SB 1003-Wasson, et al
9. SB 973-Rizzo and Curls
10. SB 824-Cunningham, with SCS
11. SJR 36-Schatz, with SCS
12. SB 678-Eigel

### HOUSE BILLS ON THIRD READING

1. HCS for HBs 1729, 1621 & 1436 (Brown)
2. HB 1578-Kolkmeyer (Munzlinger)
3. HB 2044-Taylor, with SCS (Dixon)  
 (In Fiscal Oversight)
4. HB 1329-Remole, with SCS (Munzlinger)  
 (In Fiscal Oversight)
5. HCS for HBs 1288, 1377 & 2050, with SCS  
 (Dixon) (In Fiscal Oversight)
6. HCS for HB 1605, with SCS (Kehoe)
7. HB 1630-Evans (Rowden)
8. HCS for HB 1461 (Rowden)
9. HCS for HB 1286, with SCS (Romine)  
 (In Fiscal Oversight)

10. HB 1880-Trent, with SCS (Cunningham)
11. HCS for HB 1991, with SCS (Rowden)  
 (In Fiscal Oversight)
12. HB 1858-Christofanelli (Eigel)
13. HB 1442-Alferman, with SCS (Schatz)
14. HCS for HB 1690 (Wieland)
15. HCS for HB 1879, with SCS (Cunningham)
16. HCS for HB 1268, with SCS (Munzlinger)
17. HCS for HB 1500, with SCS (Koenig)
18. HCS for HB 2116, with SCS (Schatz)
19. HB 1355-Phillips, with SCS (Schatz)
20. HCS for HB 1617, with SCS (Onder)
21. HB 1492-Lynch (Brown)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 & 667-Eigel

SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)

SB 550-Wasson, with SCS

SB 553-Dixon, with SCS, SS for SCS & SA 1  
(pending)

SBs 555 & 609-Brown, with SCS

SB 556-Brown, with SA 1 (pending)

SB 561-Sater, with SA 1 (pending)

SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)

SB 578-Romine

SB 591-Hegeman, with SCS

SB 596-Riddle, with SCS

SB 599-Schatz

SB 602-Onder, with SCS

SB 612-Koenig, with SCS, SS#2 for SCS,  
SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
for SA 2 (pending)

SB 663-Schatz, with SCS, SS for SCS & SA 1  
(pending)

SB 674-Koenig

SB 730-Wallingford, with SCS & SA 1  
(pending)

SB 751-Schatz

SB 767-Hoskins, with SCS, SS for SCS & SA 2  
(pending)

SB 774-Munzlinger

SB 813-Riddle, with SCS & SA 1 (pending)

SB 822-Hegeman, with SCS & SS for SCS  
(pending)

SB 832-Rowden, with SCS, SS#2 for SCS &  
point of order (pending)

SB 837-Rowden

SB 848-Riddle

SB 849-Kehoe and Schupp, with SCS, SA 1  
& SA 1 to SA 1 (pending)

SB 860-Koenig, with SCS, SS for SCS & SA 1  
(pending)

SB 861-Hegeman, with SCS

SB 865-Kehoe

SB 893-Sater, with SCS, SS for SCS & SA 1  
(pending)

SB 907-Kehoe, with SCS

SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)

SB 920-Riddle, with SS & SA 2 (pending)

SB 928-Onder, with SCS

SB 949-Emery, with SCS, SS for SCS & SA 2  
(pending)

SB 982-Wieland

HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)

SS for SCS for HB 1350-Smith (163)  
(Rowden)

HB 1413-Taylor, with SCS (Onder)

HB 1691-Miller, with SCS (Emery)

HB 1769-Mathews, with SCS (Schatz)



BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

HB 1291-Henderson, with SS for SCS,  
as amended (Romine)

## RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

## Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 37-Eigel and Onder

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-FIRST DAY—TUESDAY, APRIL 10, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“As a man thinks in his heart, so is he.” (Proverbs 23:7)

You O Lord are the creator and we creatures of Your making. You provide us comfort knowing that we are just men and women called to be interdependent with one another, needing that which others provide that we don’t have so that we might be made whole together and never think more of ourselves than we should. But help each be aware in our hearts what we can contribute to welfare of others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Onder offered Senate Resolution No. 1644, regarding Richard Leonard Taylor, St. Charles, which was adopted.

Senator Onder offered Senate Resolution No. 1645, regarding Chalmer Louis “Bud” Herron, St. Charles, which was adopted.

Senator Onder offered Senate Resolution No. 1646, regarding Gene David Weiser, St. Charles, which was adopted.

Senator Curls offered Senate Resolution No. 1647, regarding the Ninety-third Birthday of Ernestine Lanette Nard, Kansas City, which was adopted.

Senator Wasson offered Senate Resolution No. 1648, regarding Brandon McCoy, Spokane, which was adopted.

Senator Brown offered Senate Resolution No. 1649, regarding Veterans of Foreign Wars Post 4238, Dixon, which was adopted.

Senator Brown offered Senate Resolution No. 1650, regarding Dr. W. Hadley Hoyt, which was adopted.

Senator Hegeman offered Senate Resolution No. 1651, regarding the 2017-2018 Mound City Lady Panthers basketball program, which was adopted.

Senator Hegeman offered Senate Resolution No. 1652, regarding the Fiftieth Wedding Anniversary of Ron and Joan Moutray, Savannah, which was adopted.

Senator Hegeman offered Senate Resolution No. 1653, regarding the Fiftieth Wedding Anniversary of Edwin and Ruth Ann Zion, Bolckow, which was adopted.

Senator Hegeman offered Senate Resolution No. 1654, regarding the Sixtieth Wedding Anniversary of John and Sylvia Whaley, Bolckow, which was adopted.

Senator Hegeman offered Senate Resolution No. 1655, regarding the Sixtieth Wedding Anniversary and Eightieth Birthdays of Larry and Maxine Swope, Amity, which was adopted.

Senator Hegeman offered Senate Resolution No. 1656, regarding the One Hundredth Birthday of Carl Young, which was adopted.

Senator Hegeman offered Senate Resolution No. 1657, regarding Genice Read, Plattsburg, which was adopted.

Senator Hegeman offered Senate Resolution No. 1658, regarding Eagle Scout Jathan Ungles, Skidmore, which was adopted.

Senator Hegeman offered Senate Resolution No. 1659, regarding the Fiftieth Wedding Anniversary of Karl and Clara Frederick, King City, which was adopted.

Senator Hegeman offered Senate Resolution No. 1660, regarding the Fiftieth Anniversary of Northwest Missouri Regional Council of Governments, Maryville, which was adopted.

Senator Hegeman offered Senate Resolution No. 1661, regarding the Fiftieth Wedding Anniversary of Larry “Joe” and Carolyn McCarty, Green City, which was adopted.

Senator Hegeman offered Senate Resolution No. 1662, regarding the Fiftieth Wedding Anniversary of Don and Diantha Hagan, Liberty, which was adopted.

Senator Libla offered Senate Resolution No. 1663, regarding Kelly L. McDaniel, Poplar Bluff, which was adopted.

Senators Romine and Wieland offered Senate Resolution No. 1664, regarding Debra Davis, Imperial, which was adopted.

Senators Romine and Wieland offered Senate Resolution No. 1665, regarding Paula Nickless, Festus, which was adopted.

Senators Romine and Wieland offered Senate Resolution No. 1666, regarding David McDowell, Crystal City, which was adopted.

Senators Romine and Wieland offered Senate Resolution No. 1667, regarding Teresa Meyer, Pevely, which was adopted.

Senators Romine and Wieland offered Senate Resolution No. 1668, regarding Robin McMahon, Festus, which was adopted.

Senator Wasson offered Senate Resolution No. 1669, regarding Eagle Scout Grayson Anthony Mead, Nixa, which was adopted.

#### **SENATE BILLS FOR PERFECTION**

Senator Koenig moved that **SB 674** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Koenig offered **SS** for **SB 674**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE BILL NO. 674**

An Act to repeal sections 32.200, 143.011, 143.071, 143.183, 143.431, 143.451, 143.461, 143.471, and 620.1350, RSMo, and to enact in lieu thereof ten new sections relating to taxation.

Senator Koenig moved that **SS** for **SB 674** be adopted.

President Pro Tem Richard assumed the Chair.

Senator Schaaf offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 674, Page 30, Section 143.071, Line 4, by striking “seven-tenths” and inserting in lieu thereof the following: “**five-tenths**”.

Senator Schaaf moved that the above amendment be adopted.

President Parson assumed the Chair.

President Pro Tem Richard assumed the Chair.

President Parson assumed the Chair.

At the request of Senator Koenig, **SS** for **SB 674** was withdrawn, rendering **SA 1** moot.

Senator Koenig offered **SS No. 2** for **SB 674**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE BILL NO. 674

An Act to repeal sections 32.200, 143.011, 143.071, 143.431, 143.451, 143.461, 143.471, and 620.1350, RSMo, and to enact in lieu thereof nine new sections relating to taxation.

Senator Koenig moved that **SS No. 2** for **SB 674** be adopted, which motion prevailed.

On motion of Senator Koenig, **SS No. 2** for **SB 674** was declared perfected and ordered printed.

At the request of Senator Kehoe, **SB 1007**, with **SCS** was placed on the Informal Calendar.

Senator Cunningham moved that **SB 568**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 568**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 568

An Act to repeal sections 49.082, 50.333, 50.334, 50.343, 51.281, 51.282, 52.269, 53.082, 53.083, 54.261, 54.320, 55.091, 56.265, 57.317, 58.095, and 473.742, RSMo, and to enact in lieu thereof sixteen new sections relating to salaries of county officials.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 568** be adopted.

Senator Cunningham offered **SS** for **SCS** for **SB 568**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 568

An Act to repeal sections 50.327 and 50.333, RSMo, and to enact in lieu thereof two new sections relating to salaries of county officials.

Senator Cunningham moved that **SS** for **SCS** for **SB 568** be adopted, which motion prevailed.

On motion of Senator Cunningham, **SS** for **SCS** for **SB 568** was declared perfected and ordered printed.

Senator Dixon moved that **SB 1023**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 1023**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1023

An Act to repeal sections 367.031, 486.200, 486.205, 486.210, 486.215, 486.220, 486.225, 486.230, 486.235, 486.240, 486.245, 486.250, 486.255, 486.260, 486.265, 486.270, 486.275, 486.280, 486.285, 486.290, 486.295, 486.300, 486.305, 486.310, 486.315, 486.320, 486.325, 486.330, 486.335, 486.340, 486.345, 486.350, 486.355, 486.360, 486.365, 486.370, 486.375, 486.380, 486.385, 486.390, 486.395, 486.396, and 486.405, RSMo, and to enact in lieu thereof seventy-four new sections relating to notaries

public, with an existing penalty provision and a delayed effective date.

Was taken up.

Senator Dixon moved that **SCS** for **SB 1023** be adopted.

Senator Dixon offered **SS** for **SCS** for **SB 1023**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1023

An Act to repeal sections 367.031, 486.200, 486.205, 486.210, 486.215, 486.220, 486.225, 486.230, 486.235, 486.240, 486.245, 486.250, 486.255, 486.260, 486.265, 486.270, 486.275, 486.280, 486.285, 486.290, 486.295, 486.300, 486.305, 486.310, 486.315, 486.320, 486.325, 486.330, 486.335, 486.340, 486.345, 486.350, 486.355, 486.360, 486.365, 486.370, 486.375, 486.380, 486.385, 486.390, 486.395, 486.396, and 486.405, RSMo, and to enact in lieu thereof seventy-four new sections relating to notaries public, with an existing penalty provision and a delayed effective date.

Senator Dixon moved that **SS** for **SCS** for **SB 1023** be adopted, which motion prevailed.

On motion of Senator Dixon, **SS** for **SCS** for **SB 1023** was declared perfected and ordered printed.

**MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Adrienne D. Atzemis, 8507 Skyline Drive, Saint Louis, Saint Louis County, Missouri 63123, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Adrienne D. Atzemis, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nancy E. Birch, 204 Fox Creek Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Nancy E. Birch, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cheryl J. Cozette, Republican, 3490 Woods Edge Road, Columbia, Boone County, 65203, as a member of the Truman State University Board of Governors, for a term ending January 1, 2024, and until her successor is duly appointed and qualified; vice, Cheryl J. Cozette, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donna J. Erickson, 843 Clark Avenue, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Donna J. Erickson, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Susan A. Fluegel, 7574 Kirky Court, Shrewsbury, Saint Louis County, Missouri 63119, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Susan A. Fluegel, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Terra N. Frazier, 5512 Northeast 102nd Street, Kansas City, Clay County, Missouri 64156, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Terra N. Frazier, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Maynard Bill Jones, Democrat, 11276 Fairground Road, Versailles, Morgan County, Missouri 65084, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2018, and until his successor is duly appointed and qualified; vice, Vincil M. Wilt, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jamie S. Kondis, 250 South Brentwood Boulevard, Unit 1-A, Clayton, Saint Louis County, Missouri 63105, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Jamie S. Kondis, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Courtney L. Kovachevich, 11742 Longleaf Circle, Saint Louis, Saint Louis County, Missouri 63146, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Courtney L. Kovachevich, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,



GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sandra McLaughlin, 3724 North Indiana Avenue, Kansas City, Clay County, Missouri 64117, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until her successor is duly appointed and qualified; vice, John Young, term expired.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sarah E. Mullen, Independent, 140 Buckstone Pass, Defiance, Saint Charles County, Missouri, 63341, as a member of the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2021, and until her successor is duly appointed and qualified; vice, Sarah E. Mullen, withdrawn.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nick Myers, 5873 Riverside Drive, Grand Falls, Newton County, Missouri 64804, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2021, and until his successor is duly appointed and qualified; vice, Robert Helm, term expired.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY

65102

April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William C. Prince, 3406 West Camelot Street, Springfield, Greene County, Missouri 65807, as a member of the Child Abuse and

Neglect Review Board, for a term ending April 7, 2021, and until his successor is duly appointed and qualified; vice, William C. Prince, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Danielle T. Smith, 14340 Ladue Road, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Danielle T. Smith, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joy A. Sweigart, 2120 Saint Marys Boulevard, Apartment B2, Jefferson City, Cole County, Missouri 65109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Joy A. Sweigart, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 9, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeanie M. Thies, 2721 Kettering Drive, Saint Charles, Saint Charles County, Missouri 63303, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Jeanie M. Thies, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 59**, relating to Minority Organ Donor Awareness Month.

**HOUSE CONCURRENT RESOLUTION NO. 59**

WHEREAS, with more than one hundred eighteen thousand people waiting for an organ donation and with more than seven thousand people dying each year due to the lack of organs, public awareness of the great need for organ donation is the key to increasing the number of organ donors and thereby saving lives and improving the quality of life for recipients of organ donation; and

WHEREAS, approximately thirty thousand people a year have begun new lives thanks to an organ transplant. Organs and tissue from a single nonliving donor can be used to benefit more than fifty people. Living donors can donate a kidney and parts of their liver, lung, pancreas, or intestine, and can be evaluated to help a friend, family member, or even donate anonymously to patients of the wait list; and

WHEREAS, promoting the need for organ and tissue donors and encouraging people to become an organ donor and tissue donor are vitally important to increase the number of lives saved and changed for the better through organ donation; and

WHEREAS, people of African American/Black, Asian/Pacific Islander, Hispanic/Latino, American Indian/Alaskan Native, and multiracial descent currently make up nearly 58% of individuals on the national organ transplant waiting list. These communities are in great need of more organ and tissue donors; and

WHEREAS, an intensive awareness campaign focused on obstacles related to minorities and organ donation, which promotes healthy living and disease prevention to decrease the need for organ transplantation and which reaches out to all ethnic groups is greatly needed:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby designate the month of August as "Minority Organ Donor Awareness Month" in Missouri; and

BE IT FURTHER RESOLVED that the General Assembly encourages and recommends that people of the state of Missouri observe Minority Organ Donor Awareness Month through activities which will specifically address the need to increase awareness of organ donation by all ethnic groups and the need for organ donors. Such activities may include prayer breakfasts, health walks, and donor drives.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 592**.

With House Amendment No. 1 and House Amendment No. 3.

**HOUSE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 592, Page 5, Section 88.770, Line 47, by inserting after the word "**vote.**" the following:

**"The municipality in question shall notify its customers of the informational meeting through radio, television, newspaper, regular mail, electronic mail, or any combination of notification methods to most effectively notify customers at least fifteen days prior to the informational meeting.";** and

Further amend said bill, Pages 37 and 38, Section 115.299, by removing all of said section from the bill and inserting in lieu thereof the following:

"115.299. 1. To count absentee votes on election day, the election authority shall appoint a sufficient number of teams of election judges comprised of an equal number of judges from each major political party.

2. The teams so appointed shall meet on election day after the time fixed by law for the opening of the

polls at a central location designated by the election authority. The election authority shall deliver the absentee ballots to the teams, and shall maintain a record of the delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two judges, one from each major political party. The election authority shall provide each team with a ballot box, tally sheets and statements of returns as are provided to a polling place.

3. Each team shall count votes on all absentee ballots designated by the election authority.

4. To process absentee ballots in envelopes, one member of each team, closely observed by another member of the team from a different political party, shall open each envelope and call the voter's name in a clear voice. Without unfolding the ballot, two team members, one from each major political party, shall initial the ballot, and an election judge shall place the ballot, still folded, in a ballot box. No ballot box shall be opened until all of the ballots a team is counting have been placed in the box. The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for paper ballots. After the votes on all ballots assigned to a team have been counted, the ballots and ballot envelopes shall be [placed on a string and] enclosed in sealed containers marked "voted absentee ballots and ballot envelopes from the election held \_\_\_\_, 20\_\_". All rejected absentee ballots and envelopes shall be enclosed and sealed in a separate container marked "rejected absentee ballots and envelopes from the election held \_\_\_\_, 20\_\_". On the outside of each voted ballot and rejected ballot container, each member of the team shall write his **or her** name, and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the absentee vote along with the votes certified from each polling place in its jurisdiction."; and

Further amend said bill, Page 55, Section 115.637, Line 79, by deleting the phrase "[twenty-five] **one hundred**" and inserting in lieu thereof the phrase "twenty-five"; and

Further amend said bill, Page 58, Section 162.441, Line 19, by inserting after the word, "**plan.**" the following:

**"The tax rate applicable to the community college district shall not be levied as to the school district until the proposal by the board of trustees of the community college district has been approved by a majority vote of the voters of the school district at the election called for that purpose.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 592, Page 37, Section 115.287, Line 25, by inserting immediately before the word "Wednesday" the word "**second**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2105**, entitled:

An Act to repeal sections 195.010, 195.070, 195.080, 217.364, 334.036, 334.037, and 374.426, RSMo, and to enact in lieu thereof fourteen new sections relating to opioids, with a penalty provision and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### INTRODUCTION OF GUESTS

Senator Richard introduced to the Senate, Steve and Pat Russell, Joplin, representatives of Organ Donor Awareness Day.

Senator Walsh introduced to the Senate, Steve Ziegler, Florissant; Lynn Hogan; and Tara Klucker, Melissa Miller, Sandra Sullivan and Diana Wunning, representatives of the ALS Association.

Senator Wallingford introduced to the Senate, the Physicians of the Day, Drs. Douglas and Sharon Wallace, Cape Girardeau.

Senator Hummel introduced to the Senate, David Hurley, Kandice Kopp, Terri DeMott, Sebastien Babolat, Meghan Hill and Raul Munoz, St. Louis University.

Senator Nasheed introduced to the Senate, representatives of Cultural Leadership, St. Louis.

Senator Cunningham introduced to the Senate, Nate Bramwell, and his mother, Bethany, West Plains.

Senator Libla introduced to the Senate, Dr. Della Wilhoit, and her husband, John, Columbia; Pastor Jamie Jones, and his wife, Deborah, Caruthersville; Rickey Robinson, Hayti; high school students from New Madrid County Central, Hayti, Caruthersville, Charleston and Malden; and Divine Holiness Outreach Center.

Senator Libla introduced to the Senate, his wife, Elaine, Poplar Bluff.

On motion of Senator Kehoe, the Senate adjourned until 9:30 a.m., Wednesday, April 11, 2018.

### SENATE CALENDAR

---

FIFTY-SECOND DAY—WEDNESDAY, APRIL 11, 2018

---

### FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HCS for HB 2339  
HB 1633-Corlew

HCS#2 for HB 1973  
HCS for HB 1574

HB 1832-Cornejo  
HCS for HB 1667  
HCS for HB 1368  
HB 2183-Bondon  
HB 2039-Fraker  
HB 1257-Schroer  
HB 1516-Wiemann  
HRB 1-Shaul  
HCS for HBs 2337 & 2272  
HB 1296-Kelley

HCS for HB 2255  
HB 1499-Dogan  
HB 2231-Ross  
HB 1419-Haefner  
HB 1275-Kendrick  
HB 1629-Evans  
HB 1252-Plocher  
HB 2562-Austin  
HCS for HB 2105

### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)  
SS for SB 699-Sifton (In Fiscal Oversight)  
SJR 27-Holsman (In Fiscal Oversight)  
SB 687-Sater  
SB 582-Walsh

SB 891-Kehoe  
SS for SCS for SB 843-Riddle  
SS#2 for SCS for SB 1050-Schatz  
(In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

SB 1021-Dixon and Wallingford, with SCS  
SB 859-Koenig, with SCS  
SRBs 975 & 1024-Dixon, with SCS  
SB 655-Sifton  
SB 1003-Wasson, et al

SB 973-Rizzo and Curls  
SB 824-Cunningham, with SCS  
SJR 36-Schatz, with SCS  
SB 678-Eigel

### HOUSE BILLS ON THIRD READING

1. HCS for HBs 1729, 1621 & 1436 (Brown)
2. HB 1578-Kolkmeyer (Munzlinger)
3. HB 2044-Taylor, with SCS (Dixon)  
(In Fiscal Oversight)
4. HB 1329-Remole, with SCS (Munzlinger)  
(In Fiscal Oversight)
5. HCS for HBs 1288, 1377 & 2050, with  
SCS (Dixon) (In Fiscal Oversight)
6. HCS for HB 1605, with SCS (Kehoe)

7. HB 1630-Evans (Rowden)
8. HCS for HB 1461 (Rowden)
9. HCS for HB 1286, with SCS (Romine)  
(In Fiscal Oversight)
10. HB 1880-Trent, with SCS (Cunningham)
11. HCS for HB 1991, with SCS (Rowden)  
(In Fiscal Oversight)
12. HB 1858-Christofanelli (Eigel)
13. HB 1442-Alferman, with SCS (Schatz)

- |  |   |
|--|---|
| 14. HCS for HB 1690 (Wieland)              | 18. HCS for HB 2116, with SCS (Schatz)  |
| 15. HCS for HB 1879, with SCS (Cunningham) | 19. HB 1355-Phillips, with SCS (Schatz) |
| 16. HCS for HB 1268, with SCS (Munzlinger) | 20. HCS for HB 1617, with SCS (Onder)   |
| 17. HCS for HB 1500, with SCS (Koenig)     | 21. HB 1492-Lynch (Brown)               |

## INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 & 667-Eigel

### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 546-Munzlinger, with SS#4 (pending)   | SB 813-Riddle, with SCS & SA 1 (pending)                            |
| SB 550-Wasson, with SCS  | SB 822-Hegeman, with SCS & SS for SCS<br>(pending)                  |
| SB 553-Dixon, with SCS, SS for SCS & SA 1<br>(pending)   | SB 832-Rowden, with SCS, SS#2 for SCS &<br>point of order (pending) |
| SBs 555 & 609-Brown, with SCS  | SB 837-Rowden   |
| SB 556-Brown, with SA 1 (pending)  | SB 848-Riddle   |
| SB 561-Sater, with SA 1 (pending)  | SB 849-Kehoe and Schupp, with SCS, SA 1<br>& SA 1 to SA 1 (pending) |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                            | SB 860-Koenig, with SCS, SS for SCS & SA 1<br>(pending)             |
| SB 578-Romine  | SB 861-Hegeman, with SCS  |
| SB 591-Hegeman, with SCS   | SB 865-Kehoe  |
| SB 596-Riddle, with SCS  | SB 893-Sater, with SCS, SS for SCS & SA 1<br>(pending)              |
| SB 599-Schatz  | SB 907-Kehoe, with SCS  |
| SB 602-Onder, with SCS   | SB 912-Rowden, with SCS & SS#3 for SCS<br>(pending)                 |
| SB 612-Koenig, with SCS, SS#2 for SCS,<br>SA 2, SSA 1 for SA 2 & SA 1 to SSA 1<br>for SA 2 (pending) | SB 920-Riddle, with SS & SA 2 (pending)                             |
| SB 663-Schatz, with SCS, SS for SCS & SA 1<br>(pending)  | SB 928-Onder, with SCS  |
| SB 730-Wallingford, with SCS & SA 1<br>(pending)   | SB 949-Emery, with SCS, SS for SCS & SA 2<br>(pending)              |
| SB 751-Schatz  | SB 982-Wieland  |
| SB 767-Hoskins, with SCS, SS for SCS &<br>SA 2 (pending)   | SB 1007-Kehoe, with SCS   |
| SB 774-Munzlinger  |   |

HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)

HB 1691-Miller, with SCS (Emery)

SS for SCS for HB 1350-Smith (163) (Rowden)

HB 1769-Mathews, with SCS (Schatz)

HB 1413-Taylor, with SCS (Onder)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 592-Hegeman, with HA 1  
& HA 3

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HB 1291-Henderson, with SS for SCS,  
as amended (Romine)

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 37-Eigel and Onder

To be Referred

HCR 59-May

✓



# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-SECOND DAY—WEDNESDAY, APRIL 11, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

### RESOLUTIONS

Senator Schupp offered Senate Resolution No. 1670, regarding William Hilton “Bill” Ridings, Chesterfield, which was adopted.

Senator Sifton offered Senate Resolution No. 1671, regarding John M. Marsanick, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1672, regarding John Ross Marino, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1673, regarding Arthur G. “Art” Paule, Affton, which was adopted.

### REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS No. 2** for **SB 674** and **SS** for **SCS** for **SB 568**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### REFERRALS

President Pro Tem Richard referred the Gubernatorial Appointments appearing on pages 889 through 893 of the Senate Journal for Tuesday, April 10, 2018 to the Committee on Gubernatorial Appointments.

President Pro Tem Richard referred **SS No. 2** for **SCS** for **SBs 617, 611 and 667** and **SS No. 2** for **SB 674** to the Committee on Fiscal Oversight.

President Pro Tem Richard referred **HCR 59** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 69**.

**HOUSE CONCURRENT RESOLUTION NO. 69**

WHEREAS, World War II, the most widespread war in history, lasted from 1939 until 1945; and

WHEREAS, the United States entered the war in 1941, following an attack on Pearl Harbor by Japanese fighter planes; and

WHEREAS, over sixteen million Americans served their country and the Allied powers over the course of the war; and

WHEREAS, the generation of men and women who served our country in World War II has been called the “greatest generation” for their selfless sacrifice; and

WHEREAS, the Medal of Honor is the highest military decoration that is awarded by the United States government; and

WHEREAS, the Medal of Honor is presented by the President of the United States, in the name of Congress; and

WHEREAS, the Medal of Honor is only conferred upon members of the United States Armed Forces who distinguish themselves through conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty while engaged in action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party; and

WHEREAS, more than 3,400 Medals of Honor have been awarded to our nation’s bravest soldiers, sailors, airmen, marines, and coast guardsmen since the creation of the award in 1861; and

WHEREAS, the Medal of Honor was awarded to 353 Americans during World War II; and

WHEREAS, only four of those 353 Americans are alive today; and

WHEREAS, Charles H. Coolidge of Tennessee, Francis S. Currey of New York, Robert D. Maxwell of Oregon, and Hershel Woodrow Williams of West Virginia all served their country with conspicuous gallantry and intrepidity at the risk of life and therefore deserve the gratitude of the American people; and

WHEREAS, the President of the United States has the sole authority to designate a state funeral; and

WHEREAS, historically, the President of the United States has designated state funerals for former presidents, generals, and other extraordinary Americans; and

WHEREAS, our nation is currently divided and yearns for a unifying national event; and

WHEREAS, designating a state funeral when the last surviving World War II Medal of Honor recipient dies would be a wonderful way for the American people to unite and honor all sixteen million soldiers, sailors, and airmen who served in our Armed Forces from 1941 to 1945:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the President of the United States to designate a state funeral for the last surviving Medal of Honor recipient from World War II; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, and all members of the Missouri congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 73**.

**HOUSE CONCURRENT RESOLUTION NO. 73**

WHEREAS, on April 19, 1775, the Continental Army engaged in the first battles of Revolutionary War. Known as the Battles of Lexington and Concord, the battles marked the outbreak of open armed conflict between the Kingdom of Great Britain and thirteen of its colonies on the mainland of British America to establish American independence; and

WHEREAS, the first Militia units, which became today’s National Guard, were established in the Massachusetts Bay Colonies on December 13, 1636, and armed to protect American citizens; and

WHEREAS, between 1775 and 2017, over 41 million Americans have served in the Armed Forces of the United States, in addition to countless Militiamen between 1636 and 1775; and

WHEREAS, the United States has suffered casualties of over 1.4 million men and women, including scores of Missouri citizens who have made the ultimate sacrifice to defend democracy and freedom; and

WHEREAS, the families who have lost immediate relatives in support of military operations are known as Gold Star Families; and

WHEREAS, the people of Missouri wish to properly honor our military men and women who gave their lives in service to our country and thank their families for their sacrifice and bravery, recognizing that no one has given more for this nation than the families of the fallen; and

WHEREAS, war memorials perpetuate the appreciation and legacy of our fallen hero warriors and their families and educate communities about the price paid for our way of life; and

WHEREAS, the purpose of the Gold Star Families Memorial Monument is to honor Gold Star families who have sacrificed and lost loved ones in service to their country, and who stand as a stark reminder that freedom is not free; and

WHEREAS, it is appropriate to honor the fallen warriors from the state of Missouri, and their families, by recognizing the Gold Star Families Memorial Monument, which has been constructed and dedicated on the College of the Ozarks campus, as the official Gold Star Families Memorial Monument of the state of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby recognize the Gold Star Families Memorial Monument at the College of the Ozarks campus in Point Lookout, Missouri, as the official Gold Star Families Memorial Monument of Missouri; and

BE IT FURTHER RESOLVED that the Missouri Department of Transportation is urged to prepare and establish appropriate highway signage to recognize the location and directions to the Missouri Gold Star Families Memorial Monument and the Missouri Vietnam Veterans Memorial, such signage to be paid for by the College of the Ozarks; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the president of the College of the Ozarks, the Veterans and Military Coalition of the Ozarks in Branson, Missouri, and the Missouri Department of Transportation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 70**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 70

Relating to youth violence.

---

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, youth across this state are committing acts of violence against one another and throughout their communities; and

WHEREAS, a national survey by the Centers for Disease Control and Prevention (CDC) found that United States adults reported approximately 1.56 million incidents of victimization by perpetrators estimated to be between 12 and 20 years of age; and

WHEREAS, the CDC states, "Violence is a serious public health problem in the United States. From infants to the elderly, it affects people in all stages of life. In 2007, more than 18,000 people were victims of homicide and more than 34,000 took their own life."; and

WHEREAS, the CDC reports that many people survive violence and are left with permanent physical and emotional scars and that violence erodes communities by reducing productivity, decreasing property values, and disrupting social services; and

WHEREAS, a national initiative led by the CDC, Striving to Reduce Youth Violence Everywhere (STRYVE), assists communities in applying a public health perspective to preventing youth violence; and

WHEREAS, in 1985, former United States Surgeon General C. Everett Koop declared violence as a public health issue and called for the application of the science of public health to the treatment and prevention of violence; and

WHEREAS, in 2000, former United States Surgeon General David Satcher declared youth violence as a public health epidemic; and

WHEREAS, Dr. Satcher released a report that deems youth violence as a threat to public health and calls for federal, state, local, and private entities to invest in research on youth violence and for the use of the knowledge gained to inform intervention programs; and

WHEREAS, the report states that the public health approach to youth violence involves identifying risk and protective factors, determining how they work, making the public aware of these findings, and designing programs to prevent or stop the violence; and

WHEREAS, the 2000 public health report calls for national resolve to confront the problem of youth violence systematically; to facilitate entry of youth into effective intervention programs rather than incarceration; to improve public awareness of effective interventions; to convene youth, families, researchers, and public and private organizations for a periodic youth violence summit; to develop new collaborative multidisciplinary partnerships; and to hold periodic, highly visible national summits; and

WHEREAS, an individual's characteristics, experiences, and environmental conditions during childhood and adolescence are an indicator of future violent behavior; and

WHEREAS, ages 15 through 18, the ages that students spend in high school, are the peak years of offending; and

WHEREAS, there is concern about high school dropout rates, academic performance, and violence in schools across this state; and

WHEREAS, according to the Yale School of Medicine Child Study Center, the Comer School Development Program offers low-achieving schools assistance in creating a conducive learning environment while providing a solid foundation for students; and

WHEREAS, the work of the Yale School of Medicine Child Study Center has demonstrated that, "When teachers, administrators, parents, and mature adults interact with students in a supportive school environment and culture and provide adequate instruction in a way that mediates physical, social-interactive, psycho-emotional, moral-ethical, linguistic and cognitive-intellectual development, acceptable academic achievement will take place."; and

WHEREAS, the Comer School Development Program is an operating system comprised of three teams: the School Planning and Management Team, the Student and Staff Support Team, and the Parent Team, which work together to create a comprehensive school plan; and

WHEREAS, the Comer School Development Program model is guided by three principles: decision-making by consensus, no-fault problem solving, and collaboration; and

WHEREAS, due to the violence epidemic, youth suffer from either primary or secondary trauma. Primary trauma is trauma associated with the violent death of a loved one. Secondary trauma results from exposure to violence present within their community; and

WHEREAS, exposure to violence in families and communities, as well as exposure to homicidal death, can lead to youth-specific post-traumatic stress disorder with complex effects as well as homicidal grief; and

WHEREAS, trauma is not easily visible within youth because it requires proper assessment and, due to the amount of violence youth are currently exposed to, measures should be taken to properly assess the issue; and

WHEREAS, the experience of trauma impacts children of all situations and conditions across this state; and

WHEREAS, in August 2007, the CDC deemed schools as providing "a critical opportunity for changing societal behavior because almost the entire population is engaged in this institution for many years, starting at an early and formative period" and "Universal school-based violence prevention programs represent an important means of reducing violent and aggressive behavior in the United States.";

NOW THEREFORE BE IT RESOLVED that the members of the Missouri House of Representatives, Ninety-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby declare youth violence as a public health epidemic and support the establishment of statewide trauma-informed education; and

BE IT FURTHER RESOLVED that June seventh of each year shall be known and is designated as "Christopher Harris Day" in Missouri to remember children in St. Louis and throughout the state of Missouri lost to violence; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 58**.

#### HOUSE CONCURRENT RESOLUTION NO. 58

WHEREAS, the United States military has five branches that offer Junior Reserve Officer Training Corps (JROTC): the Marine Corps, Army, Navy, Air Force, and Coast Guard; and

WHEREAS, JROTC courses are offered at over three thousand high schools across the United States; and

WHEREAS, participation in the elective JROTC courses does not require students to join the military; and

WHEREAS, JROTC courses are not military-preparation courses but teach life skills that many of today's youth do not learn, such as taking orders, punctuality, responsibility, personal hygiene, physical fitness, and respect; and

WHEREAS, JROTC courses provide leadership skills and opportunity for underprivileged youth across the state, especially in inner cities; and

WHEREAS, students who participate in JROTC receive the opportunity to use firearms correctly and safely as part of firearms training; and

WHEREAS, many students in rural areas have no access to JROTC courses due to an insufficient number of schools offering JROTC courses and the locations of current JROTC programs, and all Missouri high school students deserve the opportunity to enroll in a JROTC course, regardless of the location of their school; and

WHEREAS, students deserve access to JROTC courses because the JROTC program creates better, stronger youth; JROTC courses increase the confidence and self-esteem of participants; graduation rates of students in JROTC courses are exponentially higher than the graduation rates of students not enrolled in a JROTC course in their respective schools; attendance rates of students in JROTC courses are higher than those of students not enrolled in a JROTC course; and the grade point averages of students enrolled in JROTC courses are higher than those of students not enrolled in a JROTC course; and

WHEREAS, the United States Department of Defense allocates funds to schools and school districts to support JROTC courses:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby urge all public schools in Missouri school districts to take the necessary steps to institute JROTC courses in their schools; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for each superintendent of a Missouri school district.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 64**.

#### HOUSE CONCURRENT RESOLUTION NO. 64

WHEREAS, steamboats are deeply entwined in Missouri's history and culture; and

WHEREAS, the Delta Queen steamboat operated for many years and in many areas across the country as top-of-the-line luxury travel and was previously allowed to provide overnight cruises; and

WHEREAS, the Delta Queen steamboat has carried three different United States Presidents and transported delegates of 51 other nations during the founding conference of the United Nations; and

WHEREAS, the Delta Queen is widely considered the last steamboat of its kind with overnight guest rooms; and

WHEREAS, the Delta Queen was once home to Mary Greene, who was one of the first women to become a licensed river boat pilot; and

WHEREAS, the Delta Queen is expected to visit over 80 different ports in the United States when it resumes operation; and

WHEREAS, the Delta Queen has established a home port, restaurant, and headquarters in Kimmswick, Missouri; and

WHEREAS, the Delta Queen Steamboat Co. has created over 170 local jobs and is expected to bring in more than \$36.4 million to the region annually; and

WHEREAS, resuming overnight cruises would bring even more economic benefits to the region and create further economic growth and opportunity; and

WHEREAS, the Delta Queen has been designated as a "National Treasure" by the National Trust for Historic Preservation, listed on the National Register of Historic Places, and declared a National Historic Landmark; and

WHEREAS, the Delta Queen was named to the National Trust for Historic Preservation's "11 Most Endangered List" for 2016; and

WHEREAS, United States Senate Bill S. 89 exempts old vessels that only operate within the inland waterways from federal fire-retardant materials requirements if the owners of the vessel make annual structural alterations to at least ten percent of the areas of the vessel that are not constructed of fire-retardant materials:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby urge that the United States Congress enact United States Senate Bill S. 89; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for each member of the Missouri congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 63**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 63

Relating to DeMolay Day.

---

Be it enacted by the General Assembly of the state of Missouri, as follows:

WHEREAS, it is important for children of all ages to develop conscious social and historical awareness through practical leadership training, hands-on learning, and modern, dynamic extracurricular activities and education; and

WHEREAS, the importance of developing real-world experience and community values at an early age is magnified in light of the increasing number of high school and college graduates unable to compete in the modern workforce or find their place as ethical and valuable contributing citizens; and

WHEREAS, the future of our communities, state, and nation, and preservation of the sacred values, human rights, and timeless principles upon which equality, justice, and freedom stand, is dependent on giving every child the opportunity and inspiration to succeed in life; and

WHEREAS, in order to perpetuate human progress, enfranchise human thought, preserve the freedom of human conscience, and guarantee equal rights to all, it is crucial to focus attention on ensuring that children engage in opportunity-creating activities, leadership, and public speaking training and education, and early community involvement with adult mentors; and

WHEREAS, increasing the development of essential skills and relevant, necessary education that is applicable to real-life situations will lead to a more enlightened, inspired, and optimistic citizenry; and

WHEREAS, increasing the number of young persons who designate a portion of their time each week to work and connect with adult mentors and volunteers will lead to decreased numbers of uneducated, unemployed, and uninspired citizens; and

WHEREAS, the Order of DeMolay was founded in Kansas City, Missouri in 1919 for the purpose of giving young people higher education, guidance in life, and an environment to develop critical leadership skills, social value, universal moral ethics, greater intellectual learning, and the inspiration to succeed in all facets of their lives through service to others and service to our world at large; and

WHEREAS, Missouri DeMolay offers advanced degrees to its members and students, including higher education in the areas of communication, history, philosophy, psychology, and ethics and offers leadership and business training with concentrations on small and large group facilitation, project organization, public speaking, scheduling, and budgeting; and

WHEREAS, the Order of DeMolay has been a breeding ground for not only many prominent industry, business, professional sports, military, and world leaders, including presidents, governors, congressmen, astronauts, national radio and television personalities, but also a vast number of other valuable contributing citizens participating in all walks of life in our society for nearly a century; and

WHEREAS, graduates of the DeMolay program, including Governor Melvin E. Carnahan; entertainers and entrepreneurs Walt Disney, Mel Blanc, Burl Ives, Paul Harvey, Buddy Ebsen, John Wayne, and Gary Collins; author John Steinbeck, astronauts Frank Borman and Edgar Mitchell; journalist Paul Harvey; Governor and U.S. Secretary of Agriculture Edward T. Schafer; Ambassador Leonard G. Shurtleff; professional football player Fran Tarkenton; Congressman and Ambassador Walter C. Ploeser; president and CEO of the San Diego Chargers Dean Spanos; Senator and Governor Mark Hatfield; Olympian and politician Bob Mathias; and broadcasting legends Walter Cronkite, Dan Rather, David C. Goodnow, and John King, to name a few, have all profusely expressed that their early experiences and higher education in the Order of DeMolay were the foundation and springboard to their successes; and

WHEREAS, President Harry S. Truman of Missouri was elected as an Honorary Grand Master of the International Supreme Council of the Order of DeMolay, and he frequently sought the counsel and wisdom of DeMolay's founder, Frank S. Land. President Truman publically and fervently revered the youth leadership organization and exclaimed, "The greatest honor that has ever come to me, and that can ever come to me in my life, is to be the Grand Master of Masons in Missouri," the sponsoring body of Missouri DeMolay; and

WHEREAS, Walt Disney, an original member of the DeMolay Chapter in Kansas City, Mother Chapter, and founder of what is now a worldwide and massively iconic company, stated, "I feel a great sense of obligation and gratitude toward the Order of DeMolay for the important part it played in my life. Its precepts have been invaluable in making decisions, facing dilemmas, and crises. DeMolay stands for all that is good for the family and for our country. I feel privileged to have enjoyed membership in DeMolay"; and

WHEREAS, the Order of DeMolay is a youth leadership organization built on wholesome, fundamental values that transcend religious, political, or ideological affiliation: love of parents, reverence for all that is sacred, courtesy, friendship, fidelity, cleanness, and patriotism; and that gives incredible credence to faith, and champions the positive values of spirituality without diminishing or favoring any one particular

dogma or religious creed, and is built upon the sacred foundations of loyalty, toleration, human liberty, and human progress; and

WHEREAS, the Order of DeMolay has spread to twenty-four countries around the world to date, all with various political, religious, and cultural foundations; and

WHEREAS, there are numerous DeMolay chapters in the state of Missouri, including clubs being developed on Missouri college campuses, with over one thousand active DeMolays and thousands more alumni who are actively involved in serving their communities; and

WHEREAS, Missouri has been a leader in DeMolay International since 1919 in the most worthy needed causes, including education, membership, programming, and youth leadership:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby recognize Missouri DeMolay as an Institution of Higher Education and designate March eighteenth of each year as DeMolay Day and recommend that the citizens of the state engage in activities and conscious awareness to highlight the importance of youth leadership, rewarding higher education, and learning the cultural and historical significance of freedom of thought, freedom of religion, and freedom of speech in conjunction with the recognition of the consecrated leadership and wisdom of those who came before us who established, fought, and died for the perpetuation and preservation of such high universal ideals throughout the world; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the executive officer of the Missouri chapter of DeMolay International.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Kehoe, the Senate recessed until 1:30 p.m.

## RECESS

The time of recess having expired, the Senate was called to order by President Parson.

Reverend Carl Gauck offered the following prayer:

“When I awake, I am still with you.” (Psalm 139:18)

Heavenly Father, You know how often we awake in midst of the night knowing there is yet so much more that we need to accomplish. The pressure is beginning to grow that we need to be on top of so many things and we work so many hours to do them and yet there is still more to be done. Grant us grace sufficient for us to deal with what comes our way and direct our hearts and minds that fits best with what You desire. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

### Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

Senator Kehoe announced photographers from KSNF-TV were given permission to take pictures in the Senate Chamber.

### **REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **HB 1329**, with SCS; **HCS** for **HB 1991**, with SCS; **HB 2044**, with SCS; **HCS** for **HBs 1288, 1377 and 2050**, with SCS; and **HCS** for **HB 1286**, with SCS; **SS No. 2** for SCS for **SB 1050**; and **SJR 27**, begs leave to report that it has considered the same and recommends that the bills and joint resolution do pass.

President Pro Tem Richard assumed the Chair.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 2101**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Romine, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1455**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1573**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1663**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1675**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1676**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 2330**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.



Senator Onder, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HB 1247**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

President Parson assumed the Chair.

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 1023**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### THIRD READING OF SENATE BILLS

**SJR 27**, introduced by Senator Holsman, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to members of the general assembly.

Was taken up.

On motion of Senator Holsman, **SJR 27** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Chappelle-Nadal	Cierpiot	Curls	Dixon	Eigel	Holsman	Hoskins
Hummel	Kehoe	Koenig	Libla	Rizzo	Romine	Rowden
Schaaf	Schatz	Schupp	Sifton	Walsh	Wieland—20	

#### NAYS—Senators

Brown	Crawford	Cunningham	Emery	Hegeman	Munzlinger	Nasheed
Onder	Richard	Sater	Wallingford	Wasson—12		

Absent—Senator Riddle—1

Absent with leave—Senators—None

Vacancies—1

The President declared the joint resolution passed.

On motion of Senator Holsman, title to the joint resolution was agreed to.

Senator Holsman moved that the vote by which the joint resolution passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 687**, introduced by Senator Sater, entitled:

An Act to repeal section 160.530, RSMo, and to enact in lieu thereof one new section relating to the allocation of moneys to school district professional development committees.

Was taken up.

On motion of Senator Sater, **SB 687** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators

Hummel      Schaaf—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 582**, introduced by Senator Walsh, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to personal information data of students.

Was taken up.

On motion of Senator Walsh, **SB 582** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Walsh, title to the bill was agreed to.

Senator Walsh moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 891**, introduced by Senator Kehoe, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to buy Missouri week.

Was taken up.

On motion of Senator Kehoe, **SB 891** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 843**, introduced by Senator Riddle, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 843

An Act to repeal sections 41.1010, 91.640, 105.955, 143.1015, 160.2100, 160.2110, 186.007, 189.015, 189.025, 189.030, 189.035, 191.400, 191.980, 192.005, 192.014, 192.230, 192.240, 192.707, 192.710, 192.2030, 194.400, 194.408, 194.409, 196.1129, 208.197, 208.955, 209.287, 209.307, 210.170, 217.900, 217.903, 217.905, 217.907, 217.910, 253.408, 253.412, 288.475, 324.177, 324.180, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.478, 332.086, 334.430, 334.625, 334.749, 335.021, 453.600, 620.1200, 633.200, 701.040, and 701.353, RSMo, and section 105.959 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and to enact in lieu thereof forty-nine new sections relating to the existence of certain state boards and commissions, with an emergency clause for certain sections.

Was taken up.

On motion of Senator Riddle, **SS** for **SCS** for **SB 843** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Sifton	Wallingford
Wasson	Wieland—30					

NAYS—Senators

Schupp Walsh—2

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Chappelle-Nadal—1

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS No. 2** for **SCS** for **SB 1050**, introduced by Senator Schatz, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1050

An Act to repeal sections 108.120, 137.555, 227.240, 263.245, 292.606, 301.010, 301.020, 301.055,

301.130, 301.350, 302.170, 302.173, 302.174, 302.720, 304.005, 304.012, 304.060, 304.180, 304.232, 304.820, 306.126, 307.175, and 414.032, RSMo, and to enact in lieu thereof twenty-seven new sections relating to transportation, with existing penalty provisions and an emergency clause for a certain section.

Was taken up.

On motion of Senator Schatz, **SS No. 2 for SCS for SB 1050** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Crawford	Cunningham	Curls	Dixon	Eigel	Emery
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Sifton	Wallingford	Walsh	Wasson	Wieland—28

NAYS—Senators

Chappelle-Nadal	Cierpiot	Schupp—3
-----------------	----------	----------

Absent—Senators

Nasheed	Schaaf—2
---------	----------

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Sifton	Wallingford	Walsh	Wasson
Wieland—29						

NAYS—Senators

Chappelle-Nadal	Schupp—2
-----------------	----------

Absent—Senators

Nasheed	Schaaf—2
---------	----------

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

President Pro Tem Richard assumed the Chair.

## RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 1674, regarding Jack Cole, Rogersville, which was adopted.

Senator Cierpiot offered Senate Resolution No. 1675, regarding Eagle Scout Phoenix V. Radford, Blue Springs, which was adopted.

Senator Cierpiot offered Senate Resolution No. 1676, regarding Eagle Scout Nathaniel Perry Rockwell, Blue Springs, which was adopted.

Senator Cierpiot offered Senate Resolution No. 1677, regarding Eagle Scout Michael Aaron Bledsoe, Blue Springs, which was adopted.

Senator Dixon offered Senate Resolution No. 1678, regarding DeAntra “Shae” Darough, Cahokia, Illinois, which was adopted.

Senator Dixon offered Senate Resolution No. 1679, regarding Connor Glen Aller, Holt, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Kehoe introduced to the Senate, Michele Caywood; Kristina, Marc and Loïc Studer; and Emma and Thomas Zohar, Lausanne, Switzerland.

Senator Schatz introduced to the Senate, the Physician of the Day, Dr. Thomas Stamos, Chesterfield.

Senator Schatz introduced to the Senate, Jack Blanton, and his son, Todd, Sullivan.

Senator Holsman introduced to the Senate, Mary Braddock, and her son, Selvin; and Bill Meiners, Kansas City; and Selvin was made an honorary page.

Senator Cunningham introduced to the Senate, teacher Mrs. Plemmons, and Government Scholars from Marshfield High School.

Senator Wallingford introduced to the Senate, David Kim, Coro Fellow, St. Louis.

Senator Schupp introduced to the Senate, Zoe Brouns, Coro Fellow, St. Louis.

Senator Richard introduced to the Senate, Mary Ann Tisdale, Mary Redford, Bob Snyder, Richard (Dick) Corbet, Edith Cole, Jim Brasfield, Dana Washington, Aneeta Brown, Dean Brown, Ying (Vera) Zhang, Abigail Menke, Sydney Hall, Nancy McClure, Ann Mestres, Willie Mae Welch, Grace James, June Brown, Caswanna Tucker, Chien Hung, Christine Nolan, Lisa Smith, Jessica Rogalski, Mary Lynn Faunda Donovan, Brittany Oehler, Melody Elston, Kathy Ray-Smith, Jan McFerron, Emily Smith, Robin Williams, Becky Caldwell, Donna Wobbe, Linda Daugherty, Ronda Giger, Margaret McGeehon, Treakea Young, Jenny Hollandsworth, Lindsay Luebbering, Connie Payne and Pat Felton, representatives of Missouri Long Term Care Ombudsman Advocacy Day.

On motion of Senator Kehoe, the Senate adjourned under the rules.

SENATE CALENDAR

---

FIFTY-THIRD DAY—THURSDAY, APRIL 12, 2018

---

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 2339  
HB 1633-Corlew  
HCS#2 for HB 1973  
HCS for HB 1574  
HB 1832-Cornejo  
HCS for HB 1667  
HCS for HB 1368  
HB 2183-Bondon  
HB 2039-Fraker  
HB 1257-Schroer  
HB 1516-Wiemann  
HRB 1-Shaul

HCS for HBs 2337 & 2272  
HB 1296-Kelley  
HCS for HB 2255  
HB 1499-Dogan  
HB 2231-Ross  
HB 1419-Haefner  
HB 1275-Kendrick  
HB 1629-Evans  
HB 1252-Plocher  
HB 2562-Austin  
HCS for HB 2105

THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)  
SS for SB 699-Sifton (In Fiscal Oversight)  
SS#2 for SB 674-Koenig (In Fiscal Oversight)

SS for SCS for SB 568-Cunningham  
SS for SCS for SB 1023-Dixon

SENATE BILLS FOR PERFECTION

SB 1021-Dixon and Wallingford, with SCS  
SB 859-Koenig, with SCS  
SRBs 975 & 1024-Dixon, with SCS  
SB 655-Sifton  
SB 1003-Wasson, et al

SB 973-Rizzo and Curls  
SB 824-Cunningham, with SCS  
SJR 36-Schatz, with SCS  
SB 678-Eigel

HOUSE BILLS ON THIRD READING

1. HCS for HBs 1729, 1621 & 1436 (Brown)

2. HB 1578-Kolkmeier (Munzlinger)

- |   |  |
|---|--|
| 3. HB 2044-Taylor, with SCS (Dixon)                   | 12. HB 1858-Christofanelli (Eigel)         |
| 4. HB 1329-Remole, with SCS (Munzlinger)              | 13. HB 1442-Alferman, with SCS (Schatz)    |
| 5. HCS for HBs 1288, 1377 & 2050, with<br>SCS (Dixon) | 14. HCS for HB 1690 (Wieland)              |
| 6. HCS for HB 1605, with SCS (Kehoe)                  | 15. HCS for HB 1879, with SCS (Cunningham) |
| 7. HB 1630-Evans (Rowden)                             | 16. HCS for HB 1268, with SCS (Munzlinger) |
| 8. HCS for HB 1461 (Rowden)                           | 17. HCS for HB 1500, with SCS (Koenig)     |
| 9. HCS for HB 1286, with SCS (Romine)                 | 18. HCS for HB 2116, with SCS (Schatz)     |
| 10. HB 1880-Trent, with SCS (Cunningham)              | 19. HB 1355-Phillips, with SCS (Schatz)    |
| 11. HCS for HB 1991, with SCS (Rowden)                | 20. HCS for HB 1617, with SCS (Onder)      |
|   | 21. HB 1492-Lynch (Brown)                  |

### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 & 667-Eigel  
(In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 546-Munzlinger, with SS#4 (pending)   | SB 730-Wallingford, with SCS & SA 1<br>(pending)                    |
| SB 550-Wasson, with SCS  | SB 751-Schatz   |
| SB 553-Dixon, with SCS, SS for SCS & SA 1<br>(pending)   | SB 767-Hoskins, with SCS, SS for SCS &<br>SA 2 (pending)            |
| SBs 555 & 609-Brown, with SCS  | SB 774-Munzlinger   |
| SB 556-Brown, with SA 1 (pending)  | SB 813-Riddle, with SCS & SA 1 (pending)                            |
| SB 561-Sater, with SA 1 (pending)  | SB 822-Hegeman, with SCS & SS for SCS<br>(pending)                  |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                            | SB 832-Rowden, with SCS, SS#2 for SCS &<br>point of order (pending) |
| SB 578-Romine  | SB 837-Rowden   |
| SB 591-Hegeman, with SCS   | SB 848-Riddle   |
| SB 596-Riddle, with SCS  | SB 849-Kehoe and Schupp, with SCS, SA 1<br>& SA 1 to SA 1 (pending) |
| SB 599-Schatz  | SB 860-Koenig, with SCS, SS for SCS & SA 1<br>(pending)             |
| SB 602-Onder, with SCS   | SB 861-Hegeman, with SCS  |
| SB 612-Koenig, with SCS, SS#2 for SCS,<br>SA 2, SSA 1 for SA 2 & SA 1 to SSA 1<br>for SA 2 (pending) | SB 865-Kehoe  |
| SB 663-Schatz, with SCS, SS for SCS & SA 1<br>(pending)  |   |



SB 893-Sater, with SCS, SS for SCS & SA 1  
(pending)

SB 907-Kehoe, with SCS

SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)

SB 920-Riddle, with SS & SA 2 (pending)

SB 928-Onder, with SCS

SB 949-Emery, with SCS, SS for SCS & SA 2  
(pending)

SB 982-Wieland

SB 1007-Kehoe, with SCS

### HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)

SS for SCS for HB 1350-Smith (163) (Rowden)

HB 1413-Taylor, with SCS (Onder)

HB 1691-Miller, with SCS (Emery)

HB 1769-Mathews, with SCS (Schatz)

### CONSENT CALENDAR

#### House Bills

Reported 4/11

HB 2101-Beard (Hoskins)

HCS for HB 1455 (Wasson)

HB 1573-Rowland (155) (Crawford)

HCS for HB 1663, with SCS (Romine)

HB 1675-Redmon

HB 1676-Redmon

HB 2330-Beck (Sifton)

HB 1247-Pike (Onder)

### SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 592-Hegeman, with HA 1

& HA 3

### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

#### In Conference

HB 1291-Henderson, with SS for SCS,  
as amended (Romine)

## RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

## Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 37-Eigel and Onder

## To be Referred

HCR 58-Spencer

HCR 63-Haefner

HCR 64-Shaul

HCR 69-Davis

HCR 70-Franks, Jr.

HCR 73-Justus

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-THIRD DAY—THURSDAY, APRIL 12, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Your words were found, and I ate them and your words became to me a joy and the delight of my heart.” (Jeremiah 15:16)

Almighty God, as we work to complete what we must get through this day and sometimes feel frustration in doing it may we experience the joy of Your prophet knowing we are about that which You have chosen for us. May we have discernment in what our thoughts and action proclaim so we may know a peace that comes from the satisfaction of our efforts. In Your Holy Name we pray. Amen

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The Senate observed a moment of silence in memory of Robert “Bob” Eigel.

Senator Kehoe announced photographers from The Kansas City Star, the Associated Press, KMOV-TV, KOMU 8 News and St. Louis Public Radio were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Libla offered Senate Resolution No. 1680, regarding Rebecca S. Atwood, Cape Girardeau, which was adopted.

Senator Wasson offered Senate Resolution No. 1681, regarding Eagle Scout Gavin Dae Roberts, Ozark, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1682, regarding the Seventieth Wedding Anniversary of Leon and Geneva Knock, Louisville, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1683, regarding Larry Thorp, Cairo, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1684, regarding George “Dusty” McGee, Holliday, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1685, regarding Steven Riggs, Moberly, which was adopted.

Senator Riddle offered Senate Resolution No. 1686, regarding Nora Black, Rush Hill, which was adopted.

Senator Cunningham offered Senate Resolution No. 1687, regarding Teresa “Terry” Thompson, Rogersville, which was adopted.

Senator Riddle offered Senate Resolution No. 1688, regarding Jody Bush, Troy, which was adopted.

On behalf of Senator Eigel, Senator Kehoe offered Senate Resolution No. 1689, regarding Blind Ambition, St. Charles, which was adopted.

On behalf of Senator Eigel, Senator Kehoe offered Senate Resolution No. 1690, regarding L.E.D.R. Recycling, St. Charles, which was adopted.

On behalf of Senator Eigel, Senator Kehoe offered Senate Resolution No. 1691, regarding Bean Blossom Maternity, St. Charles, which was adopted.

On behalf of Senator Eigel, Senator Kehoe offered Senate Resolution No. 1692, regarding Boeing, St. Charles, which was adopted.

On behalf of Senator Eigel, Senator Kehoe offered Senate Resolution No. 1693, regarding St. Charles R-VI School District, which was adopted.

On behalf of Senator Eigel, Senator Kehoe offered Senate Resolution No. 1694, regarding Raymond Lester “Ray” Klingert, St. Charles, which was adopted.

On behalf of Senator Eigel, Senator Kehoe offered Senate Resolution No. 1695, regarding Victor Edward “Vic” Ratkowski, Sr., St. Charles, which was adopted.

On behalf of Senator Eigel, Senator Kehoe offered Senate Resolution No. 1696, regarding Donald Lee

“Don” Zahner, St. Charles, which was adopted.

Senator Kehoe offered Senate Resolution No. 1697, regarding Major General Frank Crooks (Retired), Jefferson City, which was adopted.

Senator Koenig offered Senate Resolution No. 1698, regarding Richard Cleo Akers, Ballwin, which was adopted.

Senator Koenig offered Senate Resolution No. 1699, regarding Donald Roderick “Don” Phillips, Ballwin, which was adopted.

Senator Koenig offered Senate Resolution No. 1700, regarding Kenneth Ray “Kenny” Clements, Saint Louis, which was adopted.

Senator Koenig offered Senate Resolution No. 1701, regarding Earl Andrew Primeau, Manchester, which was adopted.

Senator Koenig offered Senate Resolution No. 1702, regarding Amos Albert Wilson, Saint Louis, which was adopted.

Senator Walsh offered Senate Resolution No. 1703, regarding Albert Fredrick “Bud” Gettemeier, Jr., Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 1704, regarding Henry Ross “Hank” Stillman, Hazelwood, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SS No. 2** for **SB 674**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Pro Tem Richard assumed the Chair.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1597**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 1744**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1606**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hegeman, Chairman of the Committee on Local Government and Elections, submitted the

following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 1428**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS for HB 2034**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following report:

Mr. President: Your Committee on Insurance and Banking, to which was referred **HCS for HB 1796**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 2122**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS for HB 1443**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Government Reform, submitted the following reports:

Mr. President: Your Committee on Government Reform, to which was referred **HCS for HB 1645**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **SB 1102**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Parson assumed the Chair.

### **THIRD READING OF SENATE BILLS**

**SS No. 2 for SB 674**, introduced by Senator Koenig, entitled:

#### **SENATE SUBSTITUTE NO. 2 FOR SENATE BILL 674**

An Act to repeal sections 32.200, 143.011, 143.071, 143.431, 143.451, 143.461, 143.471, and 620.1350, RSMo, and to enact in lieu thereof nine new sections relating to taxation.

Was taken up.

On motion of Senator Koenig, **SS No. 2** for **SB 674** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Emery	Hegeman
Holsman	Hoskins	Hummel	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Schaaf	Schatz	Sifton	Wallingford	Walsh	Wasson	Wieland—28

NAYS—Senators

Chappelle-Nadal	Curls	Nasheed	Schupp—4
-----------------	-------	---------	----------

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SB 568**, introduced by Senator Cunningham, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 568

An Act to repeal sections 50.327 and 50.333, RSMo, and to enact in lieu thereof two new sections relating to salaries of county officials.

Was taken up.

On motion of Senator Cunningham, **SS** for **SCS** for **SB 568** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Emery
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senator Chappelle-Nadal—1

Absent—Senator Schaaf—1

Absent with leave—Senator Eigel—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 1023**, introduced by Senator Dixon, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1023

An Act to repeal sections 367.031, 486.200, 486.205, 486.210, 486.215, 486.220, 486.225, 486.230, 486.235, 486.240, 486.245, 486.250, 486.255, 486.260, 486.265, 486.270, 486.275, 486.280, 486.285, 486.290, 486.295, 486.300, 486.305, 486.310, 486.315, 486.320, 486.325, 486.330, 486.335, 486.340, 486.345, 486.350, 486.355, 486.360, 486.365, 486.370, 486.375, 486.380, 486.385, 486.390, 486.395, 486.396, and 486.405, RSMo, and to enact in lieu thereof seventy-four new sections relating to notaries public, with an existing penalty provision and a delayed effective date.

Was taken up.

On motion of Senator Dixon, **SS for SCS for SB 1023** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.



### **PRIVILEGED MOTIONS**

Senator Hegeman moved that **SS** for **SCS** for **SB 592**, with **HA 1** and **HA 3**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Hegeman moved that the above amendment be adopted.

President Pro Tem Richard assumed the Chair.

President Parson assumed the Chair.

At the request of Senator Hegeman, the motion was withdrawn, which placed the bill back on the Calendar.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS** for **HB 2339**—Veterans and Military Affairs.

**HB 1633**—Judiciary and Civil and Criminal Jurisprudence.

**HCS No. 2** for **HB 1973**—Agriculture, Food Production and Outdoor Resources.

**HCS** for **HB 1574**—Professional Registration.

**HB 1832**—Small Business and Industry.

**HCS** for **HB 1667**—Seniors, Families and Children.

**HCS** for **HB 1368**—Veterans and Military Affairs.

**HB 2183**—Health and Pensions.

**HB 2039**—Economic Development.

**HB 1257**—Veterans and Military Affairs.

**HB 1516**—Professional Registration.

**HRB 1**—Judiciary and Civil and Criminal Jurisprudence.

**HCS** for **HBs 2337** and **2272**—Insurance and Banking.

**HB 1296**—Judiciary and Civil and Criminal Jurisprudence.

**HCS** for **HB 2255**—Economic Development.

**HB 1499**—Seniors, Families and Children.

**HB 2231**—Professional Registration.

**HB 1419**—Professional Registration.

**HB 1275**—Education.

**HB 1629**—Professional Registration.

**HB 1252**—Insurance and Banking.

**HB 2562**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HB 2105**—Seniors, Families and Children.

### **REFERRALS**

President Pro Tem Richard referred **HCR 58**, **HCR 64**, **HCR 69**, and **HCR 73** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **SECOND READING OF CONCURRENT RESOLUTIONS**

**HCR 63**—Rules, Joint Rules, Resolutions and Ethics.

**HCR 70**—Rules, Joint Rules, Resolutions and Ethics.

### **INTRODUCTION OF GUESTS**

Senator Emery introduced to the Senate, teacher Marcia Olson, and fourteen fourth-grade students, Clinton Christian Academy.

Senator Emery introduced to the Senate, Jason Dieckhoff, Nick McCleave, Jake Robbins and Andrew White, Cass County FFA.

Senator Brown introduced to the Senate, advisor Matt Schroer, and Isaac George, Chloe Moss, Adrian Carlson, Tristan Sterling, Chandler Whittler and Jonathan Routh, Crocker FFA.

Senator Riddle introduced to the Senate, Ashley Kendrick and Joni Fields; and students Marlena Long, Erin Heinecke, Molly McGee, Skyler Love, Emily Painter and Taylor Young, Paris and Madison High School FFA for Farm Bureau Leadership Day.

Senator Curls introduced to the Senate, representatives of Alpha Kappa Alpha Sorority, Inc., from around the state.

Senator Riddle introduced to the Senate, Sean O'Brien, and students Julia Grateke, Rachel Klein, Allie Norton, Lexi Plackemeier and Makayla Schneider, Silex High School FFA for Farm Bureau Leadership Day.

Senator Romine introduced to the Senate, Richard Brummett, and students Jacob Inman, Chelsie Rice and Jessie Jarvis, Iron County FFA for Farm Bureau Leadership Day.

Senator Romine introduced to the Senate, Kelly Sulkowski, Mary Skaggs, Thomas J. Oder and Austin Corron, Ste. Genevieve FFA.

Senator Emery introduced to the Senate, Madison Price, Brendon Engeman and Laura Simmons, Henry County FFA.

Senator Rowden introduced to the Senate, Mr. Larry Grissum, Katelyn Cates, Megan Young, Ty Stinson and Megan Kammerick, Cooper County Farm Bureau.

Senator Sater introduced to the Senate, Kristy Sivils, Sasha Mace and Destiny Riley, Monett High School, Farm Bureau Leadership Day.

Senator Sater introduced to the Senate, Jacob Johnson, McKenzie Loftis, Andrea Stow, Kristen Krueger, Elizabeth Poe and Bethany Gulick, Lawrence County Farm Bureau.

Senator Hegeman introduced to the Senate, Sean Edwards, Caden Bailey, Will Frueh, Trevor Rickaburgh, Ben Holtman, Laurelle Wickersham, Maryville, Farm Bureau Youth Leadership Day.

Senator Hegeman introduced to the Senate, Kabel Oaks, Melca Farmer, Laura Carlson, Nickolas Velazquez and Latorrie Johnson, Grundy County, Farm Bureau Youth Leadership Day.

Senator Hegeman introduced to the Senate, Jeff Lee, Logan Caldwell, Zach Moore, Jacob Wilson, Bethany Bailey and Alex Parson, Daviess County, Farm Bureau Youth Leadership Day.

Senator Crawford introduced to the Senate, Emily Whipple, Abigail Monday, Brittan Schwanke, Mathew Van Druff and Kayla Gann, Buffalo High School; and John Crawford, Greg Whipple and Wayne Hardison, Dallas County Farm Bureau.

Senator Crawford introduced to the Senate, McKenzie Melton and Madilyn Whitaker, Eldorado Springs FFA; and Dalton Dodson, Katie Walker and Miranda Spangler, Stockton.

Senator Cunningham introduced to the Senate, Jon Wilson, and Emily Church, Brexton Miller, Nova Newkirk, Hunter Webb and Ashley Walrath, Gainesville FFA.

Senator Riddle introduced to the Senate, teacher Taylor Strain; and Taren Clark, Maddee Gastler, Molly Claire Mays, Grant Stafford, Ally Troesser and Katie Bertels, Laddonia Community R-VI High School Farm Bureau Leadership; and Patty Fennewald, Audrain County.

Senator Wallingford introduced to the Senate, Mike Graham, and Montana Hovis, Jessika Matthews, Nicole Lawrence and Autumn Settle, Fredericktown FFA.

Senator Cunningham introduced to the Senate, Chris Sinning, Holly Sinning and Marta Chadwell, Norwood FFA; and Keeland Nix, Brooke Reed, Emily Norris, Dillon Farran and Irelin Bramwell, Mountain Grove FFA.

Senator Hoskins introduced to the Senate, Hardin-Central, Chillicothe and Fayette FFA students.

Senator Libla introduced to the Senate, Matt Bain, Sikeston; and students from Pemiscot, Stoddard, Dunklin and Butler Counties, representing FFA with Farm Bureau Leadership Day.

Senator Wallingford introduced to the Senate, Karen James, Grace Seabaugh and Jenna Garland, Leopold; and Tammy and Bethany Peters, Marble Hill.

Senator Wallingford introduced to the Senate, Kenny Spoolen, Jesse Yount and Michaela Dyer, Jackson; and Gabe Ruehling and Ashley Fritsche, Perryville.

Senator Kehoe introduced to the Senate, FFA and Farm Bureau Youth Leadership students and sponsors, Osage, Moniteau, Morgan, Miller, Gasconade, Maries and Cole Counties.

Senator Schatz introduced to the Senate, Franklin County 4H Leaders.

Senator Cunningham introduced to the Senate, teacher Doug Glenn, and students Gavin Epperly, Blake Kellum, Tylor Petty and Dakota Shaver, Hartville FFA.

Senator Kehoe introduced to the Senate, Judy Naught, Angie Bauer, and twenty-five members of Leadership Jefferson City.

Senator Cunningham introduced to the Senate, Danielle Walters, Paige Johnston and Byron Rikard, Alton FFA; and Felicity Murdock, Garrett Murdock and Jarvis Reed, Couch FFA.

Senator Cunningham introduced to the Senate, Grant Hall, Katie Tooley, Grant Kelley, Langdon Harris and Caitlin Jedlicka, West Plains FFA.

Senator Cunningham introduced to the Senate, John Doss, Savannah Hornbeck and Trevor Roberts, Koshkonong FFA.

Senator Munzlinger introduced to the Senate, Halie Smith, J. R. Bushery, Hank McCollum and Anna Spiechinger, and twenty-one eighth- and ninth-grade students, Northwestern R-1, Mendon; and Halie, J.R., Hank and Anna were made honorary pages.

Senator Riddle introduced to the Senate, Hannah Hoelscher, William Lee, Madelyn Guss, Phoebe Samson, Tana Justice, Cameron Morris, Marley Fowler, Maci Nordwald, Lucas Bader, Madison Coleman, Alex Falloon and Shelby Stille, Farm Bureau leadership students, Warren and Montgomery Counties.

Senator Cunningham introduced to the Senate, David Emerson, and Kami Collins, Reagan Swatsoh, Cade Verhage, Dwight Emerson and Clara Sicilia, Ava FFA.

Senator Emery introduced to the Senate, Brooke Dunning, Mary Fischer and Sharon Arnold, Bates County FFA; Alexandra Gast, Vernon County FFA; and Charlie Ebbesmeyer, Howard County FFA.

Senator Kehoe introduced to the Senate, Mrs. Grothoff, Madalynn Cain, and students from St. Francis Xavier Elementary School, Taos.

Senator Wallingford introduced to the Senate, Trent Deppe, Macey Stueve, Madison Moll, Kaylin Schuessler and Jack Word, Perry County.

Senator Wallingford introduced to the Senate, Corey Campbell, Emily Rodman, Bonnie Strack, Jennifer Conklin, Melanie Watkins, and twenty-eight seventh-grade students, Nell Holcomb School, Cape Girardeau.

Senator Kehoe introduced to the Senate, Mary Lois Gerdes, Jefferson City.

Senator Rowden introduced to the Senate, Renee Conklin, Karsyn West, Griffin Holliday, Evan Davidson, Elizabeth Brooks, Kate Thompson, Logan Westmorland, Angela King, Sydnee Gehrig, Shune Rhoades, Austin Stanton, Dustin Stanton and John Sam Williamson, Boone County FFA chapters.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Tuesday, April 17, 2018.

## SENATE CALENDAR

---

FIFTY-FOURTH DAY—TUESDAY, APRIL 17, 2018

---

## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- |  |                                |
|--|--------------------------------|
| 1. SB 1021-Dixon and Wallingford, with SCS | 6. SB 973-Rizzo and Curls      |
| 2. SB 859-Koenig, with SCS                 | 7. SB 824-Cunningham, with SCS |
| 3. SRBs 975 & 1024-Dixon, with SCS         | 8. SJR 36-Schatz, with SCS     |
| 4. SB 655-Sifton                           | 9. SB 678-Eigel                |
| 5. SB 1003-Wasson, et al                   | 10. SB 1102-Kehoe, with SCS    |

HOUSE BILLS ON THIRD READING

- |   |  |
|---|--|
| 1. HCS for HBs 1729, 1621 & 1436 (Brown)              | 16. HCS for HB 1268, with SCS (Munzlinger) |
| 2. HB 1578-Kolkmeier (Munzlinger)                     | 17. HCS for HB 1500, with SCS (Koenig)     |
| 3. HB 2044-Taylor, with SCS (Dixon)                   | 18. HCS for HB 2116, with SCS (Schatz)     |
| 4. HB 1329-Remole, with SCS (Munzlinger)              | 19. HB 1355-Phillips, with SCS (Schatz)    |
| 5. HCS for HBs 1288, 1377 & 2050, with SCS<br>(Dixon) | 20. HCS for HB 1617, with SCS (Onder)      |
| 6. HCS for HB 1605, with SCS (Kehoe)                  | 21. HB 1492-Lynch (Brown)                  |
| 7. HB 1630-Evans (Rowden)                             | 22. HCS for HB 1597, with SCS (Wasson)     |
| 8. HCS for HB 1461 (Rowden)                           | 23. HB 1744-Hansen (Romine)                |
| 9. HCS for HB 1286, with SCS (Romine)                 | 24. HCS for HB 1606 (Romine)               |
| 10. HB 1880-Trent, with SCS (Cunningham)              | 25. HB 1428-Muntzel (Munzlinger)           |
| 11. HCS for HB 1991, with SCS (Rowden)                | 26. HCS for HB 2034, with SCS (Munzlinger) |
| 12. HB 1858-Christofanelli (Eigel)                    | 27. HCS for HB 1796 (Rowden)               |
| 13. HB 1442-Alferman, with SCS (Schatz)               | 28. HB 2122-Engler, with SCS               |
| 14. HCS for HB 1690 (Wieland)                         | 29. HCS for HB 1443, with SCS (Sater)      |
| 15. HCS for HB 1879, with SCS (Cunningham)            | 30. HCS for HB 1645 (Rowden)               |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 &  
667-Eigel (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 546-Munzlinger, with SS#4 (pending)                 | SB 556-Brown, with SA 1 (pending)   |
| SB 550-Wasson, with SCS                                | SB 561-Sater, with SA 1 (pending)   |
| SB 553-Dixon, with SCS, SS for SCS & SA 1<br>(pending) | SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending) |
| SBs 555 & 609-Brown, with SCS                          | SB 578-Romine   |

SB 591-Hegeman, with SCS  
 SB 596-Riddle, with SCS  
 SB 599-Schatz  
 SB 602-Onder, with SCS  
 SB 612-Koenig, with SCS, SS#2 for SCS,  
     SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
     for SA 2 (pending)  
 SB 663-Schatz, with SCS, SS for SCS & SA 1  
     (pending)  
 SB 730-Wallingford, with SCS & SA 1  
     (pending)  
 SB 751-Schatz  
 SB 767-Hoskins, with SCS, SS for SCS &  
     SA 2 (pending)  
 SB 774-Munzlinger  
 SB 813-Riddle, with SCS & SA 1 (pending)  
 SB 822-Hegeman, with SCS & SS for SCS  
     (pending)  
 SB 832-Rowden, with SCS, SS#2 for SCS &  
     point of order (pending)

SB 837-Rowden  
 SB 848-Riddle  
 SB 849-Kehoe and Schupp, with SCS, SA 1  
     & SA 1 to SA 1 (pending)  
 SB 860-Koenig, with SCS, SS for SCS & SA 1  
     (pending)  
 SB 861-Hegeman, with SCS  
 SB 865-Kehoe  
 SB 893-Sater, with SCS, SS for SCS & SA 1  
     (pending)  
 SB 907-Kehoe, with SCS  
 SB 912-Rowden, with SCS & SS#3 for SCS  
     (pending)  
 SB 920-Riddle, with SS & SA 2 (pending)  
 SB 928-Onder, with SCS  
 SB 949-Emery, with SCS, SS for SCS & SA 2  
     (pending)  
 SB 982-Wieland  
 SB 1007-Kehoe, with SCS

#### HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)  
 SS for SCS for HB 1350-Smith (163)  
     (Rowden)

HB 1413-Taylor, with SCS (Onder)  
 HB 1691-Miller, with SCS (Emery)  
 HB 1769-Mathews, with SCS (Schatz)

#### CONSENT CALENDAR

##### House Bills

Reported 4/11

HB 2101-Beard (Hoskins)  
 HCS for HB 1455 (Wasson)  
 HB 1573-Rowland (155) (Crawford)  
 HCS for HB 1663, with SCS (Romine)

HB 1675-Redmon (Emery)  
 HB 1676-Redmon (Emery)  
 HB 2330-Beck (Sifton)  
 HB 1247-Pike (Onder)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 592-Hegeman, with HA 1  
& HA 3

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HB 1291-Henderson, with SS for SCS, as  
amended (Romine)

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 37-Eigel and Onder

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-FOURTH DAY—TUESDAY, APRIL 17, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Senator Wallingford offered the following prayer:

“The fear of the Lord is the beginning of Wisdom; those who act accordingly have a good understanding.” (Psalm 111:10a)

Lord Almighty, we stand in awe of the wonders we saw displayed in Your handiwork as we drove here this day. The warmth of the sun, the budding of trees and greening of the earth give us promise of Spring and the power of Your regeneration. You teach us that our power comes from faithfulness and justice in our actions. Guide us this day so we may take the path You hold out for those who obey You and do what is required of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 12, 2018 was read and approved.

Senator Kehoe announced photographers from Fox 4 Kansas City and KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—1

The Lieutenant Governor was present.



The Senate observed a moment of silence in memory of Eric Vickers.

### **RESOLUTIONS**

Senator Schupp offered Senate Resolution No. 1705, regarding Alvin S. “Al” Appelbaum, Saint Louis, which was adopted.

Senator Schupp offered Senate Resolution No. 1706, regarding Joseph A. “Joe” Greco, Sr., Bridgeton, which was adopted.

Senator Schupp offered Senate Resolution No. 1707, regarding Richard Caesar “Rich” Dallavalle, Maryland Heights, which was adopted.

Senator Schupp offered Senate Resolution No. 1708, regarding Spoede Elementary School, Saint Louis County, which was adopted.

Senator Schupp offered Senate Resolution No. 1709, regarding Reed Elementary School, Ladue, which was adopted.

Senator Schupp offered Senate Resolution No. 1710, regarding Parkway Central Middle School, Chesterfield, which was adopted.

Senator Richard offered Senate Resolution No. 1711, regarding the death of Dr. Harold Haskins, Diamond, which was adopted.

Senator Onder offered Senate Resolution No. 1712, regarding Emily Hubecky, St. Peters, which was adopted.

Senator Onder offered Senate Resolution No. 1713, regarding Rachel Heitman, O’Fallon, which was adopted.

Senator Onder offered Senate Resolution No. 1714, regarding Marissa Gibbons, St. Charles, which was adopted.

Senator Onder offered Senate Resolution No. 1715, regarding Brianna Dale, Wentzville, which was adopted.

Senator Curls offered Senate Resolution No. 1716, regarding Putting Families First, which was adopted.

Senator Libla offered Senate Resolution No. 1717, regarding the Wolpers family, Poplar Bluff, which was adopted.

Senator Richard offered Senate Resolution No. 1718, regarding Jera White, Joplin, which was adopted.

Senator Onder offered Senate Resolution No. 1719, regarding Child Care Center, Inc., which was adopted.

Senator Onder offered Senate Resolution No. 1720, regarding Keely Mannion, O’Fallon, which was adopted.

Senator Onder offered Senate Resolution No. 1721, regarding Hannah Kerr, O’Fallon, which was adopted.

Senator Koenig offered Senate Resolution No. 1722, regarding Matthew J. Chellis, Saint Louis County,

which was adopted.

Senator Onder offered Senate Resolution No. 1723, regarding Rebecca Rajagopal, St. Charles, which was adopted.

Senator Onder offered Senate Resolution No. 1724, regarding Morgan Moore, O’Fallon, which was adopted.

Senator Onder offered Senate Resolution No. 1725, regarding Hannah Elizabeth Saunders, Foristell, which was adopted.

Senators Romine and Wieland offered Senate Resolution No. 1726, regarding Terry Crump, Festus, which was adopted.

Senators Romine and Wieland offered Senate Resolution No. 1727, regarding Dina Bridges, Crystal City, which was adopted.

Senator Romine offered Senate Resolution No. 1728, regarding Sandra Donovan, Buckingham, which was adopted.

Senator Wieland offered Senate Resolution No. 1729, regarding David E. Tannehill, DO, FACP, Fenton, which was adopted.

Senator Hegeman offered Senate Resolution No. 1730, regarding Rita Carroll, which was adopted.

Senator Hegeman offered Senate Resolution No. 1731, regarding Laurie Brown, Liberty, which was adopted.

Senator Hegeman offered Senate Resolution No. 1732, regarding Linda Primm, which was adopted.

Senator Hegeman offered Senate Resolution No. 1733, regarding the Sixtieth Wedding Anniversary of Billy and Elizabeth “Sue” Neff, Graham, which was adopted.

### **SENATE BILLS FOR PERFECTION**

Senator Wieland moved that **SB 982** be taken up for perfection, which motion prevailed.

Senator Wieland offered **SS** for **SB 982**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE BILL NO. 982**

An Act to repeal sections 376.427, 376.1350, and 376.1367, RSMo, and to enact in lieu thereof four new sections relating to payments for health care services.

Senator Wieland moved that **SS** for **SB 982** be adopted.

Senator Schaaf offered **SA 1**, which was read:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 982, Section 376.1367, Page 13, Lines 14-18, by striking said lines and insert in lieu thereof the following:

**“Regard the emergency medical condition at issue. The health carrier’s review of ”.**

Senator Schaaf moved that the above amendment be adopted.

Senator Schaaf offered SSA 1 for SA 1, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 982, Page 13, Section 376.1367, Line 18, by striking the words “**may be denied**” and inserting in lieu thereof the following: “**shall be subject to section 376.383**”.

Senator Schaaf moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Chappelle-Nadal, Libla, Rizzo and Romine.

SSA 1 for SA 1 was adopted by the following vote:

YEAS—Senators

Chappelle-Nadal	Cunningham	Curls	Emery	Hegeman	Holsman	Hoskins
Hummel	Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo
Romine	Schaaf	Schatz	Schupp	Sifton	Walsh—20	

NAYS—Senators

Brown	Cierpiot	Dixon	Kehoe	Koenig	Richard	Rowden
Sater	Wallingford	Wasson	Wieland—11			

Absent—Senator Crawford—1

Absent with leave—Senator Eigel—1

Vacancies—1

Senator Wallingford offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 982, Page 6, Section 376.690, Line 18 of said page, by inserting immediately after said line the following:

**“376.1063. 1. Health carriers, as such term is defined in section 376.1350, and contracting entities, as such term is defined in section 376.1060, shall update their websites at least once per month with any changes to their provider network, including changes to whether providers are in-network or out-of-network.**

**2. Upon notification by an enrollee, health carriers and contracting entities shall reprocess as an in-network claim any claim for services provided by a provider whose status has changed from in-network to out-of-network where the service was provided after the network change went into effect but before the change was posted as required under subsection 1 of this section. This subsection shall not apply where the health carrier or contracting entity notified the enrollee of the network change prior to the service being provided, or where the health carrier or contracting entity is able to verify that their website displayed the correct provider network status at the time the service was provided.”; and**

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 982, Page 3, Section 376.690, Line 20 of said page, by striking the word “bill” and inserting in lieu thereof the following: “**U.S. Centers of Medicare and Medicaid Services Form 1500, or its successor form,**”.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Wieland moved that **SS** for **SB 982**, as amended, be adopted, which motion prevailed.

On motion of Senator Wieland, **SS** for **SB 982**, as amended, was declared perfected and ordered printed.

At the request of Senator Dixon, **SB 1021**, with **SCS**, was placed on the Informal Calendar.

Senator Koenig moved that **SB 859**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 859**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 859

An Act to repeal sections 99.805, 99.810, and 99.843, RSMo, and to enact in lieu thereof three new sections relating to tax increment financing.

Was taken up.

Senator Koenig moved that **SCS** for **SB 859** be adopted.

Senator Koenig offered **SS** for **SCS** for **SB 859**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 859

An Act to repeal sections 99.805, 99.810, 99.843, 99.848, 100.050, 100.059, and 353.110, RSMo, and to enact in lieu thereof seven new sections relating to tax increment financing.

Senator Koenig moved that **SS** for **SCS** for **SB 859** be adopted.

President Pro Tem Richard assumed the Chair.

At the request of Senator Koenig, **SB 859**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

The Senate observed a moment of silence in memory of Former First Lady, Barbara Bush.

At the request of Senator Dixon, **SRBs 975** and **1024**, with **SCS**, was placed on the Informal Calendar.

Senator Sifton moved that **SB 655** be taken up for perfection, which motion prevailed.

On motion of Senator Sifton, **SB 655** was declared perfected and ordered printed.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 13, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sherman "Bill" Birkes Jr., Republican, 502 Timber Hill Road, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Ethics Commission, for a term ending March 15, 2022, and until his successor is duly appointed and qualified; vice, Nancy C. Hagan, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 13, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Wayne J. Henke, Democrat, 514 Bridgeway Drive, Troy, Lincoln County, Missouri 63379, as a member of the Missouri Ethics Commission, for a term ending March 15, 2022, and until his successor is duly appointed and qualified; vice, William J. Deeken Jr., term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Senator Rowden assumed the Chair.

President Pro Tem Richard referred the above appointments to the Committee on Gubernatorial Appointments.

### REFERRALS

President Pro Tem Richard referred **HCS** for **HB 1606**; **HCS** for **HB 1796**; **HCS** for **HB 1443**, with **SCS**; and **HB 2122**, with **SCS** to the Committee on Fiscal Committee.

### RESOLUTIONS

Senator Cunningham offered Senate Resolution No. 1734, regarding Dorothy Chadwell, Seymour, which was adopted.

### COMMUNICATIONS

Senator Chappelle-Nadal submitted the following:

April 17, 2018

Adriane Crouse, Secretary of Senate  
Missouri State Senate  
State Capitol Building, Room 325  
Jefferson City, MO 65101

Dear Secretary Crouse:

Pursuant to Senate Rule 45, please remove the following bills from the Consent Calendar and return said bills to their committees of origin:

- HB 2101
- The HCS/HB 1455
- HB 1573
- The SCS/HCS/HB 1663
- HB 1675
- HB 1676
- HB 2330
- HB 1247

Sincerely,



MARIA CHAPPELLE-NADAL  
State Senator, District 14

On motion of Senator Kehoe, the Senate adjourned until 2:00 p.m., Wednesday, April 18, 2018.

## SENATE CALENDAR

---

FIFTY-FIFTH DAY—WEDNESDAY, APRIL 18, 2018

---

## FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

SB 1003-Wasson, et al

SB 973-Rizzo and Curls

SB 824-Cunningham, with SCS

SJR 36-Schatz, with SCS

SB 678-Eigel

SB 1102-Kehoe, with SCS

### HOUSE BILLS ON THIRD READING

1. HCS for HBs 1729, 1621 & 1436 (Brown)

2. HB 1578-Kolkmeier (Munzlinger)

- |  |  |
|--|--|
| 3. HB 2044-Taylor, with SCS (Dixon)                | 19. HB 1355-Phillips, with SCS (Schatz)                        |
| 4. HB 1329-Remole, with SCS (Munzlinger)           | 20. HCS for HB 1617, with SCS (Onder)                          |
| 5. HCS for HBs 1288, 1377 & 2050, with SCS (Dixon) | 21. HB 1492-Lynch (Brown)                                      |
| 6. HCS for HB 1605, with SCS (Kehoe)               | 22. HCS for HB 1597, with SCS (Wasson)                         |
| 7. HB 1630-Evans (Rowden)                          | 23. HB 1744-Hansen (Romine)                                    |
| 8. HCS for HB 1461 (Rowden)                        | 24. HCS for HB 1606 (Romine)<br>(In Fiscal Oversight)          |
| 9. HCS for HB 1286, with SCS (Romine)              | 25. HB 1428-Muntzel (Munzlinger)                               |
| 10. HB 1880-Trent, with SCS (Cunningham)           | 26. HCS for HB 2034, with SCS (Munzlinger)                     |
| 11. HCS for HB 1991, with SCS (Rowden)             | 27. HCS for HB 1796 (Rowden)<br>(In Fiscal Oversight)          |
| 12. HB 1858-Christofanelli (Eigel)                 | 28. HB 2122-Engler, with SCS (Schatz)<br>(In Fiscal Oversight) |
| 13. HB 1442-Alferman, with SCS (Schatz)            | 29. HCS for HB 1443, with SCS (Sater)<br>(In Fiscal Oversight) |
| 14. HCS for HB 1690 (Wieland)                      | 30. HCS for HB 1645 (Rowden)                                   |
| 15. HCS for HB 1879, with SCS (Cunningham)         |  |
| 16. HCS for HB 1268, with SCS (Munzlinger)         |  |
| 17. HCS for HB 1500, with SCS (Koenig)             |  |
| 18. HCS for HB 2116, with SCS (Schatz)             |  |

### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 & 667-Eigel  
(In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 546-Munzlinger, with SS#4 (pending)   | SB 730-Wallingford, with SCS & SA 1<br>(pending)                    |
| SB 550-Wasson, with SCS  | SB 751-Schatz   |
| SB 553-Dixon, with SCS, SS for SCS & SA 1<br>(pending)   | SB 767-Hoskins, with SCS, SS for SCS &<br>SA 2 (pending)            |
| SBs 555 & 609-Brown, with SCS  | SB 774-Munzlinger   |
| SB 556-Brown, with SA 1 (pending)  | SB 813-Riddle, with SCS & SA 1 (pending)                            |
| SB 561-Sater, with SA 1 (pending)  | SB 822-Hegeman, with SCS & SS for SCS<br>(pending)                  |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                            | SB 832-Rowden, with SCS, SS#2 for SCS &<br>point of order (pending) |
| SB 578-Romine  | SB 837-Rowden   |
| SB 591-Hegeman, with SCS   | SB 848-Riddle   |
| SB 596-Riddle, with SCS  | SB 849-Kehoe and Schupp, with SCS, SA 1<br>& SA 1 to SA 1 (pending) |
| SB 599-Schatz  | SB 859-Koenig, with SCS & SS for SCS<br>(pending)                   |
| SB 602-Onder, with SCS   | SB 860-Koenig, with SCS, SS for SCS & SA 1<br>(pending)             |
| SB 612-Koenig, with SCS, SS#2 for SCS,<br>SA 2, SSA 1 for SA 2 & SA 1 to SSA 1<br>for SA 2 (pending) |   |
| SB 663-Schatz, with SCS, SS for SCS & SA 1<br>(pending)  |   |

SB 861-Hegeman, with SCS  
SB 865-Kehoe  
SB 893-Sater, with SCS, SS for SCS & SA 1  
(pending)  
SB 907-Kehoe, with SCS  
SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)  
SB 920-Riddle, with SS & SA 2 (pending)

SB 928-Onder, with SCS  
SB 949-Emery, with SCS, SS for SCS & SA 2  
(pending)  
SRBs 975 & 1024-Dixon, with SCS  
SB 1007-Kehoe, with SCS  
SB 1021-Dixon and Wallingford, with SCS

#### HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)  
SS for SCS for HB 1350-Smith (163)  
(Rowden)  
HB 1413-Taylor, with SCS (Onder)

HB 1691-Miller, with SCS (Emery)  
HB 1769-Mathews, with SCS (Schatz)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 592-Hegeman, with HA 1  
& HA 3

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

HB 1291-Henderson, with SS for SCS,  
as amended (Romine)

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

##### Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 37-Eigel and Onder

✓



# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-FIFTH DAY—WEDNESDAY, APRIL 18, 2018**

---

The Senate met pursuant to adjournment.

President Pro Tem Richard in the Chair.

Reverend Carl Gauck offered the following prayer:

“Inquire first for the word of the Lord.” (2 Chronicles 18:4)

Heavenly Father, each day we seek You to know that You are God and have a plan for us to fulfill. So bless us with Your word first thing each day so we may truly know and live as those who know how to serve those for whom we are responsible. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kehoe announced photographers from St. Louis Post Dispatch were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

**RESOLUTIONS**

Senator Kehoe offered Senate Resolution No. 1735, regarding Eagle Scout Larry Matthew Hart, Jefferson City, which was adopted.

Senator Schupp offered Senate Resolution No. 1736, regarding the 2017-2018 Champion Christian Brothers College High School Cadets Junior Varsity Purple Hockey Team, St. Louis, which was adopted.

Senator Riddle offered Senate Resolution No. 1737, regarding Taylor Anthony, Troy, which was adopted.

Senator Riddle offered Senate Resolution No. 1738, regarding Joelina Kuhn, Warrenton, which was adopted.

**SENATE BILLS FOR PERFECTION**

Senator Dixon moved that **SRB 975** and **SRB 1024**, with **SCS**, be called from the Informal Calender and taken up for perfection, which motion prevailed.

**SCS** for **SRBs 975** and **1024**, entitled:

**REVISION****SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 975 and 1024**

An Act to repeal sections 8.800, 8.805, 8.830, 8.843, 33.295, 33.700, 33.710, 33.720, 33.730, 42.300, 44.105, 51.165, 61.081, 67.5016, 71.005, 100.710, 104.342, 104.620, 104.1024, 104.1042, 104.1054, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.380, 105.385, 105.390, 105.400, 105.420, 105.430, 105.440, 105.445, 105.463, 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.023, 115.049, 115.155, 115.177, 115.227, 115.243, 115.247, 115.287, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.641, 135.210, 135.311, 135.575, 135.900, 135.903, 135.906, 135.909, 135.950, 137.106, 141.540, 143.105, 143.106, 143.107, 143.811, 143.1007, 144.030, 144.810, 147.020, 147.050, 160.459, 161.215, 165.011, 167.194, 168.700, 168.702, 170.051, 170.055, 170.061, 170.071, 170.081, 170.091, 170.101, 170.111, 170.131, 170.141, 170.151, 170.161, 173.197, 178.930, 181.100, 181.110, 181.130, 196.973, 205.580, 205.590, 205.600, 205.610, 205.620, 205.630, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 208.156, 208.178, 208.630, 208.975, 208.993, 209.015, 210.027, 210.105, 210.114, 211.447, 226.805, 251.650, 261.295, 288.121, 288.128, 288.131, 301.562, 302.700, 324.028, 324.159, 324.406, 327.451, 329.025, 330.190, 332.041, 334.100, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 376.1192, 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485, 414.350, 414.353, 414.356, 414.359, 414.400, 414.406, 414.412, 414.417, 414.510, 442.018, 620.050, 620.511, 620.512, 620.513, 640.150, 640.153, 640.155, 640.157, 640.160, 640.219, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, and sections 105.456, 105.473, 105.485, 105.957, 105.959, 105.961, 105.963, and 105.966 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and sections 130.011, 130.021, 130.026, 130.041, 130.044, 130.046, 130.057, and 130.071 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and to enact in lieu thereof one hundred twenty new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions, with existing penalty provisions.

Was taken up.

Senator Dixon moved that **SCS** for **SRBs 975** and **1024** be adopted.

Senator Dixon offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Revision Bills Nos. 975 and 1024, Pages 294-295, Section 251.650, Lines 1-28, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Dixon moved that the above amendment be adopted, which motion prevailed.

Senator Dixon moved that **SCS** for **SRBs 975** and **1024**, as amended, be adopted, which motion prevailed.

On motion of Senator Dixon, **SCS** for **SRBs 975** and **1024**, as amended, was declared perfected and ordered printed.

**REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 982** and **SB 655**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

**SENATE BILLS FOR PERFECTION**

Senator Wasson moved that **SB 1003** be taken up for perfection, which motion prevailed.

Senator Wasson offered **SS** for **SB 1003**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE BILL NO. 1003**

An Act to repeal section 144.011, RSMo, and to enact in lieu thereof one new section relating to sales and use tax exemptions for nonprofit organization fees and dues.

Senator Wasson moved that **SS** for **SB 1003** be adopted.

Senator Eigel offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 1003, Page 4, Section 144.011, Line 21, by inserting after all of said line the following:

“144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision, motor vehicle and public highway shall have the meaning as ascribed in section 390.020;

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a usable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways.

For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(7) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(10) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(12) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(14) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(17) Tangible personal property purchased by a rural water district;

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;

(19) All sales of insulin, and all sales, rentals, repairs, and parts of durable medical equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories including parts, and hospital beds and accessories and ambulatory aids including parts, and all sales or rental of manual and powered wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters including parts, and reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(21) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (20) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(22) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery and equipment” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser’s purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) “Domestic use” means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(25) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(28) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(29) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(30) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;



(31) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(32) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (5) of this subsection;

(33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(34) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(35) All sales of grain bins for storage of grain for resale;

(36) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(37) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(38) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member

institution participating in the event;

(40) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(41) All materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(43) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as defined in section 306.010;

(44) Any new or used aircraft sold or delivered in this state to a person who is not a resident of this state or a corporation that is not incorporated in this state, and such aircraft is not to be based in this state and shall not remain in this state more than ten business days subsequent to the last to occur of:

(a) The transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state; or

(b) The date of the return to service of the aircraft in accordance with 14 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations, repairs, or installations that are completed contemporaneously with the transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state;

(45) All internet access or the use of internet access regardless of whether the tax is imposed on a provider of internet access or a buyer of internet access. For purposes of this subdivision, the following terms shall mean:

(a) "Direct costs", costs incurred by a governmental authority solely because of an internet service provider's use of the public right-of-way. The term shall not include costs that the governmental authority would have incurred if the internet service provider did not make such use of the public right-of-way. Direct costs shall be determined in a manner consistent with generally accepted accounting principles;

(b) "Internet", computer and telecommunications facilities, including equipment and operating software, that comprises the interconnected worldwide network that employ the transmission control protocol or internet protocol, or any predecessor or successor protocols to that protocol, to communicate information of all kinds by wire or radio;

(c) "Internet access", a service that enables users to connect to the internet to access content, information, or other services without regard to whether the service is referred to as telecommunications, communications, transmission, or similar services, and without regard to whether a provider of the service is subject to regulation by the Federal Communications Commission as a common carrier under 47 U.S.C. Section 201, et seq. For purposes of this subdivision, internet access also includes: the purchase, use, or sale of communications services, including telecommunications services as defined in section 144.010, to the

extent the communications services are purchased, used, or sold to provide the service described in this subdivision or to otherwise enable users to access content, information, or other services offered over the internet; services that are incidental to the provision of a service described in this subdivision, when furnished to users as part of such service, including a home page, electronic mail, and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity; a home page electronic mail and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity that are provided independently or that are not packed with internet access. As used in this subdivision, internet access does not include voice, audio, and video programming or other products and services, except services described in this paragraph or this subdivision, that use internet protocol or any successor protocol and for which there is a charge, regardless of whether the charge is separately stated or aggregated with the charge for services described in this paragraph or this subdivision;

(d) “Tax”, any charge imposed by the state or a political subdivision of the state for the purpose of generating revenues for governmental purposes and that is not a fee imposed for a specific privilege, service, or benefit conferred, except as described as otherwise under this subdivision, or any obligation imposed on a seller to collect and to remit to the state or a political subdivision of the state any gross retail tax, sales tax, or use tax imposed on a buyer by such a governmental entity. The term tax shall not include any franchise fee or similar fee imposed or authorized under section 67.1830 or 67.2689; Section 622 or 653 of the Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573; or any other fee related to obligations of telecommunications carriers under the Communications Act of 1934, 47 U.S.C. Section 151, et seq., except to the extent that:

a. The fee is not imposed for the purpose of recovering direct costs incurred by the franchising or other governmental authority from providing the specific privilege, service, or benefit conferred to the payer of the fee; or

b. The fee is imposed for the use of a public right-of-way based on a percentage of the service revenue, and the fee exceeds the incremental direct costs incurred by the governmental authority associated with the provision of that right-of-way to the provider of internet access service.

Nothing in this subdivision shall be interpreted as an exemption from taxes due on goods or services that were subject to tax on January 1, 2016;

**(46) All sales made by nonprofit organizations exempt from taxation under Section 501(c)(7) of the Internal Revenue Code of 1986, as amended.**

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state’s executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse, distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an “affiliated person” means any person that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code, as amended.”; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above amendment be adopted.

At the request of Senator Wasson, **SB 1003**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Rizzo moved that **SB 973** be taken up for perfection, which motion prevailed.

On motion of Senator Rizzo, **SB 973** was declared perfected and ordered printed.

Senator Cunningham moved that **SB 824**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 824**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 824

An Act to repeal sections 335.036, 335.066, and 335.067, RSMo, and to enact in lieu thereof three new sections relating to nurses.

Was taken up.

Senator Cunningham moved that **SCS** for **SB 824** be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS** for **SB 824** was declared perfected and ordered printed.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HBs 1729, 1621 and 1436** was placed on the Informal Calendar.

At the request of Senator Munzlinger, **HB 1578** was placed on the Informal Calendar.

**HB 2044**, introduced by Representative Taylor, with **SCS**, entitled:

An Act to repeal sections 169.020, 169.291, 169.324, 169.350, and 169.360, RSMo, and to enact in lieu thereof seven new sections relating to retirement benefits for public employees.

Was taken up by Senator Dixon.

**SCS** for **HB 2044**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2044

An Act to repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 87.135, 169.020, 169.291, 169.324, 169.350, 169.360, 169.370, 169.510, 169.560, and 476.521, RSMo, and to enact in lieu thereof eighteen new sections relating to public employee retirement.

Was taken up.

Senator Dixon moved that **SCS** for **HB 2044** be adopted.

Senator Libla offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 2044, Page 9, Section 56.840, Line 13, by inserting after “position” as it appears the second time on said line the following: “**on or after the effective date of this subsection**”.

Senator Libla moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Riddle requested unanimous consent to be excused from all votes on **SCS for HB 2044**, which request was granted.

On motion of Senator Libla, **SA 1** was adopted.

Senator Schatz offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for House Bill No. 2044, Page 11, Section 87.135, Line 43, by inserting immediately after said line the following:

“105.666. 1. Each plan shall, in conjunction with its staff and advisors, establish a board member education program, which shall be in effect on or after January 1, 2008. The curriculum shall include, at a minimum, education in the areas of duties and responsibilities of board members as trustees, ethics, governance process and procedures, pension plan design and administration of benefits, investments including but not limited to the fiduciary duties as defined under section 105.688, legal liability and risks associated with the administration of a plan, sunshine law requirements under chapter 610, actuarial principles and methods related to plan administration, and the role of staff and consultants in plan administration. Board members appointed or elected on a board on or after January 1, 2008, shall complete a board member education program **of at least six hours** designated to orient new board members in the areas described in this section within ninety days of becoming a new board member. Board members who have served one or more years shall attend at least a total of [six] **two** hours of continuing education programs each year in the areas described in this section.

2. Routine annual presentation by outside plan service providers shall not be used to satisfy board member education or continuing education program requirements contained in subsection 1 of this section. Such service providers may be utilized to perform education programs with such programs being separate and apart from routine annual presentations.

3. Plan governing body or staff shall maintain a record of board member education including, but not limited to, date, time length, location, education material, and any facilitator utilized. The record shall be signed and attested to by the attending board member or board chairperson or designee. Such information shall be maintained for public record and disclosure for at least three years or until the expiration of such board member’s term, whichever occurs first.

4. A board member who is knowingly not participating in the required education programs under this section may be removed from such board by a majority of the board members which shall result in a vacancy to be filled in accordance with plan provisions except that ex officio board members shall not be removed under this subsection.

5. Each plan shall, upon the request of any individual participant, provide an annual pension benefit statement which shall be written in a manner calculated to be understood by the average plan participant and may be delivered in written, electronic, or other appropriate form to the extent such form is reasonably accessible to each participant or beneficiary. Such pension benefit statement shall include, but not be limited to, accrued participant contributions to the plan, total benefits accrued, date first eligible for a normal retirement benefit, and projected benefit at normal retirement. Any plan failing to do so shall submit in writing to the joint committee on public employee retirement as to why the information may not be provided as requested.”; and

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Dixon, **HB 2044**, with **SCS** (pending), was placed on the Informal Calendar.

### **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 824**; **SB 973**; and **SCS** for **SRBs 975** and **1024**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Wallingford assumed the Chair.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1261**, entitled:

An Act to amend chapter 324, RSMo, by adding thereto four new sections relating to professional registration.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2286**, entitled:

An Act to repeal sections 301.010 and 301.140, RSMo, and to enact in lieu thereof two new sections relating to local log trucks.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2360**, entitled:

An Act to repeal sections 173.260 and 287.243, RSMo, and to enact in lieu thereof two new sections relating to public safety officer or employee survivor benefits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2117**, entitled:

An Act to repeal section 210.070, RSMo, and to enact in lieu thereof one new section relating to eye drops for newborn infants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1591**, entitled:

An Act to repeal sections 306.030, 306.100, 306.125, and 306.126, RSMo, and to enact in lieu thereof four new sections relating to watercraft operation, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1264**, entitled:

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to certain civil actions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1249**, entitled:

An Act to repeal sections 479.020, 479.190, and 479.353, RSMo, and to enact in lieu thereof five new sections relating to municipal courts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 2540**, entitled:

An Act to repeal sections 32.087, 32.200, 34.040, 34.042, 34.044, 34.047, 34.353, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 100.286, 100.297,

135.025, 135.030, 135.110, 135.305, 135.313, 137.010, 143.011, 143.021, 143.022, 143.071, 143.151, 143.161, 143.171, 143.225, 143.261, 143.451, 143.461, 144.008, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049, 144.060, 144.069, 144.070, 144.080, 144.083, 144.100, 144.121, 144.140, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.635, 144.655, 144.710, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 148.030, 148.140, 148.620, 184.845, 208.431, 208.432, 208.433, 208.434, 208.435, 208.436, 208.437, 208.1050, 221.407, 238.235, 238.410, 254.075, 254.150, 254.160, 254.170, 254.180, 254.210, 301.025, 301.032, 301.041, 301.050, 301.055, 301.057, 301.058, 301.059, 301.061, 301.062, 301.063, 301.064, 301.065, 301.066, 301.067, 301.069, 301.114, 301.131, 301.134, 301.136, 301.140, 301.142, 301.144, 301.175, 301.190, 301.191, 301.192, 301.219, 301.227, 301.265, 301.266, 301.267, 301.300, 301.370, 301.380, 301.449, 301.457, 301.458, 301.459, 301.462, 301.463, 301.468, 301.469, 301.471, 301.472, 301.473, 301.474, 301.477, 301.481, 301.560, 301.562, 301.566, 301.580, 301.711, 301.3032, 301.3040, 301.3043, 301.3045, 301.3047, 301.3049, 301.3050, 301.3051, 301.3052, 301.3053, 301.3054, 301.3055, 301.3060, 301.3061, 301.3062, 301.3065, 301.3074, 301.3075, 301.3076, 301.3077, 301.3078, 301.3079, 301.3080, 301.3082, 301.3084, 301.3086, 301.3087, 301.3088, 301.3089, 301.3092, 301.3093, 301.3094, 301.3095, 301.3096, 301.3097, 301.3098, 301.3099, 301.3101, 301.3102, 301.3103, 301.3105, 301.3106, 301.3107, 301.3109, 301.3115, 301.3117, 301.3118, 301.3119, 301.3122, 301.3123, 301.3124, 301.3125, 301.3126, 301.3128, 301.3129, 301.3130, 301.3131, 301.3132, 301.3133, 301.3137, 301.3139, 301.3141, 301.3143, 301.3144, 301.3145, 301.3146, 301.3147, 301.3150, 301.3154, 301.3161, 301.3162, 301.3163, 301.3165, 301.3166, 301.3167, 301.3168, 301.3169, 301.3170, 301.3172, 301.3173, 301.4000, 302.140, 302.177, 302.178, 302.181, 302.185, 302.286, 302.304, 302.312, 302.420, 302.541, 302.720, 302.735, 306.015, 306.016, 306.030, 306.031, 306.060, 306.127, 306.435, 306.535, 306.550, 313.826, 313.905, 313.935, 320.093, 479.368, and 644.032, RSMo, and to enact in lieu thereof two hundred eighty-five new sections relating to state revenues, with a contingent effective date for certain sections, a delayed effective date for certain sections, and penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2129**, entitled:

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to public awareness of organ donation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 623**, entitled:

An Act to repeal section 140.230, RSMo, and to enact in lieu thereof one new section relating to foreclosure proceeds.

In which the concurrence of the Senate is respectfully requested.



Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 569**, entitled:

An Act to repeal sections 456.1-103, 456.4-414, and 456.8-808, RSMo, and to enact in lieu thereof four new sections relating to trusts.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 569, Page 1, Section 456.006, Line 13, by inserting after all of said section and line the following:

“456.985. 1. Except as otherwise provided in the terms of an instrument creating or exercising a power of appointment, sections 456.970 to 456.1135 govern powers of appointment.

2. The terms of an instrument creating or exercising a power of appointment prevail over any provisions of sections 456.970 to 456.1135 except:

**(1) The requisites for the creation of a power of appointment under subsections 1 to 4 of section 456.990;**

**(2) The transferability of a power of appointment by a powerholder under subsection 1 of section 456.995;**

**[(2)] (3) The limitations on the authority of a donor to extend a general power of appointment beyond the death of a powerholder under subsection 3 of section 456.995;**

**[(3)] (4) The power is exclusionary if the permissible appointees of a power of appointment are not defined and limited under subsection 3 of section 456.1005;**

**[(4)] (5) The requisites for the exercise of a power of appointment under section 456.1015;**

**[(5)] (6) The effect of an impermissible appointment under section 456.1045;**

**[(6)] (7) A general power of appointment which is presently exercisable may be reached by the creditors of the powerholder or the powerholder’s estate under section 456.1100.**

456.1035. 1. A powerholder of a general power of appointment that permits appointment to the powerholder or the powerholder’s estate may make any appointment, including an appointment in trust or creating a new power of appointment, that the powerholder could make in disposing of the powerholder’s own property.

2. A powerholder of a general power of appointment that permits appointment only to the creditors of the powerholder or of the powerholder’s estate may appoint only to those creditors.

3. The powerholder of a nongeneral power may:

(1) Make an appointment in any form, including an appointment in trust, in favor of a permissible appointee;

(2) Create a general power **or nongeneral power** in a permissible appointee; or

(3) Create a nongeneral power in any person to appoint to one or more of the permissible appointees of the original nongeneral power.

456.1080. As provided by sections 469.010 to [469.210] **469.120**, a powerholder may disclaim all or part of a power of appointment, and a permissible appointee, appointee, or taker in default of appointment may disclaim all or part of an interest in appointive property.”; and

Further amend said bill, Page 2, Section 456.1-103, Lines 16-18, by deleting all of said lines and inserting in lieu thereof the following:

(7) **“Directed trust”, any trust, including a split interest trust, in which the trust instrument authorizes a trust protector to instruct or direct the trustee or that charges a trust protector with any responsibilities regarding the trust or that grants the trust protector one or more powers over the trust;”; and**

Further amend said bill and section, Page 4, Line 96, by deleting all of said line and inserting in lieu thereof the following:

**“[(29)] (30) “Trust protector”, any person, group of persons, or entity not serving as a trustee and not the settlor or a beneficiary designated in a trust instrument to instruct or direct the trustee or charged in the trust instrument with any responsibilities regarding the trust or expressly granted in the trust instrument one or more powers over the trust. The term “trust protector” includes, but is not limited to, persons or entities identified in the trust instrument as trust advisors, trust directors, distribution advisors, or investment advisors;**

**(31) “Trustee”, includes an original, additional, and successor trustee, and a”; and**

Further amend said bill and page, Section 456.4-414, Line 10, by inserting after all of said section and line the following:

“456.4-420. 1. If a trust instrument containing a no-contest clause is or has become irrevocable, an interested person may file a petition to the court for an interlocutory determination whether a particular motion, petition, or other claim for relief by the interested person would trigger application of the no-contest clause or would otherwise trigger a forfeiture that is enforceable under applicable law and public policy.

2. The petition described in subsection 1 of this section shall be verified under oath. The petition may be filed by an interested person either as a separate judicial proceeding, or brought with other claims for relief in a single judicial proceeding, all in the manner prescribed generally for such proceedings under this chapter. If a petition is joined with other claims for relief, the court shall enter its order or judgment on the petition before proceeding any further with any other claim for relief joined therein. In ruling on such a petition, the court shall consider the text of the clause, the context to the terms of the trust instrument as a whole, and in the context of the verified factual allegations in the petition. No evidence beyond the pleadings and the trust instrument shall be taken except as required to resolve an ambiguity in the no-contest clause.

3. An order or judgment determining a petition described in subsection 1 of this section shall have the effect set forth in subsections 4 and 5 of this section, and shall be subject to appeal as with other final judgments. If the order disposes of fewer than all claims for relief in a judicial proceeding, that order is

subject to interlocutory appeal in accordance with the applicable rules for taking such an appeal. If an interlocutory appeal is taken, the court may stay the pending judicial proceeding until final disposition of said appeal on such terms and conditions as the court deems reasonable and proper under the circumstances. A final ruling on the applicability of a no-contest clause shall not preclude any later filing and adjudication of other claims related to the trust.

4. An order or judgment, in whole or in part, on a petition described in subsection 1 of this section shall result in the no-contest clause being enforceable to the extent of the court's ruling, and shall govern application of the no-contest clause to the extent that the interested person then proceeds forward with the claims described therein. In the event such an interlocutory order or judgment is vacated, reversed, or otherwise modified on appeal, no interested person shall be prejudiced by any reliance, through action, inaction, or otherwise, on the order or judgment prior to final disposition of the appeal.

5. An order or judgment shall have effect only as to the specific trust terms and factual basis recited in the petition. If claims are later filed that are materially different than those upon which the order or judgment is based, then to the extent such new claims are raised, the party in whose favor the order or judgment was entered shall have no protection from enforcement of the no-contest clause otherwise afforded by the order and judgment entered under this section.

6. For purposes of this section, a "no-contest clause" shall mean a provision in a trust instrument purporting to rescind a donative transfer to, or a fiduciary appointment of, any person, or that otherwise effects a forfeiture of some or all of an interested person's beneficial interest in a trust estate as a result of some action taken by the beneficiary. This definition shall not be construed in any way as determining whether a no-contest clause is enforceable under applicable law and public policy in a particular factual situation. As used in this section, the term "no-contest clause" shall also mean an "in terrorem clause".

7. A no-contest clause is not enforceable against an interested person in, but not limited to, the following circumstances:

(1) Filing a motion, petition, or other claim for relief objecting to the jurisdiction or venue of the court over a proceeding concerning a trust, or over any person joined, or attempted to be joined, in such a proceeding;

(2) Filing a motion, petition, or other claim for relief concerning an accounting, report, or notice that has or should have been made by a trustee, provided the interested person otherwise has standing to do so under applicable law, including, but not limited to, section 456.6-603;

(3) Filing a motion, petition, or other claim for relief under chapter 475 concerning the appointment of a guardian or conservator for the settlor;

(4) Filing a motion, petition, or other claim for relief under chapter 404 concerning the settlor;

(5) Disclosure to any person of information concerning a trust instrument or that is relevant to a proceeding before the court concerning the trust instrument or property of the trust estate, unless such disclosure is otherwise prohibited by law;

(6) Filing a motion, pleading, or other claim for relief seeking approval of a nonjudicial settlement agreement concerning a trust instrument, as set forth in section 456.1-111;

**(7) Filing a motion, pleading, or other claim for relief concerning a breach of trust by a trustee**

including, but not limited to, a claim under section 456.10-1001. For purposes of this subdivision, “breach of trust” means a trustee’s violation of the terms of a trust instrument, a violation of the trustee’s general fiduciary obligations, or a trustee’s violation of a duty that equity imposes on a trustee;

**(8) Filing a motion, pleading, or other claim for relief concerning removal of a trustee including, but not limited to, a claim for removal under section 456.7-706; and**

**(9) To the extent a petition under subsection 1 of this section is limited to the procedure and purpose described therein.**

8. In any proceeding brought under this section, the court may award costs, expenses, and attorneys’ fees to any party, as provided in section 456.10-1004.”; and

Further amend said bill, Pages 5-8, Section 456.8-808, Lines 1-116, by deleting all of said lines and inserting in lieu thereof the following:

“456.8-808. 1. While a trust is revocable, the trustee may follow a direction of the settlor that is contrary to the terms of the trust.

2. A trust instrument may provide for [the appointment of a trust protector. For purposes of this section, a “trust protector”, whether referred to in the trust instrument by that name or by some other name, is a person, other than the settlor, a trustee, or a beneficiary, who is expressly granted in the trust instrument one or more powers over the trust] **one or more persons, not then serving as a trustee and not the settlor or a beneficiary, to be given any powers over the trust as expressly granted in the trust instrument. Any such person may be identified and appointed as a trust protector or similar term. Whenever a trust instrument names, appoints, authorizes, or otherwise designates a trust protector, the trust shall be deemed a directed trust.**

3. A trust protector appointed in the trust instrument shall have only the powers granted to the trust protector by the express terms of the trust instrument, and a trust protector is only authorized to act within the scope of the authority expressly granted in the trust instrument. Without limiting the authority of the settlor to grant powers to a trust protector, the express powers that may be granted include, but are not limited to, the following:

(1) Remove and appoint a trustee **or a trust protector** or name a successor trustee or trust protector;

(2) Modify or amend the trust instrument to:

(a) Achieve favorable tax status or respond to changes in the Internal Revenue Code or state law, or the rulings and regulations under such code or law;

(b) Reflect legal changes that affect trust administration;

(c) Correct errors or ambiguities that might otherwise require court construction; or

(d) Correct a drafting error that defeats a grantor’s intent;

(3) Increase, decrease, modify, or restrict the interests of the beneficiary or beneficiaries of the trust;

(4) Terminate the trust in favor of the beneficiary or beneficiaries of the trust;

(5) Change the applicable law governing the trust and the trust situs; or

(6) Such other powers as are expressly granted to the trust protector in the trust instrument.

4. Notwithstanding any provision in the trust instrument to the contrary, a trust protector shall have no power to modify a trust to:

(1) Remove a requirement from a trust created to meet the requirements of 42 U.S.C. Section 1396p(d)(4) to pay back a governmental entity for benefits provided to the permissible beneficiary of the trust at the death of that beneficiary; or

(2) Reduce or eliminate an income interest of the income beneficiary of any of the following types of trusts:

(a) A trust for which a marital deduction has been taken for federal tax purposes under Section 2056 or 2523 of the Internal Revenue Code or for state tax purposes under any comparable provision of applicable state law, during the life of the settlor's spouse;

(b) A charitable remainder trust under Section 664 of the Internal Revenue Code, during the life of the noncharitable beneficiary;

(c) A grantor retained annuity trust under Section 2702 of the Internal Revenue Code, during any period in which the settlor is a beneficiary; or

(d) A trust for which an election as a qualified Sub-Chapter S Trust under Section 1361(d) of the Internal Revenue Code is currently in place.

5. Except to the extent otherwise provided in a trust instrument specifically referring to this subsection, the trust protector shall not exercise a power in a way that would result in a taxable gift for federal gift tax purposes or cause the inclusion of any assets of the trust in the trust protector's gross estate for federal estate tax purposes.

6. Except to the extent otherwise provided in the trust instrument and in subsection 7 of this section, and notwithstanding any provision of sections 456.1-101 to 456.11-1106 to the contrary:

(1) A trust protector shall act in a fiduciary capacity in carrying out the powers granted to the trust protector in the trust instrument, and shall have such duties to the beneficiaries, the settlor, or the trust as set forth in the trust instrument, **provided that the trust instrument may provide that the trust protector shall act in a nonfiduciary capacity.** A trust protector is not a trustee, and is not liable or accountable as a trustee when performing or declining to perform the express powers given to the trust protector in the trust instrument. A trust protector is not liable for the acts or omissions of any fiduciary or beneficiary under the trust instrument;

(2) A trust protector is exonerated from any and all liability for the trust protector's acts or omissions, or arising from any exercise or nonexercise of the powers expressly conferred on the trust protector in the trust instrument, unless it is established by a preponderance of the evidence that the acts or omissions of the trust protector were done or omitted in breach of the trust protector's duty, in bad faith or with reckless indifference;

(3) A trust protector is authorized to exercise the express powers granted in the trust instrument at any time and from time to time after the trust protector acquires knowledge of their appointment as trust

protector and of the powers granted. **The trust protector may take any action, judicial or otherwise, necessary to carry out the duties given to the trust protector in the trust instrument;**

(4) A trust protector is entitled to receive, from the assets of the trust for which the trust protector is acting, reasonable compensation, and reimbursement of the reasonable costs and expenses incurred, in determining whether to carry out, and in carrying out, the express powers given to the trust protector in the trust instrument;

(5) A trust protector is entitled to receive, from the assets of the trust for which the trust protector is acting, reimbursement of the reasonable costs and expenses, including attorney's fees, of defending any claim made against the trust protector arising from the acts or omissions of the trust protector acting in that capacity unless it is established by clear and convincing evidence that the trust protector was acting in bad faith or with reckless indifference; and

(6) The express powers granted in the trust instrument shall not be exercised by the trust protector for the trust protector's own personal benefit.

7. If a trust protector is granted a power in the trust instrument to direct, consent to, or disapprove a trustee's actual or proposed investment decision, distribution decision, or other decision of the trustee required to be performed under applicable trust law in carrying out the duties of the trustee in administering the trust, then only with respect to such power, excluding the powers identified in subsection 3 of this section, the trust protector shall have the same duties and liabilities as if serving as a trustee under the trust instrument **unless the trust instrument expressly provides otherwise. In carrying out any written directions given to the trustee by the trust protector concerning actual or proposed investment decisions, the trustee shall not be subject to the provisions of sections 469.900 to 469.913. For purposes of this subsection, "investment decisions" means, with respect to any investment, decisions to retain, purchase, sell, exchange, tender, or otherwise engage in transactions affecting the ownership of investments or rights therein and, with respect to nonpublicly traded investments, the valuation thereof.**

8. **Any trustee of a directed trust shall not be accountable under the law or equity for any act or omission of a trust protector and shall stand absolved from liability for executing the decisions or instructions from a trust protector or for monitoring the actions or inactions of a trust protector. A trustee shall take reasonable steps to facilitate the activity of a trust protector in a directed trust.** A trustee shall carry out the written directions given to the trustee by a trust protector acting within the scope of the powers expressly granted to the trust protector in the trust instrument. Except [in cases of bad faith or reckless indifference on the part of the trustee, or] as otherwise provided in the trust instrument, the trustee shall not be liable for any loss resulting directly or indirectly from any act taken or omitted as a result of the written direction of the trust protector or the failure of the trust protector to provide consent. Except as otherwise provided in the trust instrument, the trustee shall have no duty to monitor the conduct of the trust protector, provide advice to or consult with the trust protector, or communicate with or warn or apprise any beneficiary concerning instances in which the trustee would or might have exercised the trustee's own discretion in a manner different from the manner directed by the trust protector. **Except as otherwise provided in the trust instrument, any actions taken by the trustee at the trust protector's direction shall be deemed to be administrative actions taken by the trustee solely to allow the trustee to carry out the instructions of the trust protector and shall not be deemed to constitute an act by the trustee to monitor the trust protector or otherwise participate in actions within the scope of the trust**

**protector's authority.**

9. Except to the extent otherwise expressly provided in the trust instrument, the trust protector shall be entitled to receive information regarding the administration of the trust as follows:

(1) Upon the request of the trust protector, unless unreasonable under the circumstances, the trustee shall promptly provide to the trust protector any and all information related to the trust that may relate to the exercise or nonexercise of a power expressly granted to the trust protector in the trust instrument. The trustee has no obligation to provide any information to the trust protector except to the extent a trust protector requests information under this section;

(2) The request of the trust protector for information under this section shall be with respect to a single trust that is sufficiently identified to enable the trustee to locate the records of the trust; and

(3) If the trustee is bound by any confidentiality restrictions with respect to an asset of a trust, a trust protector who requests information under this section about such asset shall agree to be bound by the confidentiality restrictions that bind the trustee before receiving such information from the trustee.

10. A trust protector may resign by giving thirty days' written notice to the trustee and any successor trust protector. A successor trust protector, if any, shall have all the powers expressly granted in the trust instrument to the resigning trust protector unless such powers are expressly modified for the successor trust protector.

11. A trust protector of a trust having its principal place of administration in this state submits personally to the jurisdiction of the courts of this state during any period that the principal place of administration of the trust is located in this state and the trust protector is serving in such capacity. **The trust instrument may also provide that a trust protector is subject to the personal jurisdiction of the courts of this state as a condition of appointment.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 573**.

With House Amendment Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended and House Amendment No. 6.

**HOUSE AMENDMENT NO. 1**

Amend Senate Bill No. 573, Page 1, The Title, Lines 2-3, by deleting the words "income tax deductions for military personnel" and inserting in lieu thereof the words "the armed services"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 2**

Amend Senate Bill No. 573, Page 1, Section A, Line 2, by inserting immediately after all of said section and line the following:

“8.012. 1. At all state buildings and upon the grounds thereof, the board of public buildings [may] **shall** accompany the display of the flag of the United States and the flag of this state with the display of the POW/MIA flag, which is designed to commemorate the service and sacrifice of the members of the Armed Forces of the United States who were prisoners of war or missing in action and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the Armed Forces of the United States.

**2. If a state building does not possess a POW/MIA flag, the board shall reach out to local veterans organizations to obtain a donated flag.**

**3. If the state building is unable to obtain a donated flag or if displaying the flag on the existing flagpole would in any circumstance be inconsistent with the provisions of the state of Missouri policy for display of national and state flags, the state building shall be exempt from this section.”; and**

Further amend said bill, Page 2, Section 143.175, Line 32, by inserting immediately after all of said section and line the following:

“253.048. 1. Within the state parks, the department [may] **shall** accompany the display of the flag of the United States and the flag of this state with the display of the MIA/POW flag, which is designed to commemorate the service and sacrifice of members of the Armed Forces of the United States who were prisoners of war or missing in action and with the display of the Honor and Remember flag as an official recognition and in honor of fallen members of the Armed Forces of the United States.

**2. If a state park does not possess a POW/MIA flag, the department shall reach out to local veterans organizations to obtain a donated flag.**

**3. If the state park is unable to obtain a donated flag or if displaying the flag on the existing flagpole would in any circumstance be inconsistent with the provisions of the state of Missouri policy for display of national and state flags, the state park shall be exempt from this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 573, Page 1, Section A, Line 2, by inserting after all of said line the following:

“30.750. As used in sections 30.750 to 30.765, the following terms mean:

(1) “Eligible agribusiness”, a person engaged in the processing or adding of value to agricultural products produced in Missouri;

(2) “Eligible alternative energy consumer”, an individual who wishes to borrow moneys for the purchase, installation, or construction of facilities or equipment related to the production of fuel or power primarily for the individual’s own use from energy sources other than fossil fuels, including but not limited to solar, hydroelectric, wind, and qualified biomass;

(3) “Eligible alternative energy operation”, a business enterprise engaged in the production of fuel or power from energy sources other than fossil fuels, including but not limited to solar, hydroelectric, wind, and qualified biomass. Such business enterprise shall conform to the characteristics of paragraphs (a), (b), and (d) of subdivision (6) of this section;



(4) “Eligible beginning farmer”:

(a) For any beginning farmer who seeks to participate in the linked deposit program alone, a farmer who:

a. Is a Missouri resident;

b. Wishes to borrow for a farm operation located in Missouri;

c. Is at least eighteen years old; and

d. In the preceding five years has not owned, either directly or indirectly, farm land greater than fifty percent of the average size farm in the county where the proposed farm operation is located or farm land with an appraised value greater than four hundred fifty thousand dollars. A farmer who qualifies as an eligible farmer under this provision may utilize the proceeds of a linked deposit loan to purchase agricultural land, farm buildings, new and used farm equipment, livestock and working capital;

(b) For any beginning farmer who is participating in both the linked deposit program and the beginning farmer loan program administered by the Missouri agriculture and small business development authority, a farmer who:

a. Qualifies under the definition of a beginning farmer utilized for eligibility for federal tax-exempt financing, including the limitations on the use of loan proceeds; and

b. Meets all other requirements established by the Missouri agriculture and small business development authority;

(5) “Eligible facility borrower”, a borrower qualified under section 30.860 to apply for a reduced-rate loan under sections 30.750 to 30.765;

(6) “Eligible farming operation”, any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010 that has all of the following characteristics:

(a) Is headquartered in this state;

(b) Maintains offices, operating facilities, or farming operations and transacts business in this state;

(c) Employs less than ten employees;

(d) Is organized for profit;

(7) “Eligible governmental entity”, any political subdivision of the state seeking to finance capital improvements, capital outlay, or other significant programs through an eligible lending institution;

(8) “Eligible higher education institution”, any approved public or private institution as defined in section 173.205;

(9) “Eligible job enhancement business”, a new, existing, or expanding firm operating in Missouri, or as a condition of accepting the linked deposit, will locate a facility or office in Missouri associated with said linked deposit, which employs ten or more employees in Missouri on a yearly average and which, as nearly as possible, is able to establish or retain at least one job in Missouri for each fifty thousand dollars received from a linked deposit loan except when the applicant can demonstrate significant costs for equipment, capital outlay, or capital improvements associated with the physical expansion, renovation, or modernization

of a facility or equipment. In such cases, the maximum amount of the linked deposit shall not exceed fifty thousand dollars per job created or retained plus the initial cost of the physical expansion, renovation or capital outlay;

(10) “Eligible lending institution”, a financial institution that is eligible to make commercial or agricultural or student loans or discount or purchase such loans, is a public depository of state funds or obtains its funds through the issuance of obligations, either directly or through a related entity, eligible for the placement of state funds under the provisions of Section 15, Article IV, Constitution of Missouri, and agrees to participate in the linked deposit program;

(11) “Eligible livestock operation”, any person engaged in production of livestock or poultry in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010;

(12) “Eligible locally owned business”, any person seeking to establish a new firm, partnership, cooperative company, or corporation that shall retain at least fifty-one percent ownership by residents in a county in which the business is headquartered, that consists of the following characteristics:

- (a) The county has a median population of twelve thousand five hundred or less; and
- (b) The median income of residents in the county are equal to or less than the state median income; or
- (c) The unemployment rate of the county is equal to or greater than the state’s unemployment rate;

(13) “Eligible marketing enterprise”, a business enterprise operating in this state which is in the process of marketing its goods, products or services within or outside of this state or overseas, which marketing is designed to increase manufacturing, transportation, mining, communications, or other enterprises in this state, which has proposed its marketing plan and strategy to the department of economic development and which plan and strategy has been approved by the department for purposes of eligibility pursuant to sections 30.750 to 30.765. Such business enterprise shall conform to the characteristics of paragraphs (a), (b) and (d) of subdivision (6) of this section and also employ less than twenty-five employees;

(14) “Eligible multitenant development enterprise”, a new enterprise that develops multitenant space for targeted industries as determined by the department of economic development and approved by the department for the purposes of eligibility pursuant to sections 30.750 to 30.765;

(15) “Eligible residential property developer”, an individual who purchases and develops a residential structure of either two or four units, if such residential property developer uses and agrees to continue to use, for at least the five years immediately following the date of issuance of the linked deposit loan, one of the units as his principal residence or if such person’s principal residence is located within one-half mile from the developed structure and such person agrees to maintain the principal residence within one-half mile of the developed structure for at least the five years immediately following the date of issuance of the linked deposit loan;

(16) “Eligible residential property owner”, a person, firm or corporation who purchases, develops or rehabilitates a multifamily residential structure;

(17) “Eligible small business”, a person engaged in an activity with the purpose of obtaining, directly or indirectly, a gain, benefit or advantage and which conforms to the characteristics of paragraphs (a), (b) and (d) of subdivision (6) of this section, and also employs less than one hundred employees **or a veteran-owned small business as defined in subdivision (19) of this section;**

(18) “Eligible student borrower”, any person attending, or the parent of a dependent undergraduate attending, an eligible higher education institution in Missouri who may or may not qualify for need-based student financial aid calculated by the federal analysis called Congressional Methodology Formula pursuant to 20 U.S.C. 1078, as amended (the Higher Education Amendments of 1986);

(19) **“Eligible veteran-owned small business”, any business owned by an honorably discharged veteran and Missouri resident who has agreed to locate his or her business in Missouri for a minimum of three years and employs less than one hundred employees, a majority of whom are Missouri residents;**

(20) “Eligible water supply system”, a water system which serves fewer than fifty thousand persons and which is owned and operated by:

(a) A public water supply district established pursuant to chapter 247; or

(b) A municipality or other political subdivision; or

(c) A water corporation; and which is certified by the department of natural resources in accordance with its rules and regulations to have suffered a significant decrease in its capacity to meet its service needs as a result of drought;

[(20)] (21) “Farming”, using or cultivating land for the production of agricultural crops, livestock or livestock products, forest products, poultry or poultry products, milk or dairy products, or fruit or other horticultural products;

[(21)] (22) “Linked deposit”, a certificate of deposit, or in the case of production credit associations, the subscription or purchase outright of obligations described in Section 15, Article IV, Constitution of Missouri, placed by the state treasurer with an eligible lending institution at rates otherwise provided by law in section 30.758, provided the institution agrees to lend the value of such deposit, according to the deposit agreement provided in sections 30.750 to 30.765, to eligible multitenant development enterprises, eligible small businesses, eligible alternative energy operations, eligible alternative energy consumers, eligible locally owned businesses, farming operations, eligible job enhancement businesses, eligible marketing enterprises, eligible residential property developers, eligible residential property owners, eligible governmental entities, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible student borrowers, eligible facility borrowers, or eligible water supply systems at below the present borrowing rate applicable to each multitenant development enterprise, small business, alternative energy operation, alternative energy consumer, farming operation, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, or supply system at the time of the deposit of state funds in the institution;

[(22)] (23) “Market rate”, the interest rate more specifically described in subsection 6 of section 30.260;

[(23)] (24) “Professional forester”, any individual who holds a bachelor of science degree in forestry from a regionally accredited college or university with a minimum of two years of professional forest management experience;

[(24)] (25) “Qualified biomass”, any agriculture-derived organic material or any wood-derived organic material harvested in accordance with a site-specific forest management plan focused on long-term forest

sustainability developed by a professional forester and qualified, in consultation with the conservation commission, by the agriculture and small business development authority;

[(25)] (26) “Water corporation”, as such term is defined in section 386.020;

[(26)] (27) “Water system”, as such term is defined in section 386.020.

30.756. 1. An eligible lending institution that desires to receive a linked deposit shall accept and review applications for linked deposit loans from eligible multitenant enterprises, eligible farming operations, eligible alternative energy consumers, eligible alternative energy operations, eligible locally owned businesses, eligible small businesses, eligible job enhancement businesses, eligible marketing enterprises, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible residential property developers, eligible residential property owners, eligible governmental entities, eligible student borrowers, eligible facility borrowers, and eligible water supply systems. An eligible residential property owner shall certify on his or her loan application that the reduced rate loan will be used exclusively to purchase, develop or rehabilitate a multifamily residential property. The lending institution shall apply all usual lending standards to determine the creditworthiness of each eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entities, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system. No linked deposit loan made to any eligible multitenant development enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible livestock operation, eligible agribusiness, eligible beginning farmer, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible student borrower, eligible water supply system, or eligible small business shall exceed a dollar limit determined by the state treasurer in the state treasurer’s best judgment, except as otherwise limited. Any link deposit loan made to an eligible facility borrower shall be in accordance with the loan amount and loan term requirements in section 30.860.

2. An eligible farming operation, small business or job enhancement business shall certify on its loan application that the reduced rate loan will be used exclusively for necessary production expenses or the expenses listed in subsection 2 of section 30.753 or the refinancing of an existing loan for production expenses or the expenses listed in subsection 2 of section 30.753 of an eligible farming operation, small business or job enhancement business. Whoever knowingly makes a false statement concerning such application is guilty of a class A misdemeanor. An eligible water supply system shall certify on its loan application that the reduced rate loan shall be used exclusively to pay the costs of upgrading or repairing an existing water system, constructing a new water system, or making other capital improvements to a water system which are necessary to improve the service capacity of the system.

3. In considering which eligible farming operations should receive reduced-rate loans, the eligible lending institution shall give priority to those farming operations which have suffered reduced yields due to drought or other natural disasters and for which the receipt of a reduced-rate loan will make a significant contribution to the continued operation of the recipient farming operation.

**4. In considering which eligible small businesses should receive reduced-rate loans, the eligible**

**lending institution shall give priority to those small businesses that are owned by veterans.**

5. The eligible financial institution shall forward to the state treasurer a linked deposit loan package, in the form and manner as prescribed by the state treasurer. The package shall include such information as required by the state treasurer, including the amount of each loan requested. The institution shall certify that each applicant is an eligible multitenant development enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system, and shall, for each eligible multitenant development enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system, certify the present borrowing rate applicable.

[5.] 6. The eligible lending institution shall be responsible for determining if a student borrower is an eligible student borrower. A student borrower shall be eligible for an initial or renewal reduced-rate loan only if, at the time of the application for the loan, the student is a citizen or permanent resident of the United States, a resident of the state of Missouri as defined by the coordinating board for higher education, is enrolled or has been accepted for enrollment in an eligible higher education institution, and establishes that the student has financial need. In considering which eligible student borrowers may receive reduced-rate loans, the eligible lending institution may give priority to those eligible student borrowers whose income, or whose family income, if the eligible student borrower is a dependent, is such that the eligible student borrower does not qualify for need-based student financial aid pursuant to 20 U.S.C. 1078, as amended (the Higher Education Amendments of 1986). The eligible lending institution shall require the eligible student borrower to document that the student has applied for and has obtained all need-based student financial aid for which the student is eligible prior to application for a reduced-rate loan pursuant to this section. In no case shall the combination of all financial aid awarded to any student in any particular enrollment period exceed the total cost of attendance at the institution in which the student is enrolled. No eligible lending institution shall charge any additional fees, including but not limited to an origination, service or insurance fee on any loan agreement under the provisions of sections 30.750 to 30.765.

[6.] 7. The eligible lending institution making an initial loan to an eligible student borrower may make a renewal loan or loans to the student. The total of such reduced-rate loans from eligible lending institutions made pursuant to this section to any individual student shall not exceed the cumulative totals established by 20 U.S.C. 1078, as amended. An eligible student borrower shall certify on his or her loan application that the reduced-rate loan shall be used exclusively to pay the costs of tuition, incidental fees, books and academic supplies, room and board and other fees directly related to enrollment in an eligible higher education institution. The eligible lending institution shall make the loan payable to the eligible student borrower and the eligible higher education institution as co-payees. The method of repayment of the loan shall be the same as for repayment of loans made pursuant to sections 173.095 to 173.186.

[7.] 8. Beginning August 28, 2005, in considering which eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned

business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system should receive reduced-rate loans, the eligible lending institution shall give priority to an eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system that has not previously received a reduced-rate loan through the linked deposit program. However, nothing shall prohibit an eligible lending institution from making a reduced-rate loan to any entity that previously has received such a loan, if such entity otherwise qualifies for such a reduced-rate loan.”; and

Further amend said bill, Page 2, Section 143.175, Line 32, by inserting after all of said line the following:

**“620.3250. 1. Any veteran who receives a small business loan through the state treasurer’s linked deposit program set forth in sections 30.750 to 30.765 shall also be subject to the provisions of this section.**

**2. After receiving a loan from an eligible lending institution, as that term is defined in subdivision (10) of section 37.750, the owner of a veteran-owned small business shall complete a boots-to-business program that is approved by the department.**

**3. After receiving a loan from an eligible lending institution, as that term is defined in subdivision (10) of section 37.750, the owner of a veteran-owned small business will be assigned a mentor for the three hundred sixty five days following the date of approval. The owner shall meet with his or her mentor at least once every ninety days.**

**4. The department may adopt rules in establishing or approving boots-to-business programs under subsection 2 of this section and mentor programs under subsection 3 of this section.**

**5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 573, Page 2, Section 143.175, Line 32, by inserting after all of said line the following:

**“620.515. 1. This section shall be known and may be cited as the “Show-Me Heroes” program, the**

purpose of which is to:

(1) Assist the spouse of an active duty National Guard or reserve component service member reservist and active duty United States military personnel to address immediate needs and employment in an attempt to keep the family from falling into poverty while the primary income earner is on active duty, and during the [one-year] **five-year** period following discharge from deployment; and

(2) Assist returning National Guard troops or reserve component service member reservists and recently separated United States military personnel with finding work in situations where an individual needs to rebuild business clientele or where an individual's job has been eliminated while such individual was deployed, or where the individual otherwise cannot return to his or her previous employment.

2. Subject to appropriation, the department of economic development shall operate the Show-Me heroes program through existing programs. Eligibility for the program shall be based on the following criteria:

(1) Eligible participants in the program shall be those families where:

(a) The primary income earner was called to active duty in defense of the United States for a period of more than four months;

(b) The family's primary income is no longer available;

(c) The family is experiencing significant hardship due to financial burdens; and

(d) The family has no outside resources available to assist with such hardships;

(2) Services that may be provided to the family will be aimed at ameliorating the immediate crisis and providing a path for economic stability while the primary income is not available due to the active military commitment. Services shall be made available up to [one year] **five years** following discharge from deployment. Services may include, but not be limited to the following:

(a) Financial assistance to families facing financial crisis from overdue bills;

(b) Help paying day care costs to pursue training and or employment;

(c) Help covering the costs of transportation to training and or employment;

(d) Vocational evaluation and vocational counseling to help the individual choose a visible employment goal;

(e) Vocational training to acquire or upgrade skills needed to be marketable in the workforce;

(f) Paid internships and subsidized employment to train on the job; and

(g) Job placement assistance for those who don't require skills training.

3. [The department shall structure any contract such that payment will be based on delivering the services described in this section as well as performance to guarantee the greatest possible effectiveness of the program.

4.] The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the

powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to Senate Bill No. 573, Page 1, Line 1, by inserting after the number “573,” the following:

“Page 1, Section A, Line 2, by inserting after all of said section and line the following:

**“42.380. 1. This section shall be known and may cited as “The Veterans’ Bill of Rights”.**

**2. Veterans in this state have a right to:**

**(1) Receive assistance from a local veterans service officer in completing applications for state and federal benefits;**

**(2) Receive counseling from veterans service officers and receive information about compensation, pensions, education benefits, life insurance medical benefits, state benefits, and burial benefits;**

**(3) Preference in public employment as described in section 36.220;**

**(4) Be treated with dignity and respect and to receive accurate, courteous, and timely service; and**

**(5) Receive fair and equal treatment without regard to sex, race, religion, handicap, ethnicity, or national origin.”; and**

Further amend said bill,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend Senate Bill No. 573, Page 2, Section 143.175, Line 32, by inserting after all of said section and line the following:

**“285.250. 1. A private, nonpublic employer may grant preference to a veteran in hiring and promoting employees.**

**2. A private, nonpublic employer may grant preference in hiring and promotion to a spouse of a disabled veteran who has a service-connected permanent and total disability or to a surviving spouse of a deceased veteran. For the purposes of this subsection, a “disabled veteran” means a person who has a compensable, service-connected disability as adjudicated by the United States Veterans Administration or by the retirement board of one of the branches of the armed forces.**

**3. Granting preference under subsections 1 and 2 of this section shall not violate any state equal employment opportunity law.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.



## HOUSE AMENDMENT NO. 6

Amend Senate Bill No. 573, Page 1, Section A, Line 2, by inserting after all of said line the following:

“41.1010. 1. There is hereby established the “Missouri Military Preparedness and Enhancement Commission”. The commission shall have as its purpose the design and implementation of measures intended to protect, retain, and enhance the present and future mission capabilities at the military posts or bases within the state. The commission shall consist of nine members:

- (1) Five members to be appointed by the governor;
- (2) Two members of the house of representatives, one appointed by the speaker of the house of representatives, and one appointed by the minority floor leader;
- (3) Two members of the senate, one appointed by the president pro tempore, and one appointed by the minority floor leader;
- (4) The director of the department of economic development or the director’s designee, ex officio;
- (5) The chairman of the Missouri veterans’ commission or the chairman’s designee, ex officio.

No more than three of the five members appointed by the governor shall be of the same political party. To be eligible for appointment by the governor, a person shall have demonstrated experience in economic development, the defense industry, military installation operation, environmental issues, finance, local government, or the use of air space for future military missions. Appointed members of the commission shall serve three-year terms, except that of the initial appointments made by the governor, two shall be for one-year terms, two shall be for two-year terms, and one shall be for a three-year term. No appointed member of the commission shall serve more than six years total. A vacancy occurs if a legislative member leaves office for any reason. Any vacancy on the commission shall be filled in the same manner as the original appointment.

2. Members of the commission shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member’s official duties.

3. A chair of the commission shall be selected by the members of the commission.

4. The commission shall meet at least quarterly and at such other times as the chair deems necessary.

5. The commission shall be funded by an appropriation limited to that purpose. Any expenditure constituting more than ten percent of the commission’s annual appropriation shall be based on a competitive bid process.

6. The commission shall:

(1) Advise the governor and the general assembly on military issues and economic and industrial development related to military issues;

(2) Make recommendations regarding:

(a) Developing policies and plans to support the long-term viability and prosperity of the military, active and retiree, and civilian military employees, in this state, including promoting strategic regional alliances that may extend over state lines;

(b) Developing methods to improve private and public employment opportunities for former members of the military and their families residing in this state; and

(c) Developing methods to assist defense-dependent communities in the design and execution of programs that enhance a community's relationship with military installations and defense-related businesses;

(3) Provide information to communities, the general assembly, the state's congressional delegation, and state agencies regarding federal actions affecting military installations and missions;

(4) Serve as a clearinghouse for:

(a) Defense economic adjustment and transition information and activities; and

(b) Information concerning the following:

a. Issues related to the operating costs, missions, and strategic value of federal military installations located in the state;

b. Employment issues for communities that depend on defense bases and in defense-related businesses; and

c. Defense strategies and incentive programs that other states are using to maintain, expand, and attract new defense contractors;

(5) Provide assistance to communities that have experienced a defense-related closure or realignment;

(6) Assist communities in the design and execution of programs that enhance a community's relationship with military installations and defense-related businesses, including regional alliances that may extend over state lines;

(7) Assist communities in the retention and recruiting of defense-related businesses, including fostering strategic regional alliances that may extend over state lines;

(8) Prepare a biennial strategic plan that:

(a) Fosters the enhancement of military value of the contributions of Missouri military installations to national defense strategies;

(b) Considers all current and anticipated base realignment and closure criteria; and

(c) Develops strategies to protect the state's existing military missions and positions the state to be competitive for new and expanded military missions;

(9) Encourage economic development in this state by fostering the development of industries related to defense affairs.

**7. The commission shall evaluate and approve or reject, as it deems necessary, all applications presented to it for grants of funding through the department of economic development's Missouri military community reinvestment grant program, as authorized in section 620.3300. The commission shall develop procedures with the department of economic development that will govern its consideration of all applications.**

**8. The commission shall prepare and present an annual report to the governor and the general assembly**

by December thirty-first of each year.

[8.] **9.** The department of economic development shall furnish administrative support and staff for the effective operation of the commission.”; and

Further amend said bill, Page 2, Section 143.175, Line 32, by inserting after all of said line the following:

**“620.3300. 1. This section shall be known and may be cited as the “Missouri Military Community Reinvestment Program Act”.**

**2. As used in this section, the following terms shall mean:**

**(1) “Commission”, the Missouri military preparedness and enhancement commission authorized under section 41.1010;**

**(2) “Community-based organization”, a Missouri corporation in good standing with the state that is organized under chapter 355 and which has as its primary or substantial purposes the support and sustainment of a military installation or installations;**

**(3) “Department”, the department of economic development;**

**(4) “Eligible applicant”, any community-based organization or local government located in a military community;**

**(5) “Grantee”, the recipient of a Missouri military community reinvestment program grant;**

**(6) “Local government”, any Missouri county, city, town, or village;**

**(7) “Military community”, any county, city, town, or village or defined combination thereof that is heavily dependent on military employment and economic activity provided by a military installation;**

**(8) “Military installation”, a facility subject to the custody, jurisdiction, or administration of any United States Department of Defense component. This term includes, but is not limited to, military reservations, installations, bases, posts, camps, stations, arsenals, vessels or ships, or laboratories where the Department of Defense or a component thereof has operation responsibility for facility security and defense;**

**(9) “Program”, the Missouri military community reinvestment program created by this section.**

**3. There is hereby established the Missouri military community reinvestment program in the department of economic development. Its purpose shall be to assist military communities in supporting and sustaining their installations, to encourage the communities to initiate coordinated response programs and action plans in advance of future federal government realignment and closure decisions, and to support community efforts to attract new or expanded military missions.**

**4. (1) There is hereby created in the state treasury the “Missouri Military Community Reinvestment Grant Program Fund”, which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section. The amount in such fund shall not exceed three hundred thousand dollars. Moneys in the fund in excess of three hundred**

thousand dollars shall be invested by the state treasurer and any income therefrom shall be deposited to the credit of the general revenue fund.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. The department shall implement the program as provided in this section. The department and the commission shall invite public comments on how the program should be administered and shall jointly develop and establish procedures for the solicitation, evaluation, and approval of grant applications received from eligible applicants.

6. The department shall evaluate each application and make recommendations to the commission, which shall have the authority to approve or reject any application so recommended. Upon approval by the commission, the department shall administer grant awards, including the tracking and monitoring of grantee administration of the grant funds and whether grantees have achieved the goals set forth in their grant applications.

7. Grants provided by this program shall not exceed three hundred thousand dollars per year. The eligible amount for grants shall include the following match requirements:

(1) For an eligible applicant in operation for five or more years, one dollar of state grant funds may be provided for every one dollar of funds provided or raised by the eligible applicant, including the value of in-kind services, supplies, or equipment; or

(2) For an eligible applicant in operation for fewer than five years, two dollars of state grant funds may be provided for every one dollar of funds provided or raised by the eligible applicant, including the value of in-kind services, supplies, or equipment.

8. Applications for grants under this section shall include a coordinated program of work or a plan of action delineating how the project shall be administered and accomplished, which shall include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement. Uses for the grants may include, but are not limited to, the following activities:

(1) Developing and implementing public-to-public partnerships with military installations, including agreements that reduce installation costs and increase funding available for mission performance;

(2) Developing local or regional marketing plans, techniques, and activities, including those that communicate the nature and value of military installations and military service;

(3) Implementing programs to assist with diversification of the economy of the military installation community by increasing nondefense economic development and employment;

(4) Performing in-depth research and analysis regarding local or regional employment, housing, infrastructure, education, healthcare, and other factors that affect the attractiveness of the community for future military investments;

(5) Leading or participating in programs or activities to develop or improve the quality of life in

military communities, including the areas of education, transportation, health care, and infrastructure development and transportation; and

(6) Developing plans for the reuse of closed or realigned military installations or facilities, including any plans necessary for infrastructure improvements needed to facilitate related marketing activities.

9. The department may promulgate rules to assist in the implementation of the provisions of this section, including rules on behalf of the commission, if necessary. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Titling change adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1611**, entitled:

An Act to amend chapter 516, RSMo, by adding thereto one new section relating to statutes of limitations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2119**, entitled:

An Act to repeal sections 510.263, 510.265, 538.205, and 538.210, RSMo, and to enact in lieu thereof five new sections relating to punitive damages.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2140**, entitled:

An Act to repeal sections 34.010, 34.040, 34.042, 34.044, 34.047, 34.048, and 34.353, RSMo, and to enact in lieu thereof seven new sections relating to public contracts for purchasing supplies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**REFERRALS**

President Pro Tem Richard referred **SS** for **SB 982** to the Committee on Fiscal Oversight.

**RESOLUTIONS**

Senator Libla offered Senate Resolution No. 1739, regarding Karon (Walker) Campbell, Qulin, which was adopted.

Senator Brown offered Senate Resolution No. 1740, regarding National Safe Boating Week, which was adopted.

**INTRODUCTION OF GUESTS**

Senators Dixon and Wasson introduced to the Senate, SGA President Brandon McCoy, and representatives of Missouri State University Student Government Day.

Senator Dixon introduced to the Senate, DeAntra “Shae” Darough, Cahokia, Illinois; and Connor Aller, Holt.

Senator Kehoe introduced to the Senate, Jocelyn Wells, California.

Senator Holsman introduced to the Senate, Claire Welsh, Kansas City.

Senator Schupp introduced to the Senate, Brandon Hall, St. Louis.

Senator Chappelle-Nadal introduced to the Senate, Mike Frederick and John McLaughlin, St. Louis.

Senator Sifton introduced to the Senate, twelve students from The College School, Webster Groves.

Senator Hoskins introduced to the Senate, thirty-two fifth- through eighth- grade students from Mirabile C-1 School, Caldwell County.

Senator Romine introduced to the Senate, George Gross and Rene Campbell, and students Grace Firnbach, Faith Firnbach, Anthony Dontrich, Oliver Kidd, Madeline Saunders, Kierah Jarvis and Austyn Griffin, Potosi FFA.

On behalf of Senator Richard, the President introduced to the Senate, representatives of Neosho FFA.

On motion of Senator Kehoe, the Senate adjourned under the rules.

**SENATE CALENDAR**  

---

FIFTY-SIXTH DAY—THURSDAY, APRIL 19, 2018

---

**FORMAL CALENDAR****HOUSE BILLS ON SECOND READING**

HCS for HB 1261  
HB 2286-Kelly (141)  
HB 2360-Redmon

HB 2117-Pfautsch  
HCS for HB 1591  
HCS for HB 1264

HB 1249-Plocher  
HCS for HB 2540  
HCS for HB 2129

HCS for HB 1611  
HCS for HB 2119  
HCS for HB 2140

### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)  
SS for SB 699-Sifton (In Fiscal Oversight)  
SS for SB 982-Wieland (In Fiscal Oversight)  
SB 655-Sifton

SCS for SB 824-Cunningham  
SB 973-Rizzo and Curls  
SCS for SRBs 975 & 1024-Dixon

### SENATE BILLS FOR PERFECTION

SJR 36-Schatz, with SCS  
SB 678-Eigel

SB 1102-Kehoe, with SCS

### HOUSE BILLS ON THIRD READING

1. HB 1329-Remole, with SCS (Munzlinger)
2. HCS for HBs 1288, 1377 & 2050, with  
SCS (Dixon)
3. HCS for HB 1605, with SCS (Kehoe)
4. HB 1630-Evans (Rowden)
5. HCS for HB 1461 (Rowden)
6. HCS for HB 1286, with SCS (Romine)
7. HB 1880-Trent, with SCS (Cunningham)
8. HCS for HB 1991, with SCS (Rowden)
9. HB 1858-Christofanelli (Eigel)
10. HB 1442-Alferman, with SCS (Schatz)
11. HCS for HB 1690 (Wieland)
12. HCS for HB 1879, with SCS (Cunningham)
13. HCS for HB 1268, with SCS (Munzlinger)
14. HCS for HB 1500, with SCS (Koenig)
15. HCS for HB 2116, with SCS (Schatz)

16. HB 1355-Phillips, with SCS (Schatz)
17. HCS for HB 1617, with SCS (Onder)
18. HB 1492-Lynch (Brown)
19. HCS for HB 1597, with SCS (Wasson)
20. HB 1744-Hansen (Romine)
21. HCS for HB 1606 (Romine)  
(In Fiscal Oversight)
22. HB 1428-Muntzel (Munzlinger)
23. HCS for HB 2034, with SCS (Munzlinger)
24. HCS for HB 1796 (Rowden)  
(In Fiscal Oversight)
25. HB 2122-Engler, with SCS (Schatz)  
(In Fiscal Oversight)
26. HCS for HB 1443, with SCS (Sater)  
(In Fiscal Oversight)
27. HCS for HB 1645 (Rowden)

### INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 &  
667-Eigel (In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)	SB 822-Hegeman, with SCS & SS for SCS (pending)
SB 550-Wasson, with SCS	SB 832-Rowden, with SCS, SS#2 for SCS &
SB 553-Dixon, with SCS, SS for SCS & SA 1	point of order (pending)
(pending)	SB 837-Rowden
SBs 555 & 609-Brown, with SCS	SB 848-Riddle
SB 556-Brown, with SA 1 (pending)	SB 849-Kehoe and Schupp, with SCS, SA 1 & SA 1
SB 561-Sater, with SA 1 (pending)	to SA 1 (pending)
SB 567-Cunningham, with SCS, SS for SCS,	SB 859-Koenig, with SCS & SS for SCS (pending)
SA 1 & SA 1 to SA 1 (pending)	SB 860-Koenig, with SCS, SS for SCS & SA 1
SB 578-Romine	(pending)
SB 591-Hegeman, with SCS	SB 861-Hegeman, with SCS
SB 596-Riddle, with SCS	SB 865-Kehoe
SB 599-Schatz	SB 893-Sater, with SCS, SS for SCS & SA 1
SB 602-Onder, with SCS	(pending)
SB 612-Koenig, with SCS, SS#2 for SCS, SA 2,	SB 907-Kehoe, with SCS
SSA 1 for SA 2 & SA 1 to SSA 1 for SA 2 (pending)	SB 912-Rowden, with SCS & SS#3 for SCS
SB 663-Schatz, with SCS, SS for SCS & SA 1	(pending)
(pending)	SB 920-Riddle, with SS & SA 2 (pending)
SB 730-Wallingford, with SCS & SA 1 (pending)	SB 928-Onder, with SCS
SB 751-Schatz	SB 949-Emery, with SCS, SS for SCS & SA 2
SB 767-Hoskins, with SCS, SS for SCS & SA 2	(pending)
(pending)	SB 1003-Wasson, with SS & SA 1 (pending)
SB 774-Munzlinger	SB 1007-Kehoe, with SCS
SB 813-Riddle, with SCS & SA 1 (pending)	SB 1021-Dixon and Wallingford, with SCS

## HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)	HB 1691-Miller, with SCS (Emery)
SS for SCS for HB 1350-Smith (163) (Rowden)	HCS for HBs 1729, 1621 & 1436 (Brown)
HB 1413-Taylor, with SCS (Onder)	HB 1769-Mathews, with SCS (Schatz)
HB 1578-Kolkmeier (Munzlinger)	HB 2044-Taylor, with SCS (pending) (Dixon)

## SENATE BILLS WITH HOUSE AMENDMENTS

SB 569-Cunningham, with HCS, as amended	SS for SCS for SB 592-Hegeman, with HA 1 & HA 3
SB 573-Wallingford, with HA 1, HA 2, HA 3,	SCS for SB 623-Crawford, with HCS
HA 4, HA 5, as amended & HA 6	



BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HB 1291-Henderson, with SS for SCS, as  
amended (Romine)

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 37-Eigel and Onder

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-SIXTH DAY—THURSDAY, APRIL 19, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Show me Lord, your way, so that I may walk in your truth. Guide my heart to fear your name.” (Psalm 86:6)

Gracious Lord, as we complete this week and head home to those we love make us mindful of the responsibilities that come with our time on the road. Bless our time home that we may follow Your ways and our love maybe like Yours. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kehoe announced photographers from KTVI-Fox 2, KOMV-TV and KRCG-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Wasson offered Senate Resolution No. 1741, regarding Eagle Scout Ryan Knutson, Nixa, which was adopted.

Senator Eigel offered Senate Resolution No. 1742, regarding Abby Lewis, St. Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 1743, regarding Alexis Edgar, St. Charles, which was adopted.

Senator Libla offered Senate Resolution No. 1744, regarding Samuel D. Atwell, Poplar Bluff, which was adopted.

Senator Romine offered Senate Resolution No. 1745, regarding Mark Gibson, De Soto, which was adopted.

Senator Romine offered Senate Resolution No. 1746, regarding Carol Schwent, Sainte Genevieve, which was adopted.

Senator Romine offered Senate Resolution No. 1747, regarding Karen R. Spraul, Sainte Genevieve, which was adopted.

Senator Romine offered Senate Resolution No. 1748, regarding Chris Werner, Bloomsdale, which was adopted.

Senator Sater offered Senate Resolution No. 1749, regarding Darin Carter, which was adopted.

Senator Sater offered Senate Resolution No. 1750, regarding the Fiftieth Wedding Anniversary of Glendale “Glen” and Sharon Hood, Marionville, which was adopted.

Senator Sater offered Senate Resolution No. 1751, regarding Nancy Wray, Forsyth, which was adopted.

Senator Sater offered Senate Resolution No. 1752, regarding Ronnie Wright, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Munzlinger offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 53**

Whereas, the Plant Industries Division of the Missouri Department of Agriculture is responsible for administering several programs and corresponding provisions of law; and

Whereas, such programs include the Feed, Seed, and Treated Timber Program; the Produce Safety Program; the Fresh Fruit and Vegetable Inspection Program; the Pesticide Program; the Plant Pest Control Program; and the Integrated Pest Management Program; and

Whereas, persons requiring licenses from each program are required to pay associated fees for such license, with such fees supporting the administration of such programs; and

Whereas, a review of all fees supporting the Plant Industries Division shall be reviewed in order to ensure fairness to persons assessed fees by the Division:

Now therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the “Joint Committee on the Review of the Plant Industries Division” to examine the administration of, and fees assessed by, the Plant Industries Division; and

Be It Further Resolved that the Joint Committee on the Review of the Plant Industries Division shall be composed of five members of the

Senate, with no more than three members of one party, and seven members of the House of Representatives, with no more than four members of one party. The Senate members of the Joint Committee shall be appointed by the President Pro Tempore of the Senate and the House members by the Speaker of the House of Representatives. All members shall be members of a standing agriculture committee within their respective chamber. The Joint Committee shall select either a chairperson or co-chairpersons, one of whom shall be a member of the Senate and one a member of the House of Representatives. A majority of the members shall constitute a quorum. Meetings of the Joint Committee may be called at such time and place as the chairperson or chairpersons designate, but the Joint Committee shall hold at least two public meetings; and

Be It Further Resolved that the Joint Committee may hold hearings as it deems advisable and may obtain any input or information necessary to fulfill its obligations. The Joint Committee may make reasonable requests for staff assistance from the research and appropriations staffs of the House and Senate, as well as the Department of Agriculture; and

Be It Further Resolved that the Joint Committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary, for submission to the General Assembly by November 30, 2018, at which time the Joint Committee shall be dissolved; and

Be It Further Resolved that members of the Joint Committee and any staff personnel assigned to the Joint Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Joint Committee; and

Be It Further Resolved that the actual expenses of the Joint Committee, its members, and any staff assigned to the Joint Committee incurred by the Joint Committee shall be paid by the Joint Contingent Fund; and

Be It Further Resolved that the Joint Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-ninth General Assembly and the First Regular Session of the One-hundredth General Assembly through December 31, 2018, as recognized in *State v. Atterbury*, 300 S.W.2d 806 (Mo. 1957).

## REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **HCS for HB 1443**, with **SCS**; **HCS for HB 1606**; **HCS for HB 1796**; and **HB 2122**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

## REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following report, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the following appointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Wayne J. Henke, Democrat, as a member of the Missouri Ethics Commission.

Senator Richard moved that the committee report be adopted, and the Senate do give its advice and consent to the above appointment, which motion prevailed.

## THIRD READING OF SENATE BILLS

**SB 655**, introduced by Senator Sifton, entitled:

An Act to repeal sections 556.036 and 556.037, RSMo, and to enact in lieu thereof two new sections relating to statutes of limitation for certain offenses against a child, with penalty provisions.

Was taken up.

On motion of Senator Sifton, **SB 655** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Cierpiot—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Sifton, title to the bill was agreed to.

Senator Sifton moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SCS** for **SB 824**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 824

An Act to repeal sections 335.036, 335.066, and 335.067, RSMo, and to enact in lieu thereof three new sections relating to nurses.

Was taken up by Senator Cunningham.

On motion of Senator Cunningham, **SCS** for **SB 824** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Koenig—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SB 973**, introduced by Senators Rizzo and Curls, entitled:

An Act to repeal section 84.510, RSMo, and to enact in lieu thereof one new section relating to the base annual compensation of certain police officers.

Was taken up by Senator Rizzo.

President Pro Tem Richard assumed the Chair.

On motion of Senator Rizzo, **SB 973** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Koenig—1

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Rizzo, title to the bill was agreed to.

Senator Rizzo moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

President Parson assumed the Chair.

**SCS** for **SRBs 975** and **1024**, entitled:

REVISION  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 975 and 1024

An Act to repeal sections 8.800, 8.805, 8.830, 8.843, 33.295, 33.700, 33.710, 33.720, 33.730, 42.300, 44.105, 51.165, 61.081, 67.5016, 71.005, 100.710, 104.342, 104.620, 104.1024, 104.1042, 104.1054, 105.300, 105.310, 105.330, 105.340, 105.350, 105.353, 105.370, 105.375, 105.380, 105.385, 105.390,

105.400, 105.420, 105.430, 105.440, 105.445, 105.463, 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.023, 115.049, 115.155, 115.177, 115.227, 115.243, 115.247, 115.287, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.641, 135.210, 135.311, 135.575, 135.900, 135.903, 135.906, 135.909, 135.950, 137.106, 141.540, 143.105, 143.106, 143.107, 143.811, 143.1007, 144.030, 144.810, 147.020, 147.050, 160.459, 161.215, 165.011, 167.194, 168.700, 168.702, 170.051, 170.055, 170.061, 170.071, 170.081, 170.091, 170.101, 170.111, 170.131, 170.141, 170.151, 170.161, 173.197, 178.930, 181.100, 181.110, 181.130, 196.973, 205.580, 205.590, 205.600, 205.610, 205.620, 205.630, 205.640, 205.650, 205.660, 205.670, 205.680, 205.690, 205.700, 205.710, 205.720, 205.730, 205.740, 205.750, 205.760, 208.156, 208.178, 208.630, 208.975, 208.993, 209.015, 210.027, 210.105, 210.114, 211.447, 226.805, 261.295, 288.121, 288.128, 288.131, 301.562, 302.700, 324.028, 324.159, 324.406, 327.451, 329.025, 330.190, 332.041, 334.100, 334.570, 334.610, 334.613, 334.618, 334.686, 335.036, 336.160, 337.030, 337.347, 337.507, 337.612, 337.662, 337.712, 338.130, 339.120, 345.035, 376.1192, 382.277, 386.145, 386.890, 393.1025, 393.1030, 407.485, 414.350, 414.353, 414.356, 414.359, 414.400, 414.406, 414.412, 414.417, 414.510, 442.018, 620.050, 620.511, 620.512, 620.513, 640.150, 640.153, 640.155, 640.157, 640.160, 640.219, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, and sections 105.456, 105.473, 105.485, 105.957, 105.959, 105.961, 105.963, and 105.966 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and sections 130.011, 130.021, 130.026, 130.041, 130.044, 130.046, 130.057, and 130.071 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and to enact in lieu thereof one hundred twenty new sections for the sole purpose of repealing expired, ineffective, and obsolete statutory provisions, with existing penalty provisions.

Was taken up by Senator Dixon.

On motion of Senator Dixon, **SCS for SRBs 975 and 1024** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Wallingford moved that **SB 573**, with **HA 1**, **HA 2**, **HA 3**, **HA 4**, **HA 5**, as amended, and **HA 6** be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—1

**HA 2** was taken up.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—1

**HA 3** was taken up.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
-------	-----------------	----------	----------	------------	-------	-------



Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators—None

Absent—Senators

Nasheed Schupp—2

Absent with leave—Senator Eigel—1

Vacancies—1

**HA 4** was taken up.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—1

**HA 5**, as amended, was taken up.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—1

**HA 6** was taken up.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Crawford	Cunningham	Curls	Dixon	Emery
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senator Cierpiot—1

Absent with leave—Senator Eigel—1

Vacancies—1

On motion of Senator Wallingford, **SB 573**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Crawford moved that **SCS** for **SB 623**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 623**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 623

An Act to repeal section 140.230, RSMo, and to enact in lieu thereof one new section relating to foreclosure proceeds.

Was taken up.

Senator Crawford moved that **HCS** for **SCS** for **SB 623** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—1

On motion of Senator Crawford, **HCS** for **SCS** for **SB 623** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Eigel—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Hegeman moved that **SS** for **SCS** for **SB 592**, with **HA 1** and **HA 3** be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senator Sater—1

Absent with leave—Senator Eigel—1

Vacancies—1

President Pro Tem Richard assumed the Chair.

**HA 3** was taken up.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Richard	Riddle	Rizzo	Romine	Rowden
Schatz	Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—28

NAYS—Senator Schaaf—1

Absent—Senators

Hummel	Onder	Sater—3
--------	-------	---------

Absent with leave—Senator Eigel—1

Vacancies—1

On motion of Senator Hegeman, **SS** for **SCS** for **SB 592**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Emery
Hegeman	Holsman	Hoskins	Kehoe	Libla	Munzlinger	Onder
Richard	Riddle	Rizzo	Romine	Rowden	Sater	Schatz
Wallingford	Wasson	Wieland—24				

## NAYS—Senators

Chappelle-Nadal	Koenig	Nasheed	Schaaf	Schupp	Sifton	Walsh—7
-----------------	--------	---------	--------	--------	--------	---------

Absent—Senator Hummel—1

Absent with leave—Senator Eigel—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Cunningham moved that the Senate refuse to concur in **SB 569**, with **HCS** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Kehoe moved that **SB 907**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 907**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 907

An Act to authorize the conveyance of certain state properties.

Was taken up.

Senator Kehoe moved that **SCS** for **SB 907** be adopted.

Senator Kehoe offered **SS** for **SCS** for **SB 907**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 907

An Act to authorize the conveyance of certain state properties.

Senator Kehoe moved that **SS** for **SCS** for **SB 907** be adopted.

Senator Kehoe offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 907, Page 12, Section 8, Line 19, by striking the word “comer” and inserting in lieu thereof the following: “**corner**”.

Senator Kehoe moved that the above amendment be adopted, which motion prevailed.

Senator Kehoe moved that **SS** for **SCS** for **SB 907**, as amended, be adopted, which motion prevailed.

On motion of Senator Kehoe, **SS** for **SCS** for **SB 907**, as amended, was declared perfected and ordered printed.

President Parson assumed the Chair.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2336**, entitled:

An Act to repeal sections 195.003, 210.117, 211.038, 303.025, 452.375, 452.400, 488.029, 556.061, 577.001, 577.010, 577.013, 577.014, 579.065, 579.068, 595.030, and 595.045, RSMo, and to enact in lieu thereof seventeen new sections relating to criminal offenses, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 2523** and **2524**, entitled:

An Act to repeal sections 109.210 and 610.027, RSMo, and to enact in lieu thereof four new sections relating to the sunshine law, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1542**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to pharmacy benefits managers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1915**, entitled:

An Act to repeal section 407.1107, RSMo, and to enact in lieu thereof two new sections relating to consumer protection, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2155**, entitled:

An Act to repeal sections 311.020, 311.070, 311.185, 311.190, 311.300, 311.355, 311.373, and 311.735, RSMo, and to enact in lieu thereof ten new sections relating to the transfer of intoxicating liquor.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## **RESOLUTIONS**

Senator Curls offered Senate Resolution No. 1753, regarding Bobbi Jo Reed, which was adopted.

Senator Crawford offered Senate Resolution No. 1754, regarding Donna Hirner-Gardner, which was adopted.

## **INTRODUCTION OF GUESTS**

Senator Walsh introduced to the Senate, Mason Michael Downes, Wentzville; and Mason was made an honorary page.

Senator Riddle introduced to the Senate, the Physician of the Day, Dr. Joe Corrado, Mexico.

Senator Cunningham introduced to the Senate, Nancy Franz, and her daughter, Lauren, West Plains.

Senator Hoskins introduced to the Senate, Valencia Shuler, Caroline Deal, Ryan Duffendack, Cassie Marks, Shania Montufer, and Coach Nimmo, Warrensburg High School.

Senator Hummel introduced to the Senate, Robin Walsh, St. Louis City.

Senator Brown introduced to the Senate, Advisors Andy Offutt and Randy Becht; and Lindsey Parrish, Crocker; Zoie Francisco, Waynesville; Kelsey McCluskey, Edgar Springs; and McKaylee Peterson, Laquey, representatives of Pulaski County Rotary Club Student Government Day.

Senator Riddle introduced to the Senate, former State Representative Wayne Henke, and his son, Ted, Troy.

Senator Riddle introduced to the Senate, Chloe Shoemaker, Macon.

Senator Emery introduced to the Senate, teacher Joni Harrell, and Junior and Senior Political Science Class students, Belton High School.

Senator Cunningham introduced to the Senate, students from Ozark Christian Academy, West Plains.

Senator Cunningham introduced to the Senate, teacher Nikki Dean, and Abbi Reese, Bob Bews and Amy McMullen, Mountain View Rotary Club.

Senator Cunningham introduced to the Senate, representatives of Willow Springs Interact and Rotary Club.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, April 23, 2018.

#### SENATE CALENDAR

---

FIFTY-SEVENTH DAY—MONDAY, APRIL 23, 2018

---

#### FORMAL CALENDAR

##### HOUSE BILLS ON SECOND READING

HCS for HB 1261  
HB 2286-Kelly (141)  
HB 2360-Redmon  
HB 2117-Pfautsch  
HCS for HB 1591  
HCS for HB 1264  
HB 1249-Plocher  
HCS for HB 2540  
HCS for HB 2129

HCS for HB 1611  
HCS for HB 2119  
HCS for HB 2140  
HB 2336-Tate  
HCS for HBs 2523 & 2524  
HCS for HB 1542  
HCS for HB 1915  
HB 2155-Schroer

##### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)  
SS for SB 699-Sifton (In Fiscal Oversight)

SS for SB 982-Wieland (In Fiscal Oversight)

##### SENATE BILLS FOR PERFECTION

SJR 36-Schatz, with SCS  
SB 678-Eigel

SB 1102-Kehoe, with SCS



## HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HB 1329-Remole, with SCS (Munzlinger)           | 14. HCS for HB 1500, with SCS (Koenig)     |
| 2. HCS for HBs 1288, 1377 & 2050, with SCS (Dixon) | 15. HCS for HB 2116, with SCS (Schatz)     |
| 3. HCS for HB 1605, with SCS (Kehoe)               | 16. HB 1355-Phillips, with SCS (Schatz)    |
| 4. HB 1630-Evans (Rowden)                          | 17. HCS for HB 1617, with SCS (Onder)      |
| 5. HCS for HB 1461 (Rowden)                        | 18. HB 1492-Lynch (Brown)                  |
| 6. HCS for HB 1286, with SCS (Romine)              | 19. HCS for HB 1597, with SCS (Wasson)     |
| 7. HB 1880-Trent, with SCS (Cunningham)            | 20. HB 1744-Hansen (Romine)                |
| 8. HCS for HB 1991, with SCS (Rowden)              | 21. HCS for HB 1606 (Romine)               |
| 9. HB 1858-Christofanelli (Eigel)                  | 22. HB 1428-Muntzel (Munzlinger)           |
| 10. HB 1442-Alferman, with SCS (Schatz)            | 23. HCS for HB 2034, with SCS (Munzlinger) |
| 11. HCS for HB 1690 (Wieland)                      | 24. HCS for HB 1796 (Rowden)               |
| 12. HCS for HB 1879, with SCS (Cunningham)         | 25. HB 2122-Engler, with SCS (Schatz)      |
| 13. HCS for HB 1268, with SCS (Munzlinger)         | 26. HCS for HB 1443, with SCS (Sater)      |
|  | 27. HCS for HB 1645 (Rowden)               |

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 & 667-Eigel  
(In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 546-Munzlinger, with SS#4 (pending)                                 | SB 612-Koenig, with SCS, SS#2 for SCS,                |
| SB 550-Wasson, with SCS  | SA 2, SSA 1 for SA 2 & SA 1 to SSA 1                  |
| SB 553-Dixon, with SCS, SS for SCS & SA 1 (pending)                    | for SA 2 (pending)                                    |
| SBs 555 & 609-Brown, with SCS  | SB 663-Schatz, with SCS, SS for SCS & SA 1 (pending)  |
| SB 556-Brown, with SA 1 (pending)                                      | SB 730-Wallingford, with SCS & SA 1 (pending)         |
| SB 561-Sater, with SA 1 (pending)                                      | SB 751-Schatz   |
| SB 567-Cunningham, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending) | SB 767-Hoskins, with SCS, SS for SCS & SA 2 (pending) |
| SB 578-Romine  | SB 774-Munzlinger                                     |
| SB 591-Hegeman, with SCS   | SB 813-Riddle, with SCS & SA 1 (pending)              |
| SB 596-Riddle, with SCS  | SB 822-Hegeman, with SCS & SS for SCS (pending)       |
| SB 599-Schatz  |   |
| SB 602-Onder, with SCS   |   |

SB 832-Rowden, with SCS, SS#2 for SCS &  
point of order (pending)

SB 837-Rowden

SB 848-Riddle

SB 849-Kehoe and Schupp, with SCS, SA 1  
& SA 1 to SA 1 (pending)

SB 859-Koenig, with SCS & SS for SCS  
(pending)

SB 860-Koenig, with SCS, SS for SCS & SA 1  
(pending)

SB 861-Hegeman, with SCS

SB 865-Kehoe

SB 893-Sater, with SCS, SS for SCS & SA 1  
(pending)

SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)

SB 920-Riddle, with SS & SA 2 (pending)

SB 928-Onder, with SCS

SB 949-Emery, with SCS, SS for SCS & SA 2  
(pending)

SB 1003-Wasson, with SS & SA 1 (pending)

SB 1007-Kehoe, with SCS

SB 1021-Dixon and Wallingford, with SCS

#### HOUSE BILLS ON THIRD READING

HB 1303-Alferman, with SCS (Rowden)  
SS for SCS for HB 1350-Smith (163)  
(Rowden)

HB 1413-Taylor, with SCS (Onder)

HB 1578-Kolkmeyer (Munzlinger)

HB 1691-Miller, with SCS (Emery)

HCS for HBs 1729, 1621 & 1436 (Brown)

HB 1769-Mathews, with SCS (Schatz)

HB 2044-Taylor, with SCS (pending) (Dixon)

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

HB 1291-Henderson, with SS for SCS,  
as amended (Romine)

##### Requests to Recede or Grant Conference

SB 569-Cunningham, with HCS, as amended  
(Senate requests House recede or  
grant conference)

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

## Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 37-Eigel and Onder

## To be Referred

SCR 53-Munzlinger

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-SEVENTH DAY—MONDAY, APRIL 23, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“As we have therefore opportunity, let us do good unto all men.” (Galatians 6:10)

We thank You Lord for our safe travel here and ask that You help us to do good and find ways to express our concerns and kindness as we move forward as instruments of service and provide help to those who You have called us to serve. Guide our hearts and minds that we use this time and our energies to do that which is most necessary in this day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 19, 2018 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Kehoe—1

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Nasheed offered Senate Resolution No. 1755, regarding 2018 graduates of Innovative Concept Academy at Blewett School, which was adopted.

Senator Nasheed offered Senate Resolution No. 1756, regarding the death of Eric E. Vickers, Esq., which was adopted.

Senator Schupp offered Senate Resolution No. 1757, regarding Dr. Michael A. Fulton, which was adopted.

Senator Schupp offered Senate Resolution No. 1758, regarding Teresa Sicking, which was adopted.

Senator Riddle offered Senate Resolution No. 1759, regarding Catherine Forbeck, Troy, which was adopted.

Senator Hegeman offered Senate Resolution No. 1760, regarding Kelsey Batson, Princeton, which was adopted.

Senator Hummel offered Senate Resolution No. 1761, regarding Robert Baker, St. Louis, which was adopted.

Senator Cierpiot offered Senate Resolution No. 1762, regarding Lauren Engeman, Lee's Summit, which was adopted.

On behalf of Senator Kehoe, Senator Onder offered Senate Resolution No. 1763, regarding David Wilson Fullgraf, Hermann, which was adopted.

Senator Cunningham offered Senate Resolution No. 1764, regarding Seymour Auto Parts, which was adopted.

Senator Riddle offered Senate Resolution No. 1765, regarding Fred West, Mexico, which was adopted.

Senator Riddle offered Senate Resolution No. 1766, regarding Lonnie and Joyce Hollaway, Warrenton, which was adopted.

Senator Riddle offered Senate Resolution No. 1767, regarding Gloria Leverett, Middletown, which was adopted.

Senator Riddle offered Senate Resolution No. 1768, regarding Carmen Brandt, Fulton, which was adopted.

Senator Onder offered Senate Resolution No. 1769, regarding Sydney Wieberg, Wentzville, which was adopted.

Senator Onder offered Senate Resolution No. 1770, regarding Alexis Morgan, Wentzville, which was adopted.

Senator Hummel offered Senate Resolution No. 1771, regarding Brittany Hartung, St. Louis, which was adopted.

Senator Hummel offered Senate Resolution No. 1772, regarding Dominique Navalta, St. Louis, which was adopted.

Senator Hummel offered Senate Resolution No. 1773, regarding Laura Elizabeth Smith, St. Louis, which was adopted.

Senator Cierpiot offered Senate Resolution No. 1774, regarding Caroline Williams, Lee's Summit, which was adopted.

Senator Richard offered Senate Resolution No. 1775, regarding Richard King, Joplin, which was adopted.

Senator Richard offered Senate Resolution No. 1776, regarding Kenneth and Armetta Sedge, Greenfield, which was adopted.

Senator Richard offered Senate Resolution No. 1777, regarding Sid Davis, Diamond, which was adopted.

Senator Koenig offered Senate Resolution No. 1778, regarding Victoria Everson, Ellisville, which was adopted.

Senator Koenig offered Senate Resolution No. 1779, regarding Amanda Mothesky Aiken, Saint Louis, which was adopted.

Senator Rizzo offered Senate Resolution No. 1780, regarding Eagle Scout Cole F. Strawn, Kansas City, which was adopted.

Senator Rowden offered Senate Resolution No. 1781, regarding Madelyn Fritts, which was adopted.

Senator Hegeman offered Senate Resolution No. 1782, regarding the Seventieth Wedding Anniversary of Edward and Darlyne Kurtz, Oregon, which was adopted.

Senator Hegeman offered Senate Resolution No. 1783, regarding the Sixty-fifth Wedding Anniversary of Jackie and Eva Mae Miller, Craig, which was adopted.

Senator Hegeman offered Senate Resolution No. 1784, regarding the Fiftieth Wedding Anniversary of Keith and Phyllis Ottmann, Rock Port, which was adopted.

Senator Hegeman offered Senate Resolution No. 1785, regarding David H. Jerome, Ph.D., Maryville, which was adopted.

Senator Onder offered Senate Resolution No. 1786, regarding William Vernon Koeneker, Saint Peters, which was adopted.

Senator Schaaf offered Senate Resolution No. 1787, regarding Roger Martin, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 1788, regarding Josee Gentry, Riverside, which was adopted.

Senator Schaaf offered Senate Resolution No. 1789, regarding Larry Crockett, Weston, which was adopted.

Senators Chappelle-Nadal and Schupp offered Senate Resolution No. 1790, regarding Rose-Lynn Sokol, Saint Louis, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 1791, regarding Ralph R. Klink, Saint Louis,

which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 1792, regarding Audrey Ming Lan Goedgebuure, Clayton, which was adopted.

Senator Walsh offered Senate Resolution No. 1793, regarding Samantha Kate Hayner, Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 1794, regarding Ashley Christine Knobbe, Florissant, which was adopted.

Senator Onder offered Senate Resolution No. 1795, regarding Jefferey J. Karay, O'Fallon, which was adopted.

Senator Walsh offered Senate Resolution No. 1796, regarding Eagle Scout Adam Cousteau Turbe', Florissant, which was adopted.

### CONCURRENT RESOLUTIONS

Senator Emery offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 54

Whereas, parody marriage is any form of marriage that does not involve one man and one woman; and

Whereas, sexual orientation is a self-asserted sex-based identity narrative that is based on a series of naked assertions and unproven faith-based assumptions that are implicitly religious; and

Whereas, nonsecular policy is state action that endorses, respects, and recognizes the beliefs of a particular religion and where the preeminent and primary force driving the state's action is not genuine, but is a sham that ultimately has a primary religious objective; and

Whereas, parody marriages and parody marriage policies are nonsecular for the purposes of the Establishment Clause of the United States Constitution; and

Whereas, secular policy is state action that is natural, neutral, noncontroversial, and based on self-evident truth, and where the preeminent and primary force driving the policy is genuine, not a sham, and not merely secondary to a religious objective; and

Whereas, marriages between a man and a woman and policies that endorse marriage between a man a woman are secular in nature for purposes of the Establishment Clause of the United States Constitution; and

Whereas, civilizations for millennia have defined marriage as a union between a man and a woman; and

Whereas, marriage between a man and a woman arose out of the nature of things and marriage between a man and a woman is natural, neutral and noncontroversial, unlike parody forms of marriage; and

Whereas, the state of Missouri has a duty under Article VI of the United States Constitution to uphold the United States Constitution; and

Whereas, the First Amendment applies to the state of Missouri through the Fourteenth Amendment; and

Whereas, the First Amendment, not the Fourteenth Amendment, has exclusive jurisdiction over which types of marriages the state can endorse, respect, and recognize; and

Whereas, all forms of parody marriage and self-asserted sex-based identity narratives and sexual orientations that fail to check out the human design are part of the religion of Secular Humanism; and

Whereas, the United States Supreme Court has found that Secular Humanism is a religion for the purpose of the Establishment Clause in *Torcaso v. Watkins*, 367 U.S. 488 (1961), and *Edwards v. Aguillard*, 482 U.S. 578 (1987); and

Whereas, the state of Missouri is prohibited from favoring or endorsing religion over nonreligion; and

Whereas, the state of Missouri's decision to respect, endorse, and recognize parody marriages and sexual orientation policies has excessively entangled the government with the religion of Secular Humanism, failed to accomplish its intended purpose, and created an indefensible legal weapon against nonobservers; and

Whereas, in the wake of *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015), there has not been a land rush on gay marriage, but there has been a land rush on the persecution of nonobservers by Secular Humanists and an effort by Secular Humanists to infiltrate and indoctrinate minors in public schools to their religious world view, which is questionably moral, plausible, and obscene, and is not secular; and

Whereas, it is unsettled whether or not sexual orientation is immutable or genetic and is therefore a matter of faith; and

Whereas, parody marriages have never been a part of American tradition and heritage; and

Whereas, all forms of parody marriage erode community standards of decency and Missouri has a compelling interest to uphold community standards of decency under the Missouri Constitution; and

Whereas, parody marriage policies and sexual orientation statutes are nonsecular and policies that respect, endorse, and recognize a marriage between a man and a woman are secular; and

Whereas, in view of the First Amendment's Freedom of Expression Clause of the United States Constitution and the Missouri Constitution:

(1) Any person living in Missouri can cultivate any self-asserted sex-based identity narrative or self-asserted sexual orientation at will, even if it does not check out with the human design as a matter of self-evident observation; and

(2) Any person can conduct any form of marriage ceremony and other rituals that accords with their self-asserted sexual orientation and live as married persons do, as long as the ceremonies do not conflict with other parts of Missouri and federal law:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the State of Missouri to no longer respect, endorse, or recognize any form of parody marriage policies because parody marriages are nonsecular; and

Be It Further Resolved that the members of the Missouri General Assembly urge the State of Missouri to no longer enforce, recognize, or respect any policy that treats sexual orientation as a suspect class, because all such statutes lack a secular purpose; and

Be It Further Resolved that the members of the Missouri General Assembly urge the State of Missouri to enforce, endorse, and recognize marriages as between one man and one woman, because such marriage policies are secular, and accomplish nonreligious objectives; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor, the Attorney General, and each member of the Missouri Supreme Court.

## REPORTS OF STANDING COMMITTEES

On behalf of Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Richard submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 907**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Richard assumed the Chair.

Senator Brown, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2001**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2002**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2003**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2004**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.



Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2005**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2006**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2007**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2008**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2009**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2010**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2011**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2012**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2013**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SS** for **SB 982**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Parson assumed the Chair.

### **THIRD READING OF SENATE BILLS**

**SS** for **SB 982**, introduced by Senator Wieland, entitled:

#### **SENATE SUBSTITUTE FOR SENATE BILL NO. 982**

An Act to repeal sections 376.427, 376.1350, and 376.1367, RSMo, and to enact in lieu thereof five new sections relating to payments for health care services.

Was taken up.

On motion of Senator Wieland, **SS** for **SB 982** was read the 3rd time and passed by the following vote:

#### **YEAS—Senators**

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wieland—31				

#### **NAYS—Senator Wasson—1**

#### **Absent—Senators—None**

#### **Absent with leave—Senator Kehoe—1**

#### **Vacancies—1**

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

### **HOUSE BILLS ON THIRD READING**

**HB 1329**, introduced by Representative Remole, with **SCS**, entitled:

An Act to repeal sections 169.291, 169.324, 169.350, and 169.360, RSMo, and to enact in lieu thereof six new sections relating to retirement benefits for public employees.

Was taken up by Senator Munzlinger.

**SCS** for **HB 1329**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1329

An Act to repeal sections 169.291, 169.324, 169.350, 169.360, and 169.370, RSMo, and to enact in lieu thereof seven new sections relating to retirement benefits for public employees.

Was taken up.

Senator Munzlinger moved that SCS for **HB 1329** be adopted.

Senator Munzlinger offered SS for SCS for **HB 1329**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1329

An Act to repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 169.291, 169.324, 169.350, 169.360, and 169.370, RSMo, and to enact in lieu thereof fourteen new sections relating to retirement benefits for public employees.

Senator Munzlinger moved that SS for SCS for **HB 1329** be adopted.

Senator Munzlinger offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1329, Page 10, Section 56.807, Line 15 of said page, by striking “act” and inserting in lieu thereof “**subsection**”; and further amend line 17 of said page, by striking all of said line and inserting in lieu thereof the following: “**average compensation, shall, as a condition of participation,**”; and further amend line 20 of said page, by striking “their” and inserting in lieu thereof “**the member’s**”; and

Further amend said bill, page 12, section 56.833, line 10 of said page, by inserting immediately after “employment,” the following: “**by**”; and further amend line 11 of said page, by inserting immediately after “and” the following: “**by**”.

Senator Munzlinger moved that the above amendment be adopted, which motion prevailed.

Senator Dixon offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1329, Page 38, Section 278.157, Line 16 of said page, by inserting immediately after said line the following:

“476.521. 1. Notwithstanding any provision of chapter 476 to the contrary, each person who first becomes a judge on or after January 1, 2011, and continues to be a judge may receive benefits as provided in sections [476.445] **476.450** to [476.688] **476.690** subject to the provisions of this section. **However, any person who filed as a candidate in 2010 to become a judge, was ultimately elected and became a judge in 2011 as a result of such election, was eligible in 2010 to receive a future annuity under section 104.1084, and is a judge on the effective date of this section, shall not be subject to the provisions of this section.**

2. Any person who is at least sixty-seven years of age, has served in this state an aggregate of at least twelve years, continuously or otherwise, as a judge, and ceases to hold office by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to the provisions of Subsection 2 of Section 24 of Article V of the Constitution of Missouri may receive benefits as provided in sections 476.515 to 476.565. The twelve-year requirement of this subsection may be fulfilled by service as judge in any of the courts covered, or by service in any combination as judge of such courts, totaling an aggregate of twelve years. Any judge who is at least sixty-seven years of age and who has served less than twelve years and is otherwise qualified under sections 476.515 to 476.565 may retire after reaching age sixty-seven, or thereafter, at a reduced retirement compensation in a sum equal to the proportion of the retirement compensation provided in section 476.530 that his or her period of judicial service bears to twelve years.

3. Any person who is at least sixty-two years of age or older, has served in this state an aggregate of at least twenty years, continuously or otherwise, as a judge, and ceases to hold office by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to the provisions of Subsection 2 of Section 24 of Article V of the Constitution of Missouri may receive benefits as provided in sections 476.515 to 476.565. The twenty-year requirement of this subsection may be fulfilled by service as a judge in any of the courts covered, or by service in any combination as judge of such courts, totaling an aggregate of twenty years. Any judge who is at least sixty-two years of age and who has served less than twenty years and is otherwise qualified under sections 476.515 to 476.565 may retire after reaching age sixty-two, at a reduced retirement compensation in a sum equal to the proportion of the retirement compensation provided in section 476.530 that his or her period of judicial service bears to twenty years.

4. All judges under this section required by the provisions of Section 26 of Article V of the Constitution of Missouri to retire at the age of seventy years shall retire upon reaching that age.

5. The provisions of sections 104.344, 476.524, and 476.690 shall not apply to judges covered by this section.

6. A judge shall be required to contribute four percent of the judge's compensation to the retirement system, which shall stand to the judge's credit in his or her individual account with the system, together with investment credits thereon, for purposes of funding retirement benefits payable as provided in sections 476.515 to 476.565, subject to the following provisions:

(1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the judge under this section. The contributions so picked up shall be treated as employer contributions for purposes of determining the judge's compensation that is includable in the judge's gross income for federal income tax purposes;

(2) Judge contributions picked up by the employer shall be paid from the same source of funds used for the payment of compensation to a judge. A deduction shall be made from each judge's compensation equal to the amount of the judge's contributions picked up by the employer. This deduction, however, shall not reduce the judge's compensation for purposes of computing benefits under the retirement system pursuant to this chapter;

(3) Judge contributions so picked up shall be credited to a separate account within the judge's individual account so that the amounts contributed pursuant to this section may be distinguished from the amounts contributed on an after-tax basis;

(4) The contributions, although designated as employee contributions, are being paid by the employer in lieu of the contributions by the judge. The judge shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the retirement system;

(5) Interest shall be credited annually on June thirtieth based on the value in the account as of July first of the immediately preceding year at a rate of four percent. Interest credits shall cease upon retirement of the judge;

(6) A judge whose employment is terminated may request a refund of his or her contributions and interest credited thereon. If such judge is married at the time of such request, such request shall not be processed without consent from the spouse. A judge is not eligible to request a refund if the judge's retirement benefit is subject to a division of benefit order pursuant to section 104.312. Such refund shall be paid by the system after ninety days from the date of termination of employment or the request, whichever is later and shall include all contributions made to any retirement plan administered by the system and interest credited thereon. A judge may not request a refund after such judge becomes eligible for retirement benefits under sections 476.515 to 476.565. A judge who receives a refund shall forfeit all the judge's service and future rights to receive benefits from the system and shall not be eligible to receive any long-term disability benefits; provided that any judge or former judge receiving long-term disability benefits shall not be eligible for a refund. If such judge subsequently becomes a judge and works continuously for at least one year, the service previously forfeited shall be restored if the judge returns to the system the amount previously refunded plus interest at a rate established by the board;

(7) The beneficiary of any judge who made contributions shall receive a refund upon the judge's death equal to the amount, if any, of such contributions less any retirement benefits received by the judge unless an annuity is payable to a survivor or beneficiary as a result of the judge's death. In that event, the beneficiary of the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's death equal to the amount, if any, of the judge's contributions less any annuity amounts received by the judge and the survivor or beneficiary.

7. The employee contribution rate, the benefits provided under sections 476.515 to 476.565 to judges covered under this section, and any other provision of sections 476.515 to 476.565 with regard to judges covered under this section may be altered, amended, increased, decreased, or repealed, but only with respect to services rendered by the judge after the effective date of such alteration, amendment, increase, decrease, or repeal, or, with respect to interest credits, for periods of time after the effective date of such alteration, amendment, increase, decrease, or repeal.

8. Any judge who is receiving retirement compensation under section 476.529 or 476.530 who becomes employed as an employee eligible to participate in the closed plan or in the year 2000 plan under chapter 104, shall not receive such retirement compensation for any calendar month in which the retired judge is so employed. Any judge who is receiving retirement compensation under section 476.529 or section 476.530 who subsequently serves as a judge as defined pursuant to subdivision (4) of subsection 1 of section 476.515 shall not receive such retirement compensation for any calendar month in which the retired judge is serving as a judge; except that upon retirement such judge's annuity shall be recalculated to include any additional service or salary accrued based on the judge's subsequent service. A judge who is receiving compensation under section 476.529 or 476.530 may continue to receive such retirement compensation while serving as a senior judge or senior commissioner and shall receive additional credit and salary for such service pursuant to section 476.682.”; and

Further amend the title and enacting clause accordingly.

Senator Dixon moved that the above amendment be adopted, which motion prevailed.

Senator Curls offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1329, Page 37, Section 169.370, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

Senator Schatz offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1329, Page 16, Section 70.631, Line 5 of said page, by inserting after all of said line the following:

“105.666. 1. Each plan shall, in conjunction with its staff and advisors, establish a board member education program, which shall be in effect on or after January 1, 2008. The curriculum shall include, at a minimum, education in the areas of duties and responsibilities of board members as trustees, ethics, governance process and procedures, pension plan design and administration of benefits, investments including but not limited to the fiduciary duties as defined under section 105.688, legal liability and risks associated with the administration of a plan, sunshine law requirements under chapter 610, actuarial principles and methods related to plan administration, and the role of staff and consultants in plan administration. Board members appointed or elected on a board on or after January 1, 2008, shall complete a board member education program **of at least six hours** designated to orient new board members in the areas described in this section within ninety days of becoming a new board member. Board members who have served one or more years shall attend at least a total of [six] **two** hours of continuing education programs each year in the areas described in this section.

2. Routine annual presentation by outside plan service providers shall not be used to satisfy board member education or continuing education program requirements contained in subsection 1 of this section. Such service providers may be utilized to perform education programs with such programs being separate and apart from routine annual presentations.

3. Plan governing body or staff shall maintain a record of board member education including, but not limited to, date, time length, location, education material, and any facilitator utilized. The record shall be signed and attested to by the attending board member or board chairperson or designee. Such information shall be maintained for public record and disclosure for at least three years or until the expiration of such board member's term, whichever occurs first.

4. A board member who is knowingly not participating in the required education programs under this section may be removed from such board by a majority of the board members which shall result in a vacancy to be filled in accordance with plan provisions except that ex officio board members shall not be removed under this subsection.

5. Each plan shall, upon the request of any individual participant, provide an annual pension benefit

statement which shall be written in a manner calculated to be understood by the average plan participant and may be delivered in written, electronic, or other appropriate form to the extent such form is reasonably accessible to each participant or beneficiary. Such pension benefit statement shall include, but not be limited to, accrued participant contributions to the plan, total benefits accrued, date first eligible for a normal retirement benefit, and projected benefit at normal retirement. Any plan failing to do so shall submit in writing to the joint committee on public employee retirement as to why the information may not be provided as requested.”; and

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Libla offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1329, Page 13, Section 56.840, Line 6 of said page, by inserting immediately after “position” the following: “**on or after the effective date of this subsection**”.

Senator Libla moved that the above amendment be adopted.

Senator Rowden assumed the Chair.

At the request of Senator Munzlinger, **HB 1329** with **SCS**, **SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

#### HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS** for **HB 1261**—Professional Registration.

**HB 2286**—Transportation, Infrastructure and Public Safety.

**HB 2360**—Education.

**HB 2117**—Seniors, Families and Children.

**HCS** for **HB 1591**—Transportation, Infrastructure and Public Safety.

**HCS** for **HB 1264**—Government Reform.

**HB 1249**—Judiciary and Civil and Criminal Jurisprudence.

**HCS** for **HB 2540**—Ways and Means.

**HCS** for **HB 2129**—Education.

**HCS** for **HB 1611**—Government Reform.

**HCS** for **HB 2119**—Government Reform.

#### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carol S. Comer, 637 Norris Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Midwest Interstate Low-Level Radioactive Waste Compact Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Sarah Parker Pauley.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Tiffany Drake, P.O. Box 104231, Jefferson City, Cole County, Missouri 65110, as an alternate member of the Midwest Interstate Low-Level Radioactive Waste Compact Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David C. Hertzog, Republican, 20012 East State Route 58, Pleasant Hill, Cass County, Missouri 64080, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2021, and until his successor is duly appointed and qualified; vice, Carol G. Ryan, term expired.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jon M. Kempker, 2139 Deer Trail, Jefferson City, Cole County, Missouri 65101, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until his successor is duly appointed and qualified; vice, Vincent M. Cannon, term expired.



Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Tiffany M. Middlemas, 1705 Kings Road, Kirksville, Adair County, Missouri 63501, as the student representative of the Truman State University Board of Governors, for a term ending January 1, 2020, and until her successor is duly appointed and qualified; vice, Carter Brooks Templeton, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Daniel B. Oerther, 200 Lovers Lane, Rolla, Phelps County, Missouri 65401, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2019, and until his successor is duly appointed and qualified; vice, Adrienne A. Fly, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Amy Robins, 198 Fox Creek Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2020, and until her successor is duly appointed and qualified; vice, Nanci A. Bobrow, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Phillip L. Slinkard, 17487 Parrot Road, Neosho, Newton County, Missouri 64850, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2018, and until his successor is duly appointed and qualified; vice, Jeanne Marie Dee, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donna Washburn, 1059 East Nottingham Lane, Springfield, Greene County, Missouri 65810, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until her successor is duly appointed and qualified; vice, Kristen Buckley, resigned.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 19, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael Whitehead, Republican, 1719 Northeast Aberdeen Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Jackson County Board of Election Commissioners, for a term ending April 2, 2022, and until his successor is duly appointed and qualified; vice, Michael Whitehead, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

President Pro Tem Richard referred the above appointments to the Committee on Gubernatorial Appointments.

### **REFERRALS**

President Pro Tem Richard referred **SCR 53** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **THIRD READING OF HOUSE BILLS**

At the request of Senator Dixon, **HCS** for **HBs 1288, 1377 and 2050**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 1605**, with **SCS**, was placed on the Informal Calendar.

**HB 1630** was placed on the Informal Calendar.

**HCS** for **HB 1461** was placed on the Informal Calendar.

**HCS for HB 1286**, with **SCS**, entitled:

An Act to repeal section 319.318, RSMo, and to enact in lieu thereof one new section relating to natural resources.

Was taken up by Senator Romine.

**SCS for HCS for HB 1286**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1286

An Act to repeal section 319.318, RSMo, and to enact in lieu thereof one new section relating to natural resources.

Was taken up.

Senator Romine moved that **SCS for HCS for HB 1286** be adopted.

Senator Schatz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1286, Page 3, Section 319.318, Line 79, by inserting after all of said line the following:

**“644.059. Agricultural stormwater discharges and return flows from irrigated agriculture shall be exempt from the permit requirements of sections 644.006 to 644.141. Agricultural stormwater discharges and return flows from irrigated agriculture shall not be considered unlawful under subdivision (1) or (2) of subsection 1 of section 644.051, unless those discharges or return flows have entered waters of the state and have rendered such waters harmful, detrimental, or injurious to public health, safety, or welfare, to industrial or agricultural uses, or to wild animals, birds, or fish. For the purposes of this section, agricultural stormwater discharges and return flows from irrigated agriculture shall include stormwater and snow melt runoff, drainage, and infiltration, including water that leaves land as a result of the application of irrigation water, both surface and subsurface, from standard farming industry practices. This shall include, but not be limited to, cultivation and tillage of soil, and production, growing, raising, and harvesting of agricultural commodities and livestock. Nothing in this section shall be construed to effect, limit, or supersede sections 640.700 to 640.755 or any other law or regulation of concentrated animal feeding operations.”; and**

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted.

At the request of Senator Romine, **HCS for HB 1286**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

**RESOLUTIONS**

Senator Chappelle-Nadal offered Senate Resolution No. 1797, regarding Alexa Sutherlin, Clayton, which was adopted.

**INTRODUCTION OF GUESTS**

Senator Hoskins introduced to the Senate, Coaches Lewis Theobald, Maddi Moon, Michael Eade, Jason

Pendleton and Emily Eldridge; Athletic Trainer Rebecca David; and players Ashton Dvorak, Ana Dilkes, Mikala Modiri, Taylor Hughes, Courtney Killian, Taylor Thompson, Kelsey Mueller, Alex Harms, Emily Griffin, Abby Rhodes, Kayla Hamner, Haley Freeman, Alexis Cutrera, Frankie Ross, Callie Henshaw, Mallory Broady, Megan Woolley, Allysa Gann, Gianna Palmentere, Baylie Edwards, Emma Jarrell, Makayla Toth, Ashley Moses, Annie Parscale, Madi Sanders, Jordyn Atagi, Kristina Colling, Jada Scott, Skylar Drum and Mallory Kroencke, 2017 University of Central Missouri NCAA Division II National Champion Jennies soccer team.

Senator Hoskins introduced to the Senate, Coaches David Slifer, Mike Nicholson, Tammy Slifer and Kenzie Williams; and players Paige Redmond, GiGi McAtee, Sydney Crockett, Kayonna Lee, Kendra Gladbach, Abby Gann, Kelsey Williams, Emilie Jobst, Megan Skaggs, Peyton Taylor, Morgan Fleming, Jolene Shipps, Sydney Skaggs, Madison Sandor and Meghan Allen, 2017-2018 University of Central Missouri NCAA Division II Jennies National Champion basketball team.

Senator Romine introduced to the Senate, Heather Kopp, and her parents, Dennis and Kanetra Kopp, Odessa; and grandparents, Jack Powell and Linda Slover, Sedalia.

On motion of Senator Onder, the Senate adjourned under the rules.

#### SENATE CALENDAR

---

FIFTY-EIGHTH DAY—TUESDAY, APRIL 24, 2018

---

#### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HCS for HB 2140

HB 2336-Tate

HCS for HBs 2523 & 2524

HCS for HB 1542

HCS for HB 1915

HB 2155-Schroer

#### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

SS for SCS for SB 907-Kehoe

#### SENATE BILLS FOR PERFECTION

SJR 36-Schatz, with SCS

SB 678-Eigel

SB 1102-Kehoe, with SCS

## HOUSE BILLS ON THIRD READING

- |  |                                       |
|--|---------------------------------------|
| 1. HB 1880-Trent, with SCS (Cunningham)    | 18. HCS for HB 1796 (Rowden)          |
| 2. HCS for HB 1991, with SCS (Rowden)      | 19. HB 2122-Engler, with SCS (Schatz) |
| 3. HB 1858-Christofanelli (Eigel)          | 20. HCS for HB 1443, with SCS (Sater) |
| 4. HB 1442-Alferman, with SCS (Schatz)     | 21. HCS for HB 1645 (Rowden)          |
| 5. HCS for HB 1690 (Wieland)               | 22. HCS for HB 2001 (Brown)           |
| 6. HCS for HB 1879, with SCS (Cunningham)  | 23. HCS for HB 2002, with SCS (Brown) |
| 7. HCS for HB 1268, with SCS (Munzlinger)  | 24. HCS for HB 2003, with SCS (Brown) |
| 8. HCS for HB 1500, with SCS (Koenig)      | 25. HCS for HB 2004, with SCS (Brown) |
| 9. HCS for HB 2116, with SCS (Schatz)      | 26. HCS for HB 2005, with SCS (Brown) |
| 10. HB 1355-Phillips, with SCS (Schatz)    | 27. HCS for HB 2006, with SCS (Brown) |
| 11. HCS for HB 1617, with SCS (Onder)      | 28. HCS for HB 2007, with SCS (Brown) |
| 12. HB 1492-Lynch (Brown)                  | 29. HCS for HB 2008, with SCS (Brown) |
| 13. HCS for HB 1597, with SCS (Wasson)     | 30. HCS for HB 2009, with SCS (Brown) |
| 14. HB 1744-Hansen (Romine)                | 31. HCS for HB 2010, with SCS (Brown) |
| 15. HCS for HB 1606 (Romine)               | 32. HCS for HB 2011, with SCS (Brown) |
| 16. HB 1428-Muntzel (Munzlinger)           | 33. HCS for HB 2012, with SCS (Brown) |
| 17. HCS for HB 2034, with SCS (Munzlinger) | 34. HCS for HB 2013, with SCS (Brown) |

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 & 667-Eigel  
(In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 546-Munzlinger, with SS#4 (pending)                                    | SB 599-Schatz  |
| SB 550-Wasson, with SCS   | SB 602-Onder, with SCS   |
| SB 553-Dixon, with SCS, SS for SCS & SA 1<br>(pending)                    | SB 612-Koenig, with SCS, SS#2 for SCS,<br>SA 2, SSA 1 for SA 2 & SA 1 to SSA 1<br>for SA 2 (pending) |
| SBs 555 & 609-Brown, with SCS   | SB 663-Schatz, with SCS, SS for SCS & SA 1<br>(pending)  |
| SB 556-Brown, with SA 1 (pending)   | SB 730-Wallingford, with SCS & SA 1<br>(pending)   |
| SB 561-Sater, with SA 1 (pending)   | SB 751-Schatz  |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending) | SB 767-Hoskins, with SCS, SS for SCS &<br>SA 2 (pending)   |
| SB 578-Romine   |  |
| SB 591-Hegeman, with SCS  |  |
| SB 596-Riddle, with SCS   |  |

SB 774-Munzlinger  
SB 813-Riddle, with SCS & SA 1 (pending)  
SB 822-Hegeman, with SCS & SS for SCS  
(pending)  
SB 832-Rowden, with SCS, SS#2 for SCS &  
point of order (pending)  
SB 837-Rowden  
SB 848-Riddle  
SB 849-Kehoe and Schupp, with SCS, SA 1  
& SA 1 to SA 1 (pending)  
SB 859-Koenig, with SCS & SS for SCS  
(pending)  
SB 860-Koenig, with SCS, SS for SCS & SA 1  
(pending)

SB 861-Hegeman, with SCS  
SB 865-Kehoe  
SB 893-Sater, with SCS, SS for SCS & SA 1  
(pending)  
SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)  
SB 920-Riddle, with SS & SA 2 (pending)  
SB 928-Onder, with SCS  
SB 949-Emery, with SCS, SS for SCS & SA 2  
(pending)  
SB 1003-Wasson, with SS & SA 1 (pending)  
SB 1007-Kehoe, with SCS  
SB 1021-Dixon and Wallingford, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HB 1286, with SCS & SA 1 (pending)  
(Romine)  
HCS for HBs 1288, 1377 & 2050, with SCS  
(Dixon)  
HB 1303-Alferman, with SCS (Rowden)  
HB 1329-Remole, with SCS, SS for SCS &  
SA 5 (pending) (Munzlinger)  
SS for SCS for HB 1350-Smith (163) (Rowden)  
HB 1413-Taylor, with SCS (Onder)

HCS for HB 1461 (Rowden)  
HB 1578-Kolkmeyer (Munzlinger)  
HCS for HB 1605, with SCS (Kehoe)  
HB 1630-Evans (Rowden)  
HB 1691-Miller, with SCS (Emery)  
HCS for HBs 1729, 1621 & 1436 (Brown)  
HB 1769-Mathews, with SCS (Schatz)  
HB 2044-Taylor, with SCS (pending) (Dixon)

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

HB 1291-Henderson, with SS for SCS,  
as amended (Romine)

##### Requests to Recede or Grant Conference

SB 569-Cunningham, with HCS, as amended  
(Senate requests House recede or grant  
conference)

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 37-Eigel and Onder

To be Referred

SCR 54-Emery

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-EIGHTH DAY—TUESDAY, APRIL 24, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“A word fitly spoken is like gold.” (Proverbs 25:11)

Almighty God, we are so mindful how people listen to what we say and pay attention to what we do; some will rejoice others will criticize and disagree. Help us to prepare well for what we will say and write and especially what we will do. Help us be extra careful what we say for there is power in our words and they can do good as well as harm. So we ask that You bless us with what we must study and the discipline we need to convey what we hope to accomplish here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kehoe announced photographers from Missouri net were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curles	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Schupp offered Senate Resolution No. 1798, regarding Marilyn Ratkin, St. Louis, which was adopted.

Senator Kehoe offered Senate Resolution No. 1799, regarding the death of Deputy Casey Lee Shoemate, Eldon, which was adopted.

Senator Koenig offered Senate Resolution No. 1800, regarding Gabriella Indelicato, Grover, which was adopted.

Senator Koenig offered Senate Resolution No. 1801, regarding Megan Majeski, Wildwood, which was adopted.

Senator Koenig offered Senate Resolution No. 1802, regarding Courtney Kramme, Kirkwood, which was adopted.

Senator Koenig offered Senate Resolution No. 1803, regarding Anna Marie Jones, Des Peres, which was adopted.

Senator Koenig offered Senate Resolution No. 1804, regarding Lauren Hammett, Saint Louis, which was adopted.

Senator Koenig offered Senate Resolution No. 1805, regarding Megan Lynn Hake, Ellisville, which was adopted.

Senator Koenig offered Senate Resolution No. 1806, regarding Aurora Paolicchi, Ballwin, which was adopted.

Senator Koenig offered Senate Resolution No. 1807, regarding Erica Ried, Saint Louis, which was adopted.

Senator Koenig offered Senate Resolution No. 1808, regarding Danielle Stallings, Ballwin, which was adopted.

Senator Nasheed offered Senate Resolution No. 1809, regarding Chuck Loomis, St. Joseph, which was adopted.

Senator Nasheed offered Senate Resolution No. 1810, regarding Gary Wilkinson, Liberty, which was adopted.

Senator Sater offered Senate Resolution No. 1811, regarding Nadean Davis, Cassville, which was adopted.

Senator Sater offered Senate Resolution No. 1812, regarding Janet Beeler, Lampe, which was adopted.

Senator Sater offered Senate Resolution No. 1813, regarding Shirley “Sam” Morgan Alps, Pineville, which was adopted.

Senator Sater offered Senate Resolution No. 1814, regarding Maura Sparks, Pierce City, which was adopted.

Senator Sater offered Senate Resolution No. 1815, regarding E. Edd Akers, Branson, which was adopted.

**HOUSE BILLS ON THIRD READING**

At the request of Senator Cunningham, **HB 1880**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Rowden, **HCS** for **HB 1991**, with **SCS**, was placed on the Informal Calendar.

**HB 1858**, introduced by Representative Christofanelli, entitled:

An Act to amend chapter 32, RSMo, by adding thereto one new section relating to the department of revenue.

Was taken up by Senator Eigel.

Senator Eigel offered **SS** for **HB 1858**, entitled:

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 1858**

An Act to repeal sections 32.069 and 143.811, RSMo, and to enact in lieu thereof three new sections relating to the department of revenue.

Senator Eigel moved that **SS** for **HB 1858** be adopted.

Senator Wasson offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for House Bill No. 1858, Page 3, Section 32.310, Line 15 of said page, by inserting after all of said line the following:

“99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall

be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in such taxing district's levy rate for ad valorem tax on real property, any additional revenues generated within an existing redevelopment project area that are directly attributable to the newly voter-approved incremental increase in such taxing district's levy rate shall not be considered payments in lieu of taxes subject to deposit into a special allocation fund without the consent of such taxing district. Revenues will be considered directly attributable to the newly voter-approved incremental increase to the extent that they are generated from the difference between the taxing district's actual levy rate currently imposed and the maximum voter-approved levy rate at the time that the redevelopment project was adopted. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850.

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to Article VI, Section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes.

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to Article VI, Section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of Article III, Section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of Section 6 of Article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the

redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, taxes imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and maintaining a metropolitan park and recreation district, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410 for the purpose of the county transit authority operating transportation facilities, or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales under and pursuant to section 67.700 or 650.399 for the purpose of emergency communication systems, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in such taxing district's sales tax or use tax, other than the renewal of an expiring sales or use tax, any additional revenues generated within an existing redevelopment project area that are directly attributable to the newly voter-approved incremental increase in such taxing district's levy rate shall not be considered economic activity taxes subject to deposit into a special allocation fund without the consent of such taxing district.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation

by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to the following:

(1) Blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(a) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(b) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand;

(2) Blighted areas consisting solely of the site of a former automobile manufacturing plant located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants. For the purposes of this section, "former automobile manufacturing plant" means a redevelopment area containing a minimum of one hundred acres, and such redevelopment area was previously used primarily for the manufacture of automobiles but ceased such manufacturing after the 2007 calendar year; or

(3) Blighted areas consisting solely of the site of a former insurance company national service center containing a minimum of one hundred acres located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsection 4 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri;

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;

(i) The street address of the development site;

(j) The three-digit North American Industry Classification System number or numbers characterizing the development project;

(k) The estimated development project costs;

(l) The anticipated sources of funds to pay such development project costs;

(m) Evidence of the commitments to finance such development project costs;

(n) The anticipated type and term of the sources of funds to pay such development project costs;

(o) The anticipated type and terms of the obligations to be issued;

(p) The most recent equalized assessed valuation of the property within the development project area;

(q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;

(r) The general land uses to apply in the development area;

(s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to

nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund **for redevelopment projects approved prior to August 28, 2018**, exceed thirty-two million dollars; provided, however, that such thirty-two million dollar cap shall not apply to redevelopment plans or projects initially listed by name in the applicable appropriations bill after August 28, 2015, which involve [either]:

(a) A former automobile manufacturing plant; [or]

(b) The retention of a federal employer employing over two thousand geospatial intelligence jobs; **or**



**(c) A health information technology employer employing over seven thousand employees in the state of Missouri and which is estimated to create in excess of fifteen thousand new jobs with an average annual wage of more than seventy-five thousand dollars.**

At no time shall the annual amount of the new state revenues for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans and projects eligible under the provisions of paragraph (a) of this subdivision exceed four million dollars in the aggregate. At no time shall the annual amount of the new state revenues for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans and projects eligible under the provisions of paragraph (b) of this subdivision exceed twelve million dollars in the aggregate. To the extent a redevelopment plan or project independently meets the eligibility criteria set forth in both paragraphs (a) and (b) of this subdivision, then at no such time shall the annual amount of new state revenues for disbursements from the Missouri supplemental tax increment financing fund for such eligible redevelopment plan or project exceed twelve million dollars in the aggregate;

**(4) At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans or projects approved on or after August 28, 2018, and before August 28, 2028, be increased by or exceed ten million dollars. Any individual redevelopment plan or project approved prior to August 28, 2018, which is expanded with buildings of new construction shall not be increased by more than three million dollars annually in excess of the original previously approved maximum annual projected amount. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans or projects approved on or after August 28, 2028, exceed twenty million dollars; provided, however, that such ceilings shall not apply to redevelopment plans or projects exempted from such ceilings under subdivision (3) of this subsection. For all redevelopment plans or projects initially approved on or after August 28, 2018, at no time shall a single redevelopment plan or project within such redevelopment plan receive an appropriation under this section that exceeds three million dollars annually;**

**(5) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.**

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsection 4 of this section if and only if the conditions of subsection 10 of this section are met. The fund

shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

15. Notwithstanding any other provision of the law to the contrary, the adoption of any tax increment financing authorized under sections 99.800 to 99.865 shall not supersede, alter, or reduce in any way a property tax levied under section 205.971.”; and

Further amend the title and enacting clause accordingly.

Senator Wasson moved that the above amendment be adopted.

Senator Schaaf raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Eigel moved that **SS** for **HB 1858** be adopted, which motion prevailed.

On motion of Senator Eigel, **SS** for **HB 1858** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wieland—32			

NAYS—Senators—None

Absent—Senator Wasson—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Eigel, title to the bill was agreed to.

Senator Eigel moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HB 1442**, with **SCS**, introduced by Representative Alferman, entitled:

An Act to repeal sections 49.060, 59.800, 105.030, and 640.648, RSMo, and to enact in lieu thereof four new sections relating to county government.

Was taken up by Senator Schatz.

**SCS** for **HB 1442**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1442

An Act to repeal sections 49.060, 50.660, 50.783, 54.140, 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 70.370, 71.015, 84.510, 88.770, 94.900, 105.030, 115.124, 137.556, 162.441, 227.600, 263.245, and 304.060, RSMo, and to enact in lieu thereof twenty-eight new sections relating to local government, with existing penalty provisions.

Was taken up.

Senator Schatz moved that **SCS** for **HB 1442** be adopted.

Senator Schatz offered **SS** for **SCS** for **HB 1442**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1442

An Act to repeal sections 49.060, 50.660, 50.783, 54.140, 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 70.370, 71.015, 84.510, 94.900, 105.030, 108.120, 115.124, 137.555, 137.556, 162.441, 227.600, 263.245, 304.060, 475.050, 475.070, 475.075, 475.290, and 475.320, RSMo, and to enact in lieu thereof thirty-four new sections relating to local government, with existing penalty provisions.

Senator Schatz moved that **SS** for **SCS** for **HB 1442** be adopted.

Senator Dixon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1442, Page 28, Section 65.620, Line 13 of said page, by inserting after all of said line the following:

“67.398. 1. The governing body of any city or village, or any county having a charter form of government, or any county of the first classification that contains part of a city with a population of at least three hundred thousand inhabitants, may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of a nuisance including, but not limited to, debris of any kind, weed cuttings, cut, fallen, or hazardous trees and shrubs, overgrown vegetation and noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or stacked twelve inches off the ground,

rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material or condition which is unhealthy or unsafe and declared to be a public nuisance.

2. The governing body of any home rule city with more than four hundred thousand inhabitants and located in more than one county may enact ordinances for the abatement of a condition of any lot or land that has vacant buildings or structures open to entry.

3. Any ordinance authorized by this section shall provide for service to the owner of the property [and, if the property is not owner-occupied, to any occupant of the property] of a written notice specifically describing each condition of the lot or land declared to be a public nuisance, and which notice shall identify what action will remedy the public nuisance. Unless a condition presents an immediate, specifically identified risk to the public health or safety, the notice shall provide a reasonable time, not less than ten days, in which to abate or commence removal of each condition identified in the notice. Written notice may be given by personal service or by first-class mail to [both the occupant of the property at the property address and] the owner at the last known address of the owner[, if not the same]. Upon a failure of the owner to pursue the removal or abatement of such nuisance without unnecessary delay, the building commissioner or designated officer may cause the condition which constitutes the nuisance to be removed or abated. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal or abatement and the proof of notice to the owner of the property shall be certified to the city clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the city collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property from the date the tax bill is delinquent until paid.

67.410. 1. Except as provided in subsection 3 of this section, any ordinance enacted pursuant to section 67.400 shall:

(1) Set forth those conditions detrimental to the health, safety or welfare of the residents of the city, town, village, or county the existence of which constitutes a nuisance;

(2) Provide for duties of inspectors with regard to such buildings or structures and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such buildings or structures;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the property is to be vacated, if such be the case, reconditioned or removed, listing a reasonable time for commencement; and may provide that such notice be served either by personal service [or], by certified mail, return receipt requested, **or by a private delivery service, which is substantially equivalent to certified mail**, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the building or structure as shown by the land records of the recorder of deeds of the county wherein the land is located shall be made parties;

(4) Provide that upon failure to commence work of reconditioning or demolition within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building

commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town, village, or county, the building commissioner or designated officer or officers shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety, or welfare of the residents of the city, town, village, or county and ordering the building or structure to be demolished and removed, or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town, village, or county, no order shall be issued;

(5) Provide that if the building commissioner or other designated officer or officers issue an order whereby the building or structure is demolished, secured, or repaired, or the property is cleaned up, the cost of performance shall be certified to the city clerk or officer in charge of finance, who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the city collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the city, town, village, or county and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in sections 429.010 to 429.360. Except as provided in subsection 3 of this section, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. A city not within a county or a city with a population of at least four hundred thousand located in more than one county, notwithstanding any charter provision to the contrary, may, by ordinance, provide that upon determination by the city that a public benefit will be gained the city may discharge the special tax bill, including the costs of tax collection, accrued interest and attorneys fees, if any.

2. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, the ordinance may establish a procedure for the payment of up to twenty-five percent of the insurance proceeds, as set forth in this subsection. The order or ordinance shall apply only to a covered claim payment which is in excess of fifty percent of the face value of the policy covering a building or other structure:

(1) The insurer shall withhold from the covered claim payment up to twenty-five percent of the covered claim payment, and shall pay such moneys to the city to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the order or ordinance;

(2) The city or county shall release the proceeds and any interest which has accrued on such proceeds received under subdivision (1) of this subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty days after receipt of such insurance moneys, unless the city or county has instituted legal proceedings under the provisions of subdivision (5) of subsection 1 of this section. If the city or county has proceeded under the provisions of subdivision (5) of subsection 1 of this section, all moneys in excess of that necessary to comply with the provisions of subdivision (5) of subsection 1 of this section for the removal, securing, repair and cleanup of the building or structure, and the lot on which it is located, less salvage value, shall be paid to the insured;

(3) If there are no proceeds of any insurance policy as set forth in this subsection, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be a lien on the property until paid;

(4) This subsection shall apply to fire, explosion, or other casualty loss claims arising on all buildings and structures;

(5) This subsection does not make the city or county a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

3. The governing body of any city not within a county and the governing body of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county may enact their own ordinances pursuant to section 67.400 and are exempt from subsections 1 and 2 of this section.

4. Notwithstanding the provisions of section 82.300, any city may prescribe and enforce and collect fines and penalties for a breach of any ordinance enacted pursuant to section 67.400 or this section and to punish the violation of such ordinance by a fine or imprisonment, or by both fine and imprisonment. Such fine may not exceed one thousand dollars, unless the owner of the property is not also a resident of the property, then such fine may not exceed two thousand dollars.

5. The ordinance may also provide that a city not within a county or a city with a population of at least three hundred fifty thousand located in more than one county may seek to recover the cost of demolition prior to the occurrence of demolition, as described in this subsection. The ordinance may provide that if the building commissioner or other designated officer or officers issue an order whereby the building or structure is ordered to be demolished, secured or repaired, and the owner has been given an opportunity for a hearing to contest such order, then the building commissioner or other designated officer or officers may solicit no less than two independent bids for such demolition work. The amount of the lowest bid, including offset for salvage value, if any, plus reasonable anticipated costs of collection, including attorney's fees, shall be certified to the city clerk or officer in charge of finance, who shall cause a special tax bill to be issued against the property owner to be prepared and collected by the city collector or other official collecting taxes. The municipal clerk or other officer in charge of finance shall discharge the special tax bill upon documentation by the property owner of the completion of the ordered repair or demolition work. Upon determination by the municipal clerk or other officer in charge of finance that a public benefit is secured prior to payment of the special tax bill, the municipal clerk or other officer in charge of finance may discharge the special tax bill upon the transfer of the property. The payment of the special tax bill shall be held in an interest-bearing account. Upon full payment of the special tax bill, the building commissioner or other designated officer or officers shall, within one hundred twenty days thereafter, cause the ordered work to be completed, and certify the actual cost thereof, including the cost of tax bill collection and attorney's fees, to the city clerk or other officer in charge of finance who shall, if the actual cost differs from the paid amount by greater than two percent of the paid amount, refund the excess payment, if any, to the payor, or if the actual amount is greater, cause a special tax bill or assessment for the difference against the property to be prepared and collected by the city collector or other official collecting taxes. If the building commissioner or other designated officer or officers shall not, within one hundred twenty days after full payment, cause the ordered work to be completed, then the full amount of the payment, plus interest, shall be repaid to the payor. Except as provided in subsection 2 of this section, at the request of the taxpayer the

tax bill for the difference may be paid in installments over a period of not more than ten years. The tax bill for the difference from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.”; and

Further amend the title and enacting clause accordingly.

Senator Dixon moved that **SA 1** be adopted.

At the request of Senator Schatz, **HB 1442**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

**HCS** for **HB 1690**, entitled:

An Act to repeal sections 375.1218, 376.715, 376.717, 376.718, 376.720, 376.722, 376.724, 376.725, 376.726, 376.733, 376.734, 376.735, 376.737, 376.738, 376.742, 376.743, 376.746, 376.747, 376.748, 376.755, 376.756, and 376.758, RSMo, and to enact in lieu thereof twenty-two new sections relating to the Missouri life and health insurance guaranty association act.

Was taken up by Senator Wieland.

On motion of Senator Wieland, **HCS** for **HB 1690** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wieland—30					

NAYS—Senators—None

Absent—Senators

Sater Wasson—2

Absent with leave—Senator Eigel—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2017**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of

state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2018, and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 2018**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for refunds, distributions, planning, expenses, and land improvements; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2018, and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1999**, entitled:

An Act to repeal section 386.266, RSMo, and to enact in lieu thereof two new sections relating to rate adjustments outside of general rate proceedings for certain public utilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1289**, entitled:

An Act to repeal sections 116.050, 116.160, 116.230, 116.270, 116.332, and 116.334, RSMo, and to enact in lieu thereof eight new sections relating to ballot initiatives and referendums, with a delayed effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REFERRALS**

President Pro Tem Richard referred **SCR 54** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by Senator Rowden.



**RESOLUTIONS**

Senator Wasson offered Senate Resolution No. 1816, regarding Gayle Bodenhamer, Strafford, which was adopted.

Senator Wasson offered Senate Resolution No. 1817, regarding John Collins, Strafford, which was adopted.

Senator Wasson offered Senate Resolution No. 1818, regarding Joan Snider, Springfield, which was adopted.

Senator Wasson offered Senate Resolution No. 1819, regarding Mark E. Donovan, Springfield, which was adopted.

Senator Riddle offered Senate Resolution No. 1820, regarding Tom Howard, Fulton, which was adopted.

Senator Riddle offered Senate Resolution No. 1821, regarding Chloe J. Shoemaker, Columbia, which was adopted.

Senator Riddle offered Senate Resolution No. 1822, regarding Tori Schafer, Columbia, which was adopted.

Senator Riddle offered Senate Resolution No. 1823, regarding Eagle Scout Henry W. Kloeckner, Hawk Point, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1824, regarding Lillian Orskog, Kirksville, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1825, regarding Macy Thomas, Kirksville, which was adopted.

Senator Wallingford offered Senate Resolution No. 1826, regarding Sharon Eck, Fredericktown, which was adopted.

Senator Wallingford offered Senate Resolution No. 1827, regarding John Cook, Wappapello, which was adopted.

Senator Wallingford offered Senate Resolution No. 1828, regarding James Roger Huff, Marble Hill, which was adopted.

Senator Wallingford offered Senate Resolution No. 1829, regarding Larry K. Miller, Jackson, which was adopted.

Senator Wallingford offered Senate Resolution No. 1830, regarding Sergia Pecaut, Perryville, which was adopted.

Senator Wallingford offered Senate Resolution No. 1831, regarding Erica Townsend, Lilbourn, which was adopted.

Senator Romine offered Senate Resolution No. 1832, regarding John Freeman, De Soto, which was adopted.

Senator Romine offered Senate Resolution No. 1833, regarding Charles G. Boyer, Desloge, which was adopted.

Senator Brown offered Senate Resolution No. 1834, regarding Jake Warren, Dixon, which was adopted.

Senator Brown offered Senate Resolution No. 1835, regarding Gary Porter, St. Robert, which was adopted.

Senator Brown offered Senate Resolution No. 1836, regarding Jerry Bumpus, Rolla, which was adopted.

Senator Brown offered Senate Resolution No. 1837, regarding David Tomlinson, Camdenton, which was adopted.

Senator Brown offered Senate Resolution No. 1838, regarding Hazel Parrish, Camdenton, which was adopted.

Senator Wieland offered Senate Resolution No. 1839, regarding Brogan Eyre, Barnhart, which was adopted.

Senator Romine offered Senate Resolution No. 1840, regarding Donald Hill, Ellington, which was adopted.

Senator Romine offered Senate Resolution No. 1841, regarding Anita Massie, Ellington, which was adopted.

Senator Wieland offered Senate Resolution No. 1842, regarding Claire Lambert, Fenton, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following report, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the following appointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Eddy A. Justice, Republican, as a member of the State Board of Education.

Senator Richard moved that the committee report be adopted, and the Senate do give its advice and consent to the above appointment.

At the request of Senator Richard, the above motion was withdrawn.

### **HOUSE BILLS ON THIRD READING**

**HCS** for **HB 1879**, with **SCS**, entitled:

An Act to repeal sections 30.270, 67.085, 95.530, 110.010, 110.080, 110.140, 165.221, 165.231, 165.241, and 165.271, RSMo, and to enact in lieu thereof ten new sections relating to financial transactions involving public entities.

Was taken up by Senator Cunningham.

**SCS** for **HCS** for **HB 1879**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1879**

An Act to repeal sections 30.270, 67.085, 95.530, 110.010, 110.080, 110.140, 165.221, 165.231, 165.241, and 165.271, RSMo, and to enact in lieu thereof ten new sections relating to financial transactions involving public entities, with existing penalty provisions.

Was taken up.

Senator Cunningham moved that **SCS** for **HCS** for **HB 1879** be adopted.

Senator Cunningham offered **SS** for **SCS** for **HCS** for **HB 1879**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1879

An Act to repeal sections 30.270, 50.660, 50.783, 67.085, 95.530, 110.010, 110.080, 110.140, 165.221, 165.231, 165.241, and 165.271, RSMo, and to enact in lieu thereof thirteen new sections relating to financial transactions involving public entities, with existing penalty provisions.

Senator Cunningham moved that **SS** for **SCS** for **HCS** for **HB 1879** be adopted.

Senator Libla offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1879, Page 20, Section 110.140, Line 12 of said page, by inserting after all of said line the following:

“137.225. 1. In all counties, except the city of St. Louis, the assessor shall be provided with two books, one to be called the “real estate book”, and the other to be called the “personal assessment book”.

2. The real estate book shall contain all lands subject to assessment. It shall be in tabular form, with suitable captions and separate columns. The first column shall contain the name of the owner, if known; if not, the name of the party who paid the last tax; if no tax has ever been paid, then the name of the original patentee, grantee or purchaser from the federal government, the state or county, as the case may be, opposite thereto; the second column shall contain the residence of the owner **or, upon written consent of the owner filed with the assessor, an alternate address for the purpose of mailing ad valorem property tax statements to someone other than an owner, family trust, or mortgage holder receiving escrow payments**; the third column shall contain an accurate description of the land by the smallest legal subdivisions, or by smaller parts, lots or parcels, when sections and the subdivisions thereof are subdivided into parts, lots or parcels; the fourth column shall contain the actual cash valuation. When any person shall be the owner or original purchaser of a section, quarter section or half quarter section, block, half block or quarter block, the same shall be assessed as one tract. The assessor shall arrange, collect and list all lands owned by one person in the county, under his name and on the same page, if there be room to contain it, and if not on the next and following leaf, with proper indications of such continuance, whether they be lots and blocks in a city, or sections or parts of sections in the country, the lowest numbered range, township and section, block, lot or survey always being placed first in such list, and so on in numerical order until said list for each property owner is completed. The assessor shall consolidate all lands owned by one person in a square or block into one tract, lot or call, and for any violation of this section, in unnecessarily dividing the same into more tracts than one or more lots than one, the county commission shall deduct from his account for making the county assessment, ten cents for each lot or tract not so consolidated. At the close of each owners list, the assessor shall place all the lands that appear to belong to the owner, which cannot be properly described by numerical order, as contemplated in this section, which shall be otherwise properly described, indicating the quantity and location thereof.

3. The personal assessment book shall contain a list of the names of all persons liable to assessment, alphabetically arranged with proper priority of vowels. The assessor shall set opposite their names the tangible personal property respectively owned by them. It shall be in tabular form, with suitable captions and proper columns; the first column shall contain the names of the persons assessed; the second column shall contain the residence, if in the city, the ward, addition and block, or, if outside an incorporated city or town, the township in the county; the third column shall contain the occupation of the party assessed; the fourth column shall contain each kind of property assessed; the fifth column shall contain the assessed value thereof; the sixth column shall contain the amount chargeable to each person, and there may be such other columns as are useful and convenient in practice.

4. Nothing in this section shall be construed to prohibit separate real estate and personal assessment books in all incorporated cities where they are necessary.”; and

Further amend the title and enacting clause accordingly.

Senator Libla moved that the above amendment be adopted.

At the request of Senator Cunningham, **HCS for HB 1879**, with **SCS**, **SS for SCS** and **SA 1** (pending), was placed on the Informal Calendar.

**HCS for HB 1268**, with **SCS**, entitled:

An Act to repeal section 332.081, RSMo, and to enact in lieu thereof two new sections relating to dental faculty permits.

Was taken up by Senator Munzlinger.

**SCS for HCS for HB 1268**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1268

An Act to repeal section 332.081, RSMo, and to enact in lieu thereof two new sections relating to the Missouri dental board.

Was taken up.

Senator Munzlinger moved that **SCS for HCS for HB 1268** be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SCS for HCS for HB 1268** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

President Pro Tem Richard assumed the Chair.

**HCS for HB 1500**, with **SCS**, entitled:

An Act to repeal sections 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, and 329.130, RSMo, and to enact in lieu thereof twelve new sections relating to the board of cosmetology and barber examiners.

Was taken up by Senator Koenig.

**SCS for HCS for HB 1500**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1500

An Act to repeal sections 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, and 329.130, RSMo, and to enact in lieu thereof fourteen new sections relating to the board of cosmetology and barber examiners.

Was taken up.

Senator Koenig moved that **SCS for HCS for HB 1500** be adopted.

Senator Koenig offered **SS for SCS for HCS for HB 1500**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1500

An Act to repeal sections 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, and 329.130, RSMo, and to enact in lieu thereof fourteen new sections relating to the board of cosmetology and barber examiners.

Senator Koenig moved that **SS for SCS for HCS for HB 1500** be adopted.

Senator Rowden offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1500, Page 1, In the Title, Lines 5-6, by striking “board of cosmetology and barber examiners” and

inserting in lieu thereof the following: “reduction in regulation of certain occupations”; and

Further amend said bill and page, section A, line 6 of said page, by inserting immediately after said line the following:

**“324.047. 1. The purpose of this section is to promote general welfare by establishing guidelines for the regulation of occupations and professions not regulated prior to January 1, 2019, and guidelines for combining any additional occupations or professions under a single license regulated by the state prior to January 1, 2019.**

**2. For purposes of this section, the following terms mean:**

**(1) “Applicant group”, any occupational or professional group or organization, any individual, or any other interested party that seeks to be licensed or further regulated or supports any bill that proposes to combine any additional occupations or professions under a single license regulated by the state prior to January 1, 2019;**

**(2) “Certification”, a program in which the government grants nontransferable recognition to an individual who meets personal qualifications established by a regulatory entity. Upon approval, the individual may use “certified” as a designated title. This term shall not be synonymous with an occupational license;**

**(3) “Department”, the department of insurance, financial institutions and professional registration;**

**(4) “Director”, the director of the division of professional registration;**

**(5) “Division”, the division of professional registration;**

**(6) “General welfare”, the concern of the government for the health, peace, morality, and safety of its residents;**

**(7) “Lawful occupation”, a course of conduct, pursuit, or profession that includes the sale of goods or services that are not themselves illegal to sell irrespective of whether the individual selling them is subject to an occupational regulation;**

**(8) “Least restrictive type of occupational regulation”, the regulation that is least restrictive, in which the following list of regulations in order from least to most restrictive is used to make such determination:**

**(a) Bonding or insurance;**

**(b) Registration;**

**(c) Certification;**

**(d) Occupational license;**

**(9) “Occupational license”, a nontransferable authorization in law for an individual to perform a lawful occupation for compensation based on meeting personal qualifications established by a regulatory entity and that, if not possessed, prohibits the individual from performing the occupation for compensation;**

**(10) “Occupational regulation”, a statute, ordinance, rule, practice, policy, or other law requiring an individual to possess certain personal qualifications to work in a lawful occupation;**

(11) “Personal qualifications”, criteria related to an individual’s personal background, including completion of an approved educational program, satisfactory performance on an examination, work experience, criminal history, and completion of continuing education;

(12) “Practitioner”, an individual who has achieved knowledge and skill by practice and is actively engaged in a specified occupation or profession;

(13) “Registration”, a requirement established by the general assembly in which an individual:

(a) Submits notification to a state agency; and

(b) May use “registered” as a designated title.

Notification may include the individual’s name and address, the individual’s agent for service of process, the location of the activity to be performed, and a description of the service the individual provides. Registration may include a requirement to post a bond but does not include education or experience requirements. If the requirement of registration is not met, the individual is prohibited from performing the occupation for compensation or using “registered” as a designated title. The term “registration” shall not be synonymous with an occupational license;

(14) “Regulatory entity”, any board, commission, agency, division, or other unit or subunit of state government that regulates one or more professions, occupations, industries, businesses, or other endeavors in this state;

(15) “State agency”, every state office, department, board, commission, regulatory entity, and agency of the state. The term “state agency” includes, if provided by law, programs and activities involving less than the full responsibility of a state agency;

(16) “Substantial burden”, a requirement in an occupational regulation that imposes significant difficulty or cost on an individual seeking to enter into or continue in a lawful occupation and is more than an incidental burden.

3. All individuals may engage in the occupation of their choice, free from unreasonable government regulation. The state shall not impose a substantial burden on an individual’s pursuit of his or her occupation or profession unless there is a reasonable interest for the state to protect the general welfare. If such an interest exists, the regulation adopted by the state shall be the least restrictive type of occupational regulation consistent with the public interest to be protected.

4. All bills introduced in the general assembly to regulate, pursuant to subsection 6 of this section, an occupation or profession shall be reviewed according to the following criteria. An occupation or profession shall be regulated by the state if:

(1) Unregulated practice could cause harm and endanger the general welfare, and the potential for further harm and endangerment is recognizable;

(2) The public can reasonably be expected to benefit from an assurance of personal qualifications; and

(3) The general welfare cannot be sufficiently protected by other means.

5. After evaluating the criteria in subdivision (3) of this subsection and considering governmental, economic, and societal costs and benefits, if the general assembly finds that the state has a reasonable interest in regulating, pursuant to subsection 6 of this section, an occupation or profession not previously

regulated by law, the most efficient form of regulation shall be implemented, consistent with this section and with the need to protect the general welfare, as follows:

(1) If the threat to the general welfare resulting from the practitioner's services is easily predictable, the regulation shall implement a system of insurance, bonding, or registration;

(2) If the consumer has challenges accessing credentialing information or possesses significantly less information on how to report abuses such that the practitioner puts the consumer in a disadvantageous position relative to the practitioner to judge the quality of the practitioner's services, the regulation shall implement a system of certification; and

(3) If other regulatory structures, such as bonding, insurance, registration, and certification, insufficiently protect the general welfare from recognizable harm, the regulation shall implement a system of licensing.

6. After January 1, 2019, any relevant regulatory entity shall report, and the department shall make available to the general assembly, upon the filing of a bill that proposes additional regulation of a profession or occupation currently regulated by the regulatory entity, the following factors to the department:

(1) A description of the professional or occupational group proposed for expansion of regulation, including the number of individuals or business entities that would be subject to regulation to the extent that such information is available; the names and addresses of associations, organizations, and other groups representing the practitioners; and an estimate of the number of practitioners in each group;

(2) Whether practice of the profession or occupation proposed for expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurances that minimum qualifications have been met;

(3) The nature and extent of potential harm to the public if the profession or occupation is not regulated as described in the bill, the extent to which there is a threat to the general welfare, and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, professional or occupational boards, and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this state within the past five years. Notwithstanding the provisions of this section or any other section, the relevant regulatory entity shall provide, and the department shall make available to the general assembly, the information relating to such complaints even if the information is considered a closed record or otherwise confidential; except that, the regulatory entity and the department shall redact names and other personally identifiable information from the information released;

(4) A description of the voluntary efforts made by practitioners of the profession or occupation to protect the public through self-regulation, private certifications, membership in professional or occupational associations, or academic credentials and a statement of why these efforts are inadequate to protect the public;

(5) The extent to which expansion of regulation of the profession or occupation will increase the cost of goods or services provided by practitioners and the overall cost-effectiveness and economic impact of the proposed regulation, including the direct cost to the government and the indirect costs to consumers;

(6) The extent to which expansion of regulation of the profession or occupation would increase or



decrease the availability of services to the public;

(7) The extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from the lack of the requirements outlined in the bill;

(8) Why bonding and insurance, registration, certification, occupational license to practice, or another type of regulation is being proposed, why that regulatory alternative was chosen, and whether the proposed method of regulation is appropriate;

(9) A list of other states that regulate the profession or occupation, the type of regulation, copies of other state's laws, and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis;

(10) The details of any previous efforts in this state to implement regulation of the profession or occupation;

(11) Whether the proposed requirements for regulation exceed the national industry standards of minimal competence, if such standards exist, and what those standards are if they exist; and

(12) The method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

7. If no existing regulatory entity regulates the occupation or profession to be regulated in the bill, the department shall report and make available to the general assembly, upon the filing of a bill after January 1, 2019, that proposes new regulation of a profession or occupation, the following factors:

(1) A description of the professional or occupational group proposed for regulation, including the number of individuals or business entities that would be subject to regulation to the extent that such information is available; the names and addresses of associations, organizations, and other groups representing the practitioners; and an estimate of the number of practitioners in each group;

(2) The nature and extent of potential harm to the public if the profession or occupation is not regulated, the extent to which there is a threat to the general welfare, and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, professional or occupational boards, and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this state within the past five years. Notwithstanding the provisions of this section or any other section, the department shall release the information relating to such complaints even if the information is considered a closed record or otherwise confidential; except that, the department shall redact names and other personally identifiable information from the information released;

(3) A list of other states that regulate the profession or occupation, the type of regulation, copies of other state's laws, and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis;

(4) The details of any previous efforts in this state to implement regulation of the profession or occupation; and

(5) Whether the proposed requirements for regulation exceed the national industry standards of minimal competence, if such standards exist, and what those standards are if they exist.

**8. After January 1, 2019, applicant groups may report to the department, and the department shall make available to the general assembly, any of the information required in subsection 6 or 7 of this section and whether the profession or occupation plans to apply for mandated benefits.**

Further amend the title and enacting clause accordingly.

Senator Rowden moved that the above amendment be adopted, which motion prevailed.

Senator Walsh offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1500, Page 2, Section 328.080, Line 12, by striking the opening bracket; and further amend line 13 by striking the closing bracket; and further renumber the remaining subdivisions accordingly.

Senator Walsh moved that the above amendment be adopted.

Senator Chappelle-Nadal offered **SSA 1** for **SA 2**:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1500, Page 2, Section 328.080, Line 12, by striking the opening bracket; and further amend said line by inserting after the word “diseases” the following:

**“that are capable of being transmitted during the ordinary course of business for a person licensed under this chapter”**; and further amend line 13 by striking the closing bracket; and further renumber the remaining subdivisions accordingly.

Senator Chappelle-Nadal moved that the above substitute amendment be adopted, which motion prevailed.

Senator Riddle offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1500, Page 24, Section 329.275, Line 17, by striking the word “may” and inserting in lieu thereof the following: **“shall”**; and

Further amend said bill and section, page 25, line 17 by inserting after all of said line the following:

**“6. (1) The board may inspect hair braiding establishments or facilities where hair braiding occurs during business hours to ensure:**

**(a) Persons registered as hair braiders are not operating outside the scope of practice of hair braiding; and**

**(b) Compliance with this section and rules promulgated thereunder.**

**(2) In addition to the causes listed in section 329.140, the board may also suspend or revoke a certificate of registration if a person registered as a hair braider is found to be operating outside the scope of practice of hair braiding.”**; and

Further renumber the remaining subsection accordingly.

Senator Riddle moved that the above amendment be adopted.

Senator Schaaf offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1500, Page 24, Section 329.275, Lines 16-18, by striking said lines and inserting in lieu thereof the following: “twenty dollars. An applicant for a”.

Senator Schaaf moved that **SSA 1** for **SA 3** be adopted.

At the request of Senator Koenig, **HCS** for **HB 1500**, with **SCS**, **SS** for **SCS**, **SA 3** and **SSA 1** for **SA 3** (pending), was placed on the Informal Calendar.

**HB 1413**, introduced by Representative Taylor, with **SCS**, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to labor organizations.

Was called from the Informal Calendar and taken up by Senator Onder.

**SCS** for **HB 1413**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1413

An Act to repeal sections 105.500, 105.520, 105.525, 105.530, and 208.862, RSMo, and to enact in lieu thereof twenty-one new sections relating to public labor organizations, with penalty provisions.

Was taken up.

Senator Onder moved that **SCS** for **HB 1413** be adopted.

Senator Onder offered **SS** for **SCS** for **HB 1413**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1413

An Act to repeal sections 105.500, 105.520, 105.525, 105.530, and 208.862, RSMo, and to enact in lieu thereof twenty-one new sections relating to public labor organizations, with penalty provisions.

Senator Onder moved that **SS** for **SCS** for **HB 1413** be adopted.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1413, Page 18, Section 105.575, Lines 12-28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 19, Lines 1-28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 20, Lines 1-2 of said page, by striking all of said lines; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill, Page 27, Section 208.862, Line 23 of said page, by striking “(1)”; and

Further amend said bill and section, Page 28, Lines 3-10 of said page, by striking all of said lines.

Senator Sifton moved that the above amendment be adopted.

At the request of Senator Onder, **HB 1413**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 608**, entitled:

An Act to repeal sections 537.349 and 537.600, RSMo, and to enact in lieu thereof four new sections relating to civil liability due to criminal conduct.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 569**, as amended, and grants the Senate a conference thereon.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 569**, as amended: Senators Cunningham, Wieland, Crawford, Walsh and Sifton.

### **RESOLUTIONS**

Senator Sifton offered Senate Resolution No. 1843, regarding Brianne Bannon, which was adopted.

Senator Sifton offered Senate Resolution No. 1844, regarding Mary Grace Bruntrager, which was adopted.

Senator Romine offered Senate Resolution No. 1845, regarding Cheryl L. Wolk, Ozora, which was adopted.

Senator Romine offered Senate Resolution No. 1846, regarding Lions Club, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 1847, regarding Aubrie Hart, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 1848, regarding Kayla Steiger, Sainte Genevieve which was adopted.

Senator Wasson offered Senate Resolution No. 1849, regarding Mike Wilson, Aurora, which was adopted.

Senator Kehoe offered Senate Resolution No. 1850, regarding Linda Catherine Kaiser, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1851, regarding Sharon Naught, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 1852, regarding Morris Burger, California, which was adopted.

**INTRODUCTION OF GUESTS**

Senator Schaaf introduced to the Senate, Dennis Bonjour, A-Team of Missouri, St. Joseph.

Senator Cierpiot introduced to the Senate, the Physician of the Day, Dr. Michael Monaco, Lee's Summit.

Senator Crawford introduced to the Senate, Pastor Grande, and his wife, Valerie; teachers Tim Martin and Eric Schaefer; and students Connor Morris, Seth Harper and Will Fagerlund, AGAPE Boarding School, Stockton.

Senator Sifton introduced to the Senate, Brianne Bannon, St. Charles; and Mary Grace Bruntrager, St. Louis.

Senator Kehoe introduced to the Senate, J. P. Rowland, and employees of Sheltered Workshops across the state.

Senator Eigel introduced to the Senate, his wife, Amanda, St. Charles; his mother, Charlotte R. Eigel, Dayton, Ohio; and his sister, Karen Holden, McKinney, Texas.

Senator Munzlinger introduced to the Senate, his wife, Michelle, Williamstown.

Senator Emery introduced to the Senate, Lillian Johnson, Raymore.

On motion of Senator Kehoe, the Senate adjourned under the rules.

**SENATE CALENDAR**


---

FIFTY-NINTH DAY—WEDNESDAY, APRIL 25, 2018

---

**FORMAL CALENDAR****HOUSE BILLS ON SECOND READING**

HCS for HB 2140

HB 2336-Tate

HCS for HBs 2523 & 2524

HCS for HB 1542

HCS for HB 1915

HB 2155-Schroer

HCS for HB 2017

HCS for HB 2018

HCS for HB 1999

HCS for HB 1289

**THIRD READING OF SENATE BILLS**

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

SS for SCS for SB 907-Kehoe

SENATE BILLS FOR PERFECTION

SJR 36-Schatz, with SCS  
SB 678-Eigel

SB 1102-Kehoe, with SCS

HOUSE BILLS ON THIRD READING

- |   |                                       |
|---|---------------------------------------|
| 1. HCS for HB 2116, with SCS (Schatz)     | 14. HCS for HB 2001 (Brown)           |
| 2. HB 1355-Phillips, with SCS (Schatz)    | 15. HCS for HB 2002, with SCS (Brown) |
| 3. HCS for HB 1617, with SCS (Onder)      | 16. HCS for HB 2003, with SCS (Brown) |
| 4. HB 1492-Lynch (Brown)                  | 17. HCS for HB 2004, with SCS (Brown) |
| 5. HCS for HB 1597, with SCS (Wasson)     | 18. HCS for HB 2005, with SCS (Brown) |
| 6. HB 1744-Hansen (Romine)                | 19. HCS for HB 2006, with SCS (Brown) |
| 7. HCS for HB 1606 (Romine)               | 20. HCS for HB 2007, with SCS (Brown) |
| 8. HB 1428-Muntzel (Munzlinger)           | 21. HCS for HB 2008, with SCS (Brown) |
| 9. HCS for HB 2034, with SCS (Munzlinger) | 22. HCS for HB 2009, with SCS (Brown) |
| 10. HCS for HB 1796 (Rowden)              | 23. HCS for HB 2010, with SCS (Brown) |
| 11. HB 2122-Engler, with SCS (Schatz)     | 24. HCS for HB 2011, with SCS (Brown) |
| 12. HCS for HB 1443, with SCS (Sater)     | 25. HCS for HB 2012, with SCS (Brown) |
| 13. HCS for HB 1645 (Rowden)              | 26. HCS for HB 2013, with SCS (Brown) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 & 667-Eigel  
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 546-Munzlinger, with SS#4 (pending)                                    | SB 591-Hegeman, with SCS   |
| SB 550-Wasson, with SCS   | SB 596-Riddle, with SCS  |
| SB 553-Dixon, with SCS, SS for SCS & SA 1<br>(pending)                    | SB 599-Schatz  |
| SBs 555 & 609-Brown, with SCS   | SB 602-Onder, with SCS   |
| SB 556-Brown, with SA 1 (pending)   | SB 612-Koenig, with SCS, SS#2 for SCS, SA 2,<br>SSA 1 for SA 2 & SA 1 to SSA 1 for SA 2<br>(pending) |
| SB 561-Sater, with SA 1 (pending)   | SB 663-Schatz, with SCS, SS for SCS & SA 1<br>(pending)  |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending) | SB 730-Wallingford, with SCS & SA 1 (pending)  |
| SB 578-Romine   |  |

SB 751-Schatz  
 SB 767-Hoskins, with SCS, SS for SCS & SA 2 (pending)  
 SB 774-Munzlinger  
 SB 813-Riddle, with SCS & SA 1 (pending)  
 SB 822-Hegeman, with SCS & SS for SCS (pending)  
 SB 832-Rowden, with SCS, SS#2 for SCS & point of order (pending)  
 SB 837-Rowden  
 SB 848-Riddle  
 SB 849-Kehoe and Schupp, with SCS, SA 1 & SA 1 to SA 1 (pending)  
 SB 859-Koenig, with SCS & SS for SCS (pending)

SB 860-Koenig, with SCS, SS for SCS & SA 1 (pending)  
 SB 861-Hegeman, with SCS  
 SB 865-Kehoe  
 SB 893-Sater, with SCS, SS for SCS & SA 1 (pending)  
 SB 912-Rowden, with SCS & SS#3 for SCS (pending)  
 SB 920-Riddle, with SS & SA 2 (pending)  
 SB 928-Onder, with SCS  
 SB 949-Emery, with SCS, SS for SCS & SA 2 (pending)  
 SB 1003-Wasson, with SS & SA 1 (pending)  
 SB 1007-Kehoe, with SCS  
 SB 1021-Dixon and Wallingford, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HB 1286, with SCS & SA 1 (pending) (Romine)  
 HCS for HBs 1288, 1377 & 2050, with SCS (Dixon)  
 HB 1303-Alferman, with SCS (Rowden)  
 HB 1329-Remole, with SCS, SS for SCS & SA 5 (pending) (Munzlinger)  
 SS for SCS for HB 1350-Smith (163) (Rowden)  
 HB 1413-Taylor, with SCS, SS for SCS & SA 1 (pending) (Onder)  
 HB 1442-Alferman, with SCS, SS for SCS & SA 1 (pending) (Schatz)  
 HCS for HB 1461 (Rowden)

HCS for HB 1500, with SCS, SS for SCS, SA 3 & SSA 1 for SA 3 (pending) (Koenig)  
 HB 1578-Kolkmeyer (Munzlinger)  
 HCS for HB 1605, with SCS (Kehoe)  
 HB 1630-Evans (Rowden)  
 HB 1691-Miller, with SCS (Emery)  
 HCS for HBs 1729, 1621 & 1436 (Brown)  
 HB 1769-Mathews, with SCS (Schatz)  
 HCS for HB 1879, with SCS, SS for SCS & SA 1 (pending) (Cunningham)  
 HB 1880-Trent, with SCS (Cunningham)  
 HCS for HB 1991, with SCS (Rowden)  
 HB 2044-Taylor, with SCS (pending) (Dixon)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 608-Hoskins, with HCS

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 569-Cunningham, with HCS, as amended

HB 1291-Henderson, with SS for SCS, as amended (Romine)

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 37-Eigel and Onder

✓



# Journal of the Senate

## SECOND REGULAR SESSION

---

**FIFTY-NINTH DAY—WEDNESDAY, APRIL 25, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Senator Emery offered the following prayer:

The prophet Moses told the children of God: “You are a holy people to the Lord your God.” (Deuteronomy 7:6)

Heavenly Father, we acknowledge that whatever we do in our own strength will fail, but You, in Your mercies, have surrounded us with others to assist in our struggles. I confess, Oh God, that I am nothing, I have nothing, I can do nothing apart from the Lord Jesus Christ. But, if we are willing to acknowledge our need for You, You will guide us so that our hearts and minds work together in unity to accomplish what must be done. For that we give You thanks and praise. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curles	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Walsh offered Senate Resolution No. 1853, regarding Gwendolyn Scales-Reed, Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 1854, regarding Susan Loney, Florissant, which was adopted.

Senator Riddle offered Senate Resolution No. 1855, regarding Master Sergeant Douglas B. McPike, Mexico, which was adopted.

Senator Riddle offered Senate Resolution No. 1856, regarding Mike Woods, Troy, which was adopted.

Senator Riddle offered Senate Resolution No. 1857, regarding Dan Bade, Holts Summit, which was adopted.

Senator Sater offered Senate Resolution No. 1858, regarding Scott Cook, which was adopted.

Senator Rizzo offered Senate Resolution No. 1859, regarding the death of William James “Bill” Baker, Independence, which was adopted.

Senator Emery offered Senate Resolution No. 1860, regarding Krishana Hari Thapa, Nepal, which was adopted.

Senator Emery offered Senate Resolution No. 1861, regarding Bhai Kaji Adhikari, Nepal, which was adopted.

Senator Emery offered Senate Resolution No. 1862, regarding Bhai Kaji Thapa, Nepal, which was adopted.

**HOUSE BILLS ON THIRD READING**

**HB 1880**, introduced by Representative Trent, with **SCS**, entitled:

An Act to amend chapter 394, RSMo, by adding thereto one new section relating to broadband communications services provided by rural electric cooperatives.

Was taken up by Senator Cunningham.

**SCS** for **HB 1880**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1880**

An Act to repeal section 394.080, RSMo, and to enact in lieu thereof three new sections relating to broadband communications services provided by rural electric cooperatives.

Was taken up.

Senator Cunningham moved that **SCS** for **HB 1880** be adopted.

Senator Cunningham offered **SS** for **SCS** for **HB 1880**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1880**

An Act to repeal section 394.080, RSMo, and to enact in lieu thereof two new sections relating to

broadband communications services provided by rural electric cooperatives.

Senator Cunningham moved that **SS** for **SCS** for **HB 1880** be adopted.

Senator Eigel offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1880, Page 4, Section 394.080, Lines 27-28, by striking all of the underlined language; and

Further amend said bill and section, page 5, lines 1-17, by striking all of said lines and inserting in lieu thereof the following: “;”; and

Further amend said bill and section, page 7, lines 2-4, by striking all of said lines.

Senator Eigel moved that the above amendment be adopted.

At the request of Senator Cunningham, **HB 1880**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 569**, as amended. Representatives: Fraker, Redmon, Cornejo, Mitten, McCreery.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

Senator Kehoe announced photographers from Fox 2 St. Louis were given permission to take pictures in the Senate Chamber.

**RESOLUTIONS**

Senator Curls offered Senate Resolution No. 1863, regarding Gary Wilkinson, Liberty, which was adopted.

Senator Curls offered Senate Resolution No. 1864, regarding Chuck Loomis, St. Joseph, which was adopted.

Senator Holsman offered Senate Resolution No. 1865, regarding Mirna Herrera, Lee’s Summit, which was adopted.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 2001**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater

Control Bond and Interest Fund, and Fourth State Building Bond and Interest Fund, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up by Senator Brown.

On motion of Senator Brown, **HCS** for **HB 2001** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 2002**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up by Senator Brown.

**SCS** for **HCS** for **HB 2002**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2002

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up.

Senator Brown moved that **SCS** for **HCS** for **HB 2002** be adopted.

Senator Schupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, Page 2, Section 2.015, Line 3, by striking the number “\$3,818,553,050” and inserting in lieu thereof the number “\$3,869,011,921”; and

Further amend said section, line 9 by striking the number “\$3,441,369,050” and inserting in lieu thereof the number “\$3,491,827,921”; and

Further amend said section, line 16 by striking the number “2,258,791,331” and inserting in lieu thereof the number “2,252,077,830”; and

further amend section and bill totals accordingly.

Senator Schupp moved that the above amendment be adopted.

Senator Nasheed requested a roll call vote be taken on the adoption of **SA 1** and was joined in her request by Senators Holsman, Rizzo, Schaaf and Schupp.

Senator Onder offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, Page 2, Section 2.015, Line 3, by striking the number “\$3,818,553,050” and inserting in lieu thereof the number “\$3,818,553,051”; and

Further amend said section, line 9 by striking the number “\$3,441,369,050” and inserting in lieu thereof the number “\$3,441,369,051”; and

Further amend said section, line 16 by striking the number “2,258,791,331” and inserting in lieu thereof the number “2,258,791,332”; and

Further amend section and bill totals accordingly.

Senator Onder moved that the above substitute amendment be adopted.

Senator Onder offered **SA 1** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, Page 1, Line 3, by striking the number “\$3,818,553,051” and inserting in lieu thereof the following: “\$3,818,553,052”; and further amend line 6 by striking the number “\$3,441,369,051” and inserting in lieu thereof the following: “\$3,441,369,052”; and further amend line 9 by striking the number “\$2,258,791,332” and inserting in lieu thereof the following: “\$2,258,791,333”.

Senator Onder moved that the above amendment be adopted.

At the request of Senator Schupp, **SA 1** was withdrawn, rendering **SSA 1** for **SA 1** and **SA 1** to **SSA 1** for **SA 1** moot.

Senator Schupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, Page 2, Section 2.015, Line 3, by striking the number “\$3,818,553,050” and inserting in lieu thereof the number “\$3,869,011,919”; and

Further amend said section, line 9 by striking the number “\$3,441,369,050” and inserting in lieu thereof the number “\$3,491,827,919”; and

Further amend said section, line 16 by striking the number “2,258,791,331” and inserting in lieu thereof the number “2,252,077,828”; and

Further amend section and bill totals accordingly.

Senator Schupp moved that the above amendment be adopted.

Senator Schupp offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, Page 2, Section 2.015, Line 3, by striking the number “\$3,818,553,050” and inserting in lieu thereof the number “\$3,869,011,920”; and

Further amend said section, line 9 by striking the number “\$3,441,369,050” and inserting in lieu thereof the number “\$3,491,827,920”; and

Further amend said section, line 16 by striking the number “2,258,791,331” and inserting in lieu thereof the number “2,252,077,829”; and

Further amend section and bill totals accordingly.

Senator Schupp moved that the above substitute amendment be adopted.

Senator Schupp offered **SA 1** to **SSA 1** for **SA 2**:

SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, Page 1, Line 3, by striking the number “\$3,869,011,920” and inserting in lieu thereof the following: “\$3,869,011,921”; and further amend line 6 by striking the number “\$3,491,827,920” and inserting in lieu thereof the following: “\$3,491,827,921”; and further amend line 9 by striking the number “\$2,252,077,829” and inserting in lieu thereof the following: “\$2,252,077,830”.

Senator Schupp moved that the above amendment be adopted.

Senator Schupp requested a roll call vote be taken on the adoption of **SA 1 to SSA 1 for SA 2** and was joined in her request by Senators Holsman, Hummel, Rizzo and Sifton.

Senator Schaaf requested a standing division vote on **SSA 1 for SA 2** and was joined in his request by Senator Schatz.

Senator Schaaf requested a standing division vote on **SA 2** and was joined in his request by Senator Schatz.

Senator Onder requested a roll call vote be taken on the adoption of **SSA 1 for SA 2** and was joined in his request by Senators Eigel, Emery, Sater and Schatz.

Senator Onder requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Eigel, Emery, Sater and Schatz.

Senator Schaaf raised the point of order that he had previously been granted a standing division vote on the adoption of **SSA 1 for SA 2 and SA 2**. The point of order was referred to the President Pro Tem.

Senator Sifton raised a further point of order that Senator Onder had requested a roll call vote on an amendment that was not before the body. The point of order was referred to the President Pro Tem.

At the request of Senator Schaaf, the first point of order was withdrawn.

At the request of Senator Sifton, the second point of order was withdrawn.

Senator Rowden assumed the Chair.

President Parson assumed the Chair.

At the request of Senator Schupp, **SA 2** was withdrawn, rendering **SSA 1 for SA 2 and SA 1 to SSA 1 for SA 2** moot.

Senator Brown moved that **SCS for HCS for HB 2002**, be adopted, which motion prevailed.

On motion of Senator Brown, **SCS for HCS for HB 2002** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Romine	Rowden	Sater	Schaaf
Schatz	Wallingford	Wasson	Wieland—25			

NAYS—Senators

Chappelle-Nadal	Holsman	Hummel	Nasheed	Rizzo	Schupp	Sifton
-----------------	---------	--------	---------	-------	--------	--------

Walsh—8

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS for HB 2003**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up by Senator Brown.

**SCS for HCS for HB 2003**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2003

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up.

Senator Brown moved that **SCS for HCS for HB 2003** be adopted, which motion prevailed.

On motion of Senator Brown, **SCS for HCS for HB 2003** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Sifton—1

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.



Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS for HB 2004**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up by Senator Brown.

**SCS for HCS for HB 2004**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2004

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up.

Senator Brown moved that **SCS for HCS for HB 2004** be adopted, which motion prevailed.

On motion of Senator Brown, **SCS for HCS for HB 2004** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS for HB 2005**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up by Senator Brown.

**SCS for HCS for HB 2005**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2005

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up.

Senator Brown moved that **SCS for HCS for HB 2005** be adopted, which motion prevailed.

On motion of Senator Brown, **SCS for HCS for HB 2005** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curles	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS for HB 2006**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up by Senator Brown.

**SCS for HCS for HB 2006**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2006

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up.

Senator Brown moved that **SCS for HCS for HB 2006** be adopted.

President Pro Tem Richard assumed the Chair.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2006, Page 23, Section 6.305, Line 38, by inserting immediately after said line the following:

“Section 6.310. To the Department of Natural Resources

For Refunds

From State Parks Earnings Fund (0415).....\$574,372”; and further amend bill totals accordingly

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

Senator Brown offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2006, Page 17, Section 6.225, Line 147, by inserting immediately thereafter said line

“For Contaminated Acquisition Home Program

From General Revenue Fund.....\$1,000,000”;

Further amend the section and bill totals accordingly.

Senator Brown moved that the above amendment be adopted, which motion prevailed.

Senator Brown moved that **SCS** for **HCS** for **HB 2006**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **HCS** for **HB 2006**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Eigel—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 593**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 594**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 775**, entitled:

An Act to repeal sections 190.839, 198.439, 208.431, 208.432, 208.433, 208.434, 208.435, 208.436, 208.437, 208.471, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof thirteen new sections relating to reimbursement allowance taxes.

With House Amendment No. 1, House Amendment No. 2 to House Amendment No. 2 and House Amendment No. 2 as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 775, Page 1, Section 190.839, Line 1, by deleting the year “**2020**” and inserting in lieu thereof the year “**2019**”; and

Further amend said bill, page, Section 198.439, Line 1, by deleting the year “**2020**” and inserting in lieu thereof the year “**2019**”; and

Further amend said bill, Page 5, Section 208.437, Line 26, by deleting the year “**2020**” and inserting in lieu thereof the year “**2019**”; and

Further amend said bill, Page 6, Section 208.480, Line 2, by deleting the year “**2020**” and inserting in lieu thereof the year “**2019**”; and

Further amend said bill, Page 7, Section 338.550, Lines 9 and 15, by deleting the year “**2020**” and inserting in lieu thereof the year “**2019**”; and

Further amend said bill, Page 9, Section 633.401, Line 97, by deleting the year “**2020**” and inserting in lieu thereof the year “**2019**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO  
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 775, Page 1, Line 3, by deleting the word “**sixty**” and inserting in lieu thereof the word “**forty-five**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 775, Page 6, Section 208.471, Line 32, by removing the word “**forty-one**” and inserting in lieu thereof the word “**sixty**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 826**, entitled:

An Act to repeal sections 195.010, 195.070, 195.080, 338.010, and 338.056, RSMo, and to enact in lieu thereof six new sections relating to pharmacy, with an emergency clause for a certain section.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, and House Substitute Amendment No. 1 for House Amendment No. 9.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, Page 17, Section 338.056, Line 38, by inserting immediately after said line the following:

“338.202. 1. Notwithstanding any other provision of law to the contrary, unless the prescriber has specified on the prescription that dispensing a prescription for a maintenance medication in an initial amount followed by periodic refills is medically necessary, a pharmacist may exercise his or her professional judgment to dispense varying quantities of maintenance medication per fill, up to the total number of dosage units as authorized by the prescriber on the original prescription, including any refills. Dispensing of the maintenance medication based on refills authorized by the physician or prescriber on the prescription shall be limited to no more than a ninety-day supply of the medication, and the maintenance medication shall have been previously prescribed to the patient for at least a three-month period. **The supply limitations provided in this subsection shall not apply if the prescription is issued by a practitioner located in another state according to and in compliance with the applicable laws of that state and the United States or dispensed to a patient who is a member of the United States Armed Forces serving outside the United States.**

2. For the purposes of this section, “maintenance medication” is and means a medication prescribed for chronic long-term conditions and that is taken on a regular, recurring basis; except that, it shall not include controlled substances, as defined in and under section 195.010.

376.1237. 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, and that provides coverage for prescription eye drops shall provide coverage for the refilling of an eye drop prescription prior to the last day of the prescribed dosage period without regard to a coverage restriction for early refill of prescription renewals as long as the prescribing health care provider authorizes such early refill, and the health carrier or the health benefit plan is notified.

2. For the purposes of this section, health carrier and health benefit plan shall have the same meaning as defined in section 376.1350.

3. The coverage required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months’ or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

[5. The provisions of this section shall terminate on January 1, 2020.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, Page 13, Section 195.265, Line 18, by inserting after all of said section and line the following:

“210.070. [Every] **1. A physician, midwife, or nurse who shall be in attendance upon a newborn infant or its mother[,]** shall drop into the eyes of such infant [immediately after delivery,] a prophylactic [solution] **medication** approved by the state department of health and senior services[, and shall within forty-eight hours thereafter, report in writing to the board of health or county physician of the city, town or county where such birth occurs, his or her compliance with this section, stating the solution used by him or her].

**2. Administration of such eye drops shall not be required if a parent or legal guardian of such infant objects to the treatment because it is against the religious beliefs of the parent or legal guardian.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, Page 13, Section 195.265, Line 18, by inserting the following after all of said line:

**“208.1070. 1. For purposes of this section, the term “long-acting reversible contraceptive (LARC)” shall include, but not be limited to, intrauterine devices (IUDs) and birth control implants.**

**2. Notwithstanding any other provision of law, any LARC that is prescribed to and obtained for a MO HealthNet participant may be transferred to another MO HealthNet participant if the LARC was not delivered to, implanted in, or used on the original MO HealthNet participant to whom the LARC was prescribed. In order to be transferred to another MO HealthNet participant under the provisions of this section, the LARC shall:**

**(1) Be in the original, unopened package;**

**(2) Have been in the possession of the health care provider for at least twelve weeks. The provisions of this subdivision may be waived upon the written consent of the original MO HealthNet participant to whom the LARC was prescribed;**

**(3) Not have left the possession of the health care provider who originally prescribed the LARC; and**

**(4) Be medically appropriate and not contraindicated for the MO HealthNet participant to whom the LARC is being transferred.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, Page 1, Section A, Line 3, by inserting after all of said line the following:

**“191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called “providers”, shall, upon written request of a patient, or guardian or legally**

authorized representative of a patient, furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) (a) Search and retrieval, in an amount not more than twenty-four dollars and eighty-five cents plus copying in the amount of fifty-seven cents per page for the cost of supplies and labor plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed twenty-three dollars and twenty-six cents, as adjusted annually pursuant to subsection 5 of this section; or

(b) The records shall be furnished electronically upon payment of the search, retrieval, and copying fees set under this section at the time of the request or one hundred eight dollars and eighty-eight cents total, whichever is less, if such person:

- a. Requests health records to be delivered electronically in a format of the health care provider's choice;
- b. The health care provider stores such records completely in an electronic health record; and
- c. The health care provider is capable of providing the requested records and affidavit, if requested, in an electronic format;

(2) Postage, to include packaging and delivery cost;

(3) Notary fee, not to exceed two dollars, if requested.

**3. For purposes of subsections 1 and 2 of this section, "a copy of his or her record of that patient's health history and treatment rendered" or "the patient's health care records" include a statement or record that no such health history or treatment record responsive to the request exists.**

4. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

[4.] 5. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

[5.] 6. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the



department's internet website by February first of each year.

[6.] 7. A health care provider may disclose a deceased patient's health care records or payment records to the executor or administrator of the deceased person's estate, or pursuant to a valid, unrevoked power of attorney for health care that specifically directs that the deceased person's health care records be released to the agent after death. If an executor, administrator, or agent has not been appointed, the deceased prior to death did not specifically object to disclosure of his or her records in writing, and such disclosure is not inconsistent with any prior expressed preference of the deceased that is known to the health care provider, a deceased patient's health care records may be released upon written request of a person who is deemed as the personal representative of the deceased person under this subsection. Priority shall be given to the deceased patient's spouse and the records shall be released on the affidavit of the surviving spouse that he or she is the surviving spouse. If there is no surviving spouse, the health care records may be released to one of the following persons:

(1) The acting trustee of a trust created by the deceased patient either alone or with the deceased patient's spouse;

(2) An adult child of the deceased patient on the affidavit of the adult child that he or she is the adult child of the deceased;

(3) A parent of the deceased patient on the affidavit of the parent that he or she is the parent of the deceased;

(4) An adult brother or sister of the deceased patient on the affidavit of the adult brother or sister that he or she is the adult brother or sister of the deceased;

(5) A guardian or conservator of the deceased patient at the time of the patient's death on the affidavit of the guardian or conservator that he or she is the guardian or conservator of the deceased; or

(6) A guardian ad litem of the deceased's minor child based on the affidavit of the guardian that he or she is the guardian ad litem of the minor child of the deceased."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, Page 17, Section 338.056, Line 38, by inserting after all of said section and line the following:

**"630.1010. The department of mental health shall develop a treatment protocol containing best practice guidelines for the treatment of opioid-dependent patients. The treatment protocol shall include the following:**

**(1) Appropriate clinical use of all drugs approved by the federal Food and Drug Administration for the treatment of opioid addiction, including, but not limited to, the following:**

**(a) Opioid maintenance;**

**(b) Opioid detoxification;**

**(c) Overdose reversal; and**

**(d) Long acting, antagonist medication;**

**(2) Training for prescribers dispensing narcotic drugs for the treatment and management of opiate-dependent patients consistent with the federal Controlled Substances Act, as amended by Section 303 of the Comprehensive Addiction and Recovery Act of 2016; and**

**(3) Development and adoption of standard processes for obtaining informed consent from patients concerning all available medication-assisted treatment options, including potential benefits and risks.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, Page 11, Section 195.070, Lines 24-31, by deleting all of said lines and inserting in lieu thereof the following:

“patient, for any reason, if such practitioner did not originally dispense the drug, **except as provided in section 195.265.**”; and

Further amend said bill, Page 12, Section 195.080, Line 24, by inserting after the words “**treatment for cancer**” the words “**or sickle cell disease**”; and

Further amend said bill, page, and section, Line 28, by inserting after the words “**dispense medication**” the words “**in good faith**”; and

Further amend said bill and page, Section 195.265, Line 1, by inserting immediately after the number “**195.265.**” the following:

**“1. Unused controlled substances may be accepted from ultimate users, from hospice or home health care providers on behalf of ultimate users to the extent federal law allows, or any person lawfully entitled to dispose of a decedent's property if the decedent was an ultimate user who died while in lawful possession of a controlled substance, through:**

**(1) Collection receptacles, drug disposal boxes, mail back packages, and other means by a Drug Enforcement Agency-authorized collector in accordance with federal regulations even if the authorized collector did not originally dispense the drug; or**

**(2) Drug take back programs conducted by federal, state, tribal, or local law enforcement agencies in partnership with any person or entity.**

**This subsection shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state, regarding the disposal of unused controlled substances. For the purposes of this section, the term “ultimate user” shall mean a person who has lawfully obtained and possesses a controlled substance for his or her own use or for the use of a member of his or her household or for an animal owned by him or her or a member of his or her household.**

**2.”; and**

Further amend said bill and section, Page 13, Line 7, by deleting the word “**mailers**” and inserting in lieu thereof the words “**mail back packages**”; and

Further amend said bill, page, and section, Line 12, by inserting immediately after the word **“location”** the phrase **“and is updated every six months by the department”**; and

Further amend said bill, page, and section, Line 13, by inserting immediately after the word **“events”** the words **“and mail back events”**; and

Further amend said bill, page, and section, Line 14, by inserting immediately after the word **“event”** the phrase **“and is updated every six months by the department”**; and

Further amend said bill, page, and section, Line 16, by deleting the words **“4 of section 195.070”** and inserting in lieu thereof the words **“1 of this section”**; and

Further amend said bill, page, and section, Line 18, by inserting after all of said section and line the following:

**“208.183. 1. There shall be established an “Advisory Council on Rare Diseases and Personalized Medicine” within the MO HealthNet division. The advisory council shall serve as an expert advisory committee to the drug utilization review board, providing necessary consultation to the board when the board makes recommendations or determinations regarding beneficiary access to drugs or biological products for rare diseases, or when the board itself determines that it lacks the specific scientific, medical, or technical expertise necessary for the proper performance of its responsibilities and such necessary expertise can be provided by experts outside the board. “Beneficiary access”, as used in this section, shall mean developing prior authorization and reauthorization criteria for a rare disease drug, including placement on a preferred drug list or a formulary, as well as payment, cost-sharing, drug utilization review, or medication therapy management.**

**2. The advisory council on rare diseases and personalized medicine shall be composed of the following health care professionals, who shall be appointed by the director of the department of social services:**

**(1) Two physicians affiliated with a public school of medicine who are licensed and practicing in this state with experience researching, diagnosing, or treating rare diseases;**

**(2) Two physicians affiliated with private schools of medicine headquartered in this state who are licensed and practicing in this state with experience researching, diagnosing, or treating rare diseases;**

**(3) A physician who holds a doctor of osteopathy degree, who is active in medical practice, and who is affiliated with a school of medicine in this state with experience researching, diagnosing, or treating rare diseases;**

**(4) Two medical researchers from either academic research institutions or medical research organizations in this state who have received federal or foundation grant funding for rare disease research;**

**(5) A registered nurse or advanced practice registered nurse licensed and practicing in this state with experience treating rare diseases;**

**(6) A pharmacist practicing in a hospital in this state which has a designated orphan disease center;**

**(7) A professor employed by a pharmacy program in this state that is fully accredited by the**

**Accreditation Council for Pharmacy Education and who has advanced scientific or medical training in orphan and rare disease treatments;**

**(8) One individual representing the rare disease community or who is living with a rare disease;**

**(9) One member who represents a rare disease foundation;**

**(10) A representative from a rare disease center located within one of the state’s comprehensive pediatric hospitals;**

**(11) The chair of the joint committee on the life sciences or the chair’s designee; and**

**(12) The chairperson of the drug utilization review board, or the chairperson’s designee, who shall serve as an ex officio, nonvoting member of the advisory council.**

**3. The director shall convene the first meeting of the advisory council on rare diseases and personalized medicine no later than February 28, 2019. Following the first meeting, the advisory council shall meet upon the call of the chairperson of the drug utilization review board or upon the request of a majority of the council members.**

**4. The drug utilization review board, when making recommendations or determinations regarding beneficiary access to drugs and biological products for rare diseases, as defined in the federal Orphan Drug Act of 1983, P.L. 97-414, and drugs and biological products that are approved by the U.S. Food and Drug Administration and within the emerging fields of personalized medicine and noninheritable gene editing therapeutics, shall request and consider information from the advisory council on rare diseases and personalized medicine.**

**5. The drug utilization review board shall seek the input of the advisory council on rare diseases and personalized medicine to address topics for consultation under this section including, but not limited to:**

**(1) Rare diseases;**

**(2) The severity of rare diseases;**

**(3) The unmet medical need associated with rare diseases;**

**(4) The impact of particular coverage, cost-sharing, tiering, utilization management, prior authorization, medication therapy management, or other Medicaid policies on access to rare disease therapies;**

**(5) An assessment of the benefits and risks of therapies to treat rare diseases;**

**(6) The impact of particular coverage, cost-sharing, tiering, utilization management, prior authorization, medication therapy management, or other policies on patients’ adherence to the treatment regimen prescribed or otherwise recommended by their physicians;**

**(7) Whether beneficiaries who need treatment from or a consultation with a rare disease specialist have adequate access and, if not, what factors are causing the limited access; and**

**(8) The demographics and the clinical description of patient populations.**

**6. Nothing in this section shall be construed to create a legal right for a consultation on any matter**

or to require the drug utilization review board to meet with any particular expert or stakeholder.

**7. Recommendations of the advisory council on rare diseases and personalized medicine on an applicable treatment of a rare disease shall be explained in writing to members of the drug utilization review board during public hearings.**

**8. For purposes of this section, a “rare disease drug” shall mean a drug used to treat a rare medical condition, defined as any disease or condition that affects fewer than two hundred thousand persons in the United States, such as cystic fibrosis, hemophilia, and multiple myeloma.**

**9. All members of the advisory council on rare diseases and personalized medicine shall annually sign a conflict of interest statement revealing economic or other relationships with entities that could influence a member’s decisions, and at least twenty percent of the advisory council members shall not have a conflict of interest with respect to any insurer, pharmaceutical benefits manager, or pharmaceutical manufacturer.”; and**

Further amend said bill and page, Section 338.010, Line 9, by inserting immediately after the word “[twelve]” the words **“at least”**; and

Further amend said bill, page, and section, Line 10, by inserting after the word **“the”** the phrase **“age recommended by the”**; and

Further amend said bill, page, section, and line, by deleting the word **“recommendations”**; and

Further amend said bill and section, Page 14, Lines 47-48 and 53, by deleting each instance of the phrase “[and administration of viral influenza vaccines]” and inserting in lieu thereof **“and administration of viral influenza vaccines”**; and

Further amend said bill, Pages 16-17, Section 338.056, Lines 14-31, by deleting all of said lines and inserting in lieu thereof the following:

**“2. A pharmacist who receives a prescription for a brand name drug or biological product may[, unless requested otherwise by the purchaser,] select a less expensive generically equivalent or interchangeable biological product [under the following circumstances:**

**(1) If a written prescription is involved, the prescription form used shall have two signature lines at opposite ends at the bottom of the form. Under the line at the right side shall be clearly printed the words: “Dispense as Written”. Under the line at the left side shall be clearly printed the words “Substitution Permitted”. The prescriber shall communicate the instructions to the pharmacist by signing the appropriate line] unless:**

**(1) the patient requests a brand name drug or biological product; or**

**(2) the prescribing practitioner indicates that substitution is prohibited or displays “brand medically necessary”, “dispense as written”, “do not substitute”, “DAW”, or words of similar import on the prescription.**

**3. No prescription shall be valid without the signature of the prescriber [on one of these lines;**

**(2)].**

**4. If an oral prescription is involved, the practitioner or the practitioner’s agent, communicating the**

instructions to the pharmacist, shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug or interchangeable biological product may be substituted. The pharmacist shall note the instructions on the file copy of the prescription.”; and

Further amend said bill, Page 17, Section B, Lines 2 and 5, by deleting each instance of the phrase “section 195.070” and inserting in lieu thereof the phrase “sections 195.070 and 195.265”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR  
HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, Page 17, Section 338.056, Line 38, by inserting after all of said section and line the following:

**“376.387. 1. For purposes of this section, the following terms shall mean:**

- (1) “Covered person”, the same meaning as such term is defined in section 376.1257;**
- (2) “Health benefit plan”, the same meaning as such term is defined in section 376.1350;**
- (3) “Health carrier”, the same meaning as such term is defined in section 376.1350;**
- (4) “Pharmacy benefits manager”, the same meaning as such term is defined in section 376.388.**

**2. No pharmacy benefits manager shall charge or collect from a covered person a co-payment for a prescription or pharmacy service that exceeds the amount retained by the pharmacist or pharmacy from all payment sources for filling the prescription or providing the service.**

**3. No pharmacy benefits manager shall prohibit a pharmacist or pharmacy with which the pharmacy benefits manager has entered a contract from doing either of the following:**

**(1) Informing a covered person of the difference between the covered person’s co-payment for a prescription drug and the amount the covered person would pay if the covered person did not use a health benefit plan to cover the cost; or**

**(2) Selling a prescription drug to a covered person who chooses not to use a health benefit plan to cover the cost, provided the cost to the covered person is less than the covered person’s co-payment for the drug.**

**4. No pharmacy benefits manager shall restrict or interfere with a pharmacist’s ability to provide pharmacy care to a covered person, including providing pharmacist-patient communications and discussing alternative drug options.**

**5. No pharmacy benefits manager shall charge or hold a pharmacist or pharmacy responsible for any fee that is related to a claim unless the amount of the fee can be determined and has been disclosed to the pharmacist or pharmacy at the time of the claim’s adjudication.**

**6. No pharmacy benefits manager shall prohibit a pharmacist or pharmacy from making any written or oral statement to any state, county, or municipal official or before any state, county, or municipal committee, body, or proceeding.**

**7. The department of insurance, financial institutions and professional registration shall enforce**

the provisions of this section.

8. Any person aggrieved by a pharmacy benefits manager's violation of this section may bring a civil action against the pharmacy benefits manager that violated the provisions of this section.

9. If any person believes that a pharmacy benefits manager has committed a violation of subsections 2 through 5 of this section, they may mail written notice to the pharmacy benefits manager describing the alleged violation and allow the pharmacy benefits manager ten business days from the date the notice was postmarked to remedy such alleged violation. If such alleged violation is not so remedied, then such person may request the department of insurance, financial institutions and professional registration to conduct an arbitration proceeding in a manner prescribed by such division, provided that the division shall issue a ruling within seventy days of receiving the request. The division may join similar claims and claims presenting a common issue of fact. The department may establish a reasonable fee, which shall be paid by the non-prevailing party. The division's ruling shall be final and binding on all parties unless appealed as provided in chapter 536.

10. The department of insurance, financial institutions and professional registration may promulgate rules as necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void."'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 96**.

#### HOUSE CONCURRENT RESOLUTION NO. 96

Relating to designating May of each year as "Move Over Slow Down Awareness Month."

---

WHEREAS, the Missouri State Highway Patrol and other law enforcement officers, emergency response personnel, Missouri Department of Public Safety workers, and Missouri Department of Transportation workers spend many hours working on the roadsides throughout the state to enforce traffic laws, respond to traffic incidents and emergencies, and to perform routine roadside maintenance; and

WHEREAS, these troopers, officers, personnel, and workers have been struck by passing vehicles while they were performing law enforcement business, emergency response, and motorist assistance along the side of the roadway; and

WHEREAS, Missouri's "Move Over or Slow Down" law requires motorists to either change lanes or slow down when approaching Missouri State Highway Patrol and other law enforcement vehicles, emergency vehicles, and Department of Transportation and Department of Public Safety emergency response or motorist assist vehicles stopped or parked on the side of the road; and

WHEREAS, by moving over and providing a safe space or slowing down for Missouri Highway State Patrol and other law enforcement officers, emergency vehicles, and Department of Transportation and Department of Public Safety emergency response or motorist assist vehicles, passing motorists can help prevent injury or death to these individuals while they are performing their official public duties on

Missouri roadsides; and

WHEREAS, the Missouri State Highway Patrol is concerned with the safety of all law enforcement officers, emergency response personnel, and Department of Transportation and Department of Public Safety workers as they perform their official duties to the traveling public; and

WHEREAS, acknowledging Missouri's "Move Over or Slow Down" law serves as a reminder to the motoring public that following this common sense law will provide safer conditions for those whose work is often conducted along the side of the road:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby declare May of each year to be "Move Over or Slow Down Awareness Month" and encourage the citizens of this state to remember the "Move Over or Slow Down" law when approaching a Missouri State Highway Patrol and other law enforcement vehicles, emergency vehicles, and Department of Transportation and Department of Public Safety emergency response or motorist assist vehicles when displaying emergency lights or flashing amber and white lights and parked or stopped on the side of the road.

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Superintendent of the Missouri Highway Patrol, the Director the Department of Transportation, and the Director of the Department of Public Safety.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **HOUSE BILLS ON THIRD READING**

**HCS for HB 2007**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up by Senator Brown.

**SCS for HCS for HB 2007**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2007**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up.

Senator Brown moved that **SCS for HCS for HB 2007** be adopted.

Senator Sater offered **SA 1**:

#### **SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, Page 11, Section 7.150, Line 6, by striking the number "\$15,734,261" and inserting in lieu thereof the number "17,984,261"; and further amend section and bill totals accordingly

Senator Sater moved that the above amendment be adopted, which motion prevailed.



Senator Brown moved that **SCS** for **HCS** for **HB 2007**, as amended, be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **HCS** for **HB 2007**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Wasson	Wieland—30					

## NAYS—Senators

Eigel	Hummel	Walsh—3
-------	--------	---------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

The Senate observed a moment of silence in memory of Charles Skoda.

**HCS** for **HB 2008**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up by Senator Brown.

**SCS** for **HCS** for **HB 2008**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2008

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up.

Senator Brown moved that **SCS** for **HCS** for **HB 2008** be adopted.

Senator Schatz offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, Page 3, Section 8.020, Lines 4-7, by striking all of said lines and inserting in lieu thereof the following:

“task forces”.

Senator Schatz moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Brown moved that **SCS** for **HCS** for **HB 2008** be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **HCS** for **HB 2008** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

#### NAYS—Senators—None

#### Absent—Senators—None

#### Absent with leave—Senators—None

#### Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Under the provisions of Senate Rule 91, Senator Schaaf requested unanimous consent to be excused from voting on the adoption and 3rd reading of **SCS** for **HCS** for **HB 2009**, which request was granted.

**HCS** for **HB 2009**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up by Senator Brown.

**SCS** for **HCS** for **HB 2009**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2009

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up.

Senator Brown moved that **SCS** for **HCS** for **HB 2009** be adopted, which motion prevailed.

On motion of Senator Brown, **SCS** for **HCS** for **HB 2009** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson—30					

NAYS—Senators

Eigel                      Wieland—2

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Schaaf—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 2010**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up by Senator Brown.

**SCS** for **HCS** for **HB 2010**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2010

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up.

Senator Brown moved that **SCS** for **HCS** for **HB 2010** be adopted.

Senator Brown offered **SS** for **SCS** for **HCS** for **HB 2010**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2010

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Senator Brown moved that **SS** for **SCS** for **HCS** for **HB 2010** be adopted.

Senator Holsman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, Page 44, Section 10.1005, Line 6, by inserting immediately after said line the following:

“Section 10.1006 To the Department of Mental Health and the Department of Health and Senior Services

In reference to all sections in Part 1 of this act:

No funds shall be directed to any alternatives to abortion agency, as defined in Section 188.125, or any abortion facility, as defined in Section 188.015, that fails to provide medically accurate information when providing information about pregnancy, contraception, abortion, including, but not limited to, information supported by research conducted in compliance with accepted scientific methods and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the American Medical Association, American Academy of Pediatrics, federal Centers for Disease Control and Prevention, Food and Drug Administration, National Cancer Institute, American Psychological Association, or National Institute for Health.”

And further amend said bill and page, Section 10.1100, line 5, by inserting immediately after said line the following:

“Section 10.1101 To the Department of Mental Health and Department of Health and Senior Services

In reference to all sections in Part 1 and Part 2 of this act:

No funds shall be directed to any alternatives to abortion agency, as defined in Section 188.125, or any abortion facility, as defined in Section 188.015, that fails to provide medically accurate information when providing information about pregnancy, contraception, abortion, including, but not limited to, information supported by research conducted in compliance with accepted scientific methods and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the American Medical Association, American Academy of Pediatrics, federal Centers for Disease Control and Prevention, Food and Drug Administration, National Cancer Institute, American Psychological Association, or National Institute for Health.”

Senator Holsman moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Brown moved that **SS for SCS for HCS for HB 2010** be adopted, which motion prevailed.

On motion of Senator Brown, **SS for SCS for HCS for HB 2010** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Schaaf	Schatz	Wallingford	Wasson—25			

NAYS—Senators

Chappelle-Nadal	Holsman	Hummel	Nasheed	Schupp	Sifton	Walsh
Wieland—8						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS for HB 2011**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up by Senator Brown.

**SCS for HCS for HB 2011**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up.

Senator Brown moved that **SCS for HCS for HB 2011** be adopted.

Senator Schupp offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2011, Page 26, Section 11.436, Line 5, by deleting the number: “\$6,715,564” and inserting in lieu thereof the following number: “\$18,602,844”;

and

Further amend section and bill totals accordingly.

Senator Schupp moved that the above amendment be adopted, which motion failed.

Senator Brown moved that **SCS for HCS for HB 2011** be adopted, which motion prevailed.

On motion of Senator Brown, **SCS for HCS for HB 2011** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Schaaf	Schatz	Sifton	Wallingford	Walsh	Wasson—27	

NAYS—Senators

Eigel	Holsman	Hummel	Nasheed	Schupp	Wieland—6
-------	---------	--------	---------	--------	-----------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS for HB 2012**, entitled:

An Act to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up by Senator Brown.

**SCS for HCS for HB 2012**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2012

An Act to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up.

Senator Brown moved that **SCS for HCS for HB 2012** be adopted, which motion prevailed.

On motion of Senator Brown, **SCS for HCS for HB 2012** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Nasheed—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS for HB 2013**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up by Senator Brown.

**SCS for HCS for HB 2013**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2013

An Act to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was taken up.

Senator Brown moved that **SCS for HCS for HB 2013** be adopted, which motion prevailed.

On motion of Senator Brown, **SCS for HCS for HB 2013** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Nasheed—1

Absent—Senators—None



Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### **RESOLUTIONS**

Senator Schatz offered Senate Resolution No. 1866, regarding Raegan Holland, Eureka, which was adopted.

Senator Schatz offered Senate Resolution No. 1867, regarding Christine Newell, Chesterfield, which was adopted.

Senator Schatz offered Senate Resolution No. 1868, regarding Alyssa Hahn, Wildwood, which was adopted.

Senator Emery offered Senate Resolution No. 1869, regarding the death of Frederick Kirkland “Kirk” Powell, III, Pleasant Hill, which was adopted.

### **INTRODUCTION OF GUESTS**

Senator Holsman introduced to the Senate, Andrea Flinders, Kansas City.

Senator Cierpiot introduced to the Senate, the Physician of the Day, Dr. Craig Ostrander, and his wife, Jennifer, Lee’s Summit.

Senator Schaaf introduced to the Senate, Jack Arnold, Robbie Sharp, Madison Reese, and fifty-eight eighth-grade students from St. Therese North School, Kansas City; and Madison, Robbie and Jack were made honorary pages.

On behalf of Senator Rizzo and herself, Senator Curls introduced to the Senate, her brother, Lenny, and his son, Leo; teacher Ms. Milam, and fourth-grade students from William Yates Elementary School, Independence.

Senator Munzlinger introduced to the Senate, Commissioner Kenny Lovelace, Marion County Soil and Water Conservation District, Palmyra.

Senator Emery introduced to the Senate, former State Senator David Klindt and Diane Arthur, Cameron.

Senator Riddle introduced to the Senate, teacher Melissa Leisinger, parent Danielle Rosenthal; and Robbie Brockman, Caroline Forker, Colton Lewis, Allysun Phillippe, Hailey Rosenthal and Gage Trivette, fourth-grade students from Kingdom Christian Academy, Fulton.

Senator Kehoe introduced to the Senate, instructor Dennis Winder, and Tristan Adelman, Dylan Atkisson, Hannah Baskerville, Susie Dain, Hunter Hixson, Marcus Martin, Amber Munson, Collin Murray, Sideney Prater, Shane Randall, Brie Shelton, Seth Stewart, Brittany Ware and Drake Winder, State Fair Community College, Lake of the Ozarks.

Senator Nasheed introduced to the Senate, Lisl King Williams and Chester Deans, Fathers Support Center, St. Louis.

Senator Munzlinger introduced to the Senate, his sister, Jane Houghton, and her husband, Jerry, Lamar.

Senator Rowden introduced to the Senate, representatives of Leadership Columbia.

Senator Cunningham introduced to the Senate, Lisa Spragg, Rogersville.

On motion of Senator Kehoe, the Senate adjourned under the rules.

#### SENATE CALENDAR

---

SIXTIETH DAY—THURSDAY, APRIL 26, 2018

---

#### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HCS for HB 2140	HB 2155-Schroer
HB 2336-Tate	HCS for HB 2017
HCS for HBs 2523 & 2524	HCS for HB 2018
HCS for HB 1542	HCS for HB 1999
HCS for HB 1915	HCS for HB 1289

#### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)	SS for SCS for SB 907-Kehoe
SS for SB 699-Sifton (In Fiscal Oversight)	

#### SENATE BILLS FOR PERFECTION

SJR 36-Schatz, with SCS	SB 1102-Kehoe, with SCS
SB 678-Eigel	

#### HOUSE BILLS ON THIRD READING

1. HCS for HB 2116, with SCS (Schatz)	4. HB 1492-Lynch (Brown)
2. HB 1355-Phillips, with SCS (Schatz)	5. HCS for HB 1597, with SCS (Dixon)
3. HCS for HB 1617, with SCS (Onder)	6. HB 1744-Hansen (Romine)

- |   |                                       |
|---|---------------------------------------|
| 7. HCS for HB 1606 (Romine)               | 11. HB 2122-Engler, with SCS (Schatz) |
| 8. HB 1428-Muntzel (Munzlinger)           | 12. HCS for HB 1443, with SCS (Sater) |
| 9. HCS for HB 2034, with SCS (Munzlinger) | 13. HCS for HB 1645 (Rowden)          |
| 10. HCS for HB 1796 (Rowden)              |                                       |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 & 667-Eigel  
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 546-Munzlinger, with SS#4 (pending)   | SB 822-Hegeman, with SCS & SS for SCS<br>(pending)                  |
| SB 550-Wasson, with SCS  | SB 832-Rowden, with SCS, SS#2 for SCS &<br>point of order (pending) |
| SB 553-Dixon, with SCS, SS for SCS & SA 1<br>(pending)   | SB 837-Rowden   |
| SBs 555 & 609-Brown, with SCS  | SB 848-Riddle   |
| SB 556-Brown, with SA 1 (pending)  | SB 849-Kehoe and Schupp, with SCS, SA 1<br>& SA 1 to SA 1 (pending) |
| SB 561-Sater, with SA 1 (pending)  | SB 859-Koenig, with SCS & SS for SCS<br>(pending)                   |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                            | SB 860-Koenig, with SCS, SS for SCS & SA 1<br>(pending)             |
| SB 578-Romine  | SB 861-Hegeman, with SCS  |
| SB 591-Hegeman, with SCS   | SB 865-Kehoe  |
| SB 596-Riddle, with SCS  | SB 893-Sater, with SCS, SS for SCS & SA 1<br>(pending)              |
| SB 599-Schatz  | SB 912-Rowden, with SCS & SS#3 for SCS<br>(pending)                 |
| SB 602-Onder, with SCS   | SB 920-Riddle, with SS & SA 2 (pending)                             |
| SB 612-Koenig, with SCS, SS#2 for SCS,<br>SA 2, SSA 1 for SA 2 & SA 1 to SSA 1<br>for SA 2 (pending) | SB 928-Onder, with SCS  |
| SB 663-Schatz, with SCS, SS for SCS & SA 1<br>(pending)  | SB 949-Emery, with SCS, SS for SCS & SA 2<br>(pending)              |
| SB 730-Wallingford, with SCS & SA 1<br>(pending)   | SB 1003-Wasson, with SS & SA 1 (pending)                            |
| SB 751-Schatz  | SB 1007-Kehoe, with SCS   |
| SB 767-Hoskins, with SCS, SS for SCS &<br>SA 2 (pending)   | SB 1021-Dixon and Wallingford, with SCS                             |
| SB 774-Munzlinger  |   |
| SB 813-Riddle, with SCS & SA 1 (pending)   |   |

## HOUSE BILLS ON THIRD READING

HCS for HB 1286, with SCS & SA 1  
(pending) (Romine)  
HCS for HBs 1288, 1377 & 2050, with SCS  
(Dixon)  
HB 1303-Alferman, with SCS (Rowden)  
HB 1329-Remole, with SCS, SS for SCS &  
SA 5 (pending) (Munzlinger)  
SS for SCS for HB 1350-Smith (163)  
(Rowden)  
HB 1413-Taylor, with SCS, SS for SCS &  
SA 1 (pending) (Onder)  
HB 1442-Alferman, with SCS, SS for SCS &  
SA 1 (pending) (Schatz)  
HCS for HB 1461 (Rowden)  
HCS for HB 1500, with SCS, SS for SCS,  
SA 3 & SSA 1 for SA 3 (pending) (Koenig)

HB 1578-Kolkmeier (Munzlinger)  
HCS for HB 1605, with SCS (Kehoe)  
HB 1630-Evans (Rowden)  
HB 1691-Miller, with SCS (Emery)  
HCS for HBs 1729, 1621 & 1436 (Brown)  
HB 1769-Mathews, with SCS (Schatz)  
HCS for HB 1879, with SCS, SS for SCS &  
SA 1 (pending) (Cunningham)  
HB 1880-Trent, with SCS, SS for SCS & SA 1  
(pending) (Cunningham)  
HCS for HB 1991, with SCS (Rowden)  
HB 2044-Taylor, with SCS (pending)  
(Dixon)

## SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 608-Hoskins, with HCS  
SS for SCS for SB 775-Brown, with HCS,  
as amended

SS for SCS for SB 826-Sater, with HCS,  
as amended

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

SB 569-Cunningham, with HCS, as amended

HB 1291-Henderson, with SS for SCS,  
as amended (Romine)

## RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 37-Eigel and Onder

To be Referred

HCR 96-Conway

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTIETH DAY—THURSDAY, APRIL 26, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“It is God who girds me about with strength and makes my way secure.” (Psalm 18:33)

Merciful God, as we finish up this long week and head home we ask for the gift to walk in Your righteous pathways. Help us make time with those we love special and our worship of You worthy and meaningful. Bless this time that our ways may be Your ways and our love be like Yours. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Eigel offered Senate Resolution No. 1870, regarding Emily Bodrow, St. Charles, which was adopted.

Senator Eigel offered Senate Resolution No. 1871, regarding Molly Frei, Weldon Springs, which was adopted.

Senator Sater offered Senate Resolution No. 1872, regarding Eagle Scout Michael Gerard Bernsen, Shell Knob, which was adopted.

Senator Wasson offered Senate Resolution No. 1873, regarding 2018 Nixa's Sucker Day, which was adopted.

Senator Wasson offered Senate Resolution No. 1874, regarding Willard Central Elementary School, Springfield, which was adopted.

Senator Richard offered Senate Resolution No. 1875, regarding Ann Brand, which was adopted.

Senator Sifton offered Senate Resolution No. 1876, regarding Catherine Fix, St. Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 1877, regarding Irina Sarah Grimm, Oakland, which was adopted.

Senator Crawford offered Senate Resolution No. 1878, regarding Wayne and Kay Morris, Louisburg, which was adopted.

Senator Crawford offered Senate Resolution No. 1879, regarding Diane Zinn, Sedalia, which was adopted.

Senator Crawford offered Senate Resolution No. 1880, regarding Leonard Zanatta, Bolivar, which was adopted.

Senator Crawford offered Senate Resolution No. 1881, regarding Mildred Reid, Lebanon, which was adopted.

Senator Crawford offered Senate Resolution No. 1882, regarding Billy D. Pearson, Wheatland, which was adopted.

Senator Crawford offered Senate Resolution No. 1883, regarding Joseph "Carter" Kinkead, DVM, Warsaw, which was adopted.

Senator Crawford offered Senate Resolution No. 1884, regarding Charles T. Bourland, Osceola, which was adopted.

Senator Crawford offered Senate Resolution No. 1885, regarding Lynne Hedrick, El Dorado Springs, which was adopted.

Senator Cierpiot offered Senate Resolution No. 1886, regarding William Bryant Elementary School, Blue Springs R-IV School District, which was adopted.

Senator Eigel offered Senate Resolution No. 1887, regarding Kate Mossman, St. Charles, which was adopted.

## **REPORTS OF STANDING COMMITTEES**

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Terra N. Frazier, Courtney L. Kovachevich and Danielle T. Smith as members of the Child Abuse and Neglect Review Board;

Jeffrey S. Glaser, Republican, as a member of the State Board of Registration for the Healing Arts;

Luke M. Legrand, as a representative of the Southeast Missouri State University Board of Regents;

Dana Lopez, as a member of the Missouri State Foster Care and Adoption Board;

Kenneth L. Lovelace, Republican, as a member of the State Soil and Water Districts Commission;

Kenneth “Brooks” Miller and Michael McClaskey, as members of the Truman State University Board of Governors; and

William L. Miller, as student representative of the Missouri State University Board of Governors.

Senator Richard requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Richard moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

## **HOUSE BILLS ON THIRD READING**

Senator Cunningham moved that **HB 1880**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Eigel, the above amendment was withdrawn.

Senator Schaaf offered **SA 2**, which was read:

### **SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1880, Page 5, Section 394.080, Line 3, by inserting after “value” the following: “, which, notwithstanding any other provision of law, shall always be greater than zero,”.

Senator Schaaf moved that the above amendment be adopted.

At the request of Senator Schaaf, **SA 2** was withdrawn.

Senator Schaaf offered **SA 3**:

### **SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1880, Page 5, Section



394.080, Line 1, by inserting after the word “condemnation” the following: “**filed after August 28, 2018**”; and further amend line 3, by inserting after the word “value” the following: “, **which, notwithstanding any other provision of law, shall always be greater than zero,**”.

Senator Schaaf moved that the above amendment be adopted.

President Pro Tem Richard assumed the Chair.

President Parson assumed the Chair.

Senator Sifton offered **SA 1 to SA 3**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Bill No. 1880, Page 1, Line 5, by inserting after “zero,” the following: “; and further amend line 5 by inserting after the word “case” the following: “**filed after August 28, 2018**”.

Senator Sifton moved that the above amendment be adopted.

Senator Cunningham requested a roll call vote be taken on the adoption of **SA 1 to SA 3**. He was joined in his request by Senators Brown, Emery, Kehoe and Richard.

**SA 1 to SA 3** failed of adoption by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Eigel	Holsman	Hummel	Koenig	Nasheed
Rizzo	Romine	Schaaf	Schupp	Sifton	Walsh—13	

NAYS—Senators

Brown	Crawford	Cunningham	Dixon	Emery	Hegeman	Hoskins
Kehoe	Munzlinger	Onder	Richard	Riddle	Rowden	Sater
Schatz	Wallingford	Wasson	Wieland—18			

Absent—Senators

Cierpiot	Libla—2
----------	---------

Absent with leave—Senators—None

Vacancies—1

At the request of Senator Schaaf, **SA 3** was withdrawn.

At the request of Senator Cunningham, **HB 1880**, with SCS and SS for SCS (pending), was placed on the Informal Calendar.

Senator Romine moved that **HCS** for **HB 1286**, with SCS and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Schatz, the above amendment was withdrawn.

Senator Romine moved that **SCS** for **HCS** for **HB 1286** be adopted, which motion prevailed.

On motion of Senator Romine, **SCS** for **HCS** for **HB 1286** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Emery
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Munzlinger	Nasheed
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Schaaf	Schatz	Schupp	Wallingford	Walsh	Wasson	Wieland—28

NAYS—Senators

Eigel	Koenig	Sifton—3
-------	--------	----------

Absent—Senator Dixon—1

Absent with leave—Senator Libla—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Cunningham moved that **HCS** for **HB 1879**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Cunningham, **HCS** for **HB 1879**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

### SENATE BILLS FOR PERFECTION

Senator Dixon moved that **SB 553**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

Senator Rowden assumed the Chair.

Senator Nasheed moved that **SA 1** be adopted, which motion prevailed.

Senator Chappelle-Nadal offered **SA 2**:

### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 553, Pages 1-3, Section 67.398, by striking said section from the bill; and further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Dixon moved that **SS for SCS for SB 553**, as amended, be adopted, which motion prevailed.

Senator Dixon moved that **SS for SCS for SB 553**, as amended, be perfected and requested a roll call vote be taken. He was joined in his request by Senators Hummel, Kehoe, Munzlinger and Walsh.

**SS for SCS for SB 553**, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Emery	Hoskins
Hummel	Kehoe	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Sater	Schatz	Wallingford	Wasson	Wieland—20	

NAYS—Senators

Chappelle-Nadal	Curls	Eigel	Hegeman	Holsman	Koenig	Nasheed
Rowden	Schaaf	Schupp	Sifton	Walsh—12		

Absent—Senators—None

Absent with leave—Senator Libla—1

Vacancies—1

### HOUSE BILLS ON THIRD READING

Senator Koenig moved that **HCS for HB 1500**, with **SCS**, **SS for SCS**, **SA 3** and **SSA 1 for SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SSA 1 for SA 3** was again taken up.

At the request of Senator Koenig, **SS for SCS for HCS for HB 1500** was withdrawn, rendering **SSA 1 for SA 3** and **SA 3** moot.

Senator Koenig offered **SS No. 2 for SCS for HCS for HB 1500**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1500

An Act to repeal sections 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, and 329.130, RSMo, and to enact in lieu thereof fourteen new sections relating to reduction in regulation of certain occupations.

Senator Koenig moved that **SS No. 2 for SCS for HCS for HB 1500** be adopted.

Senator Koenig offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 1500, Page 32, Section 329.275, Line 26, by striking the word “shall” and inserting in lieu thereof the following: “**may**”.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Koenig moved that **SS No. 2** for **SCS** for **HCS** for **HB 1500**, as amended, be adopted, which motion prevailed.

On motion of Senator Koenig, **SS No. 2** for **SCS** for **HCS** for **HB 1500**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Munzlinger	Onder	Richard	Riddle	Romine	Rowden	Sater
Schatz	Schupp	Sifton	Wallingford	Wasson	Wieland—27	

NAYS—Senators

Chappelle-Nadal	Nasheed	Rizzo	Schaaf	Walsh—5
-----------------	---------	-------	--------	---------

Absent—Senators—None

Absent with leave—Senator Libla—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Kehoe moved that **SCS** for **SB 1007**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 1007**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1007

An Act to repeal sections 36.020, 36.030, 36.031, 36.040, 36.050, 36.060, 36.070, 36.080, 36.090, 36.100, 36.110, 36.120, 36.130, 36.140, 36.150, 36.170, 36.180, 36.190, 36.200, 36.210, 36.220, 36.225, 36.240, 36.250, 36.260, 36.270, 36.280, 36.290, 36.300, 36.310, 36.320, 36.340, 36.360, 36.380, 36.390, 36.400, 36.440, 36.470, 36.510, 37.010, 105.055, 207.085, 621.075, and 630.167, RSMo, and to enact in lieu thereof thirty-seven new sections relating to the state personnel law, with existing penalty provisions.

Was taken up.

Senator Kehoe moved that **SCS** for **SB 1007** be adopted.

Senator Kehoe offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1007, Page 35, Section 621.075, Line 2, by striking the bold-faced language from said line; and

Further amend said bill and section, Page 36, Line 3, by striking the bold-faced language from said line and inserting in lieu thereof the following: “**regular employee, as that term is defined in section 36.020,**”.

Senator Kehoe moved that the above amendment be adopted, which motion prevailed.

Senator Schupp offered SA 2:

## SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 1007, Pages 32-35, Section 105.055, by striking all of said section and inserting in lieu thereof the following:

“105.055. 1. **As used in this section, the following terms mean:**

(1) “**Disciplinary action**”, any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, regardless of whether the withholding of work has affected or will affect the employee’s compensation;

(2) “**Public employee**”, any employee, volunteer, intern, or other individual performing work or services for a public employer;

(3) “**Public employer**”, any state agency or office, the general assembly, any legislative or governing body of the state, any unit or political subdivision of the state, or any other instrumentality of the state.

2. No supervisor or appointing authority of any [state agency] **public employer** shall prohibit any employee of the [agency] **public employer** from discussing the operations of the [agency] **public employer**, either specifically or generally, with any member of the legislature, state auditor, attorney general, **a prosecuting or circuit attorney, a law enforcement agency, news media, the public**, or any state official or body charged with investigating [such] **any alleged misconduct described in this section.**

[2.] 3. No supervisor or appointing authority of any [state agency] **public employer** shall:

(1) Prohibit a [state] **public** employee from or take any disciplinary action whatsoever against a [state] **public** employee for the disclosure of any alleged prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes evidences:

(a) A violation of any law, rule or regulation; or

(b) Mismanagement, a gross waste of funds or abuse of authority, **violation of policy, waste of public resources, alteration of technical findings or communication of scientific opinion, breaches of professional ethical canons**, or a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law; [or]

(2) Require [any such] **a public** employee to give notice to the supervisor or appointing authority prior to [making any such report] **disclosing any activity described in subdivision (1) of this subsection; or**

(3) **Prevent a public employee from testifying before a court, administrative body, or legislative body regarding the alleged prohibited activity or disclosure of information.**

[3.] **4.** This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that [an] **a public** employee inform the supervisor or appointing authority as to legislative requests for information to the [agency] **public employer** or the substance of testimony made, or to be made, by the **public** employee to legislators on behalf of the [employee to legislators on behalf of the agency] **public employer**;

(2) Permitting [an] **a public** employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the **public** employee is requested by a legislator or legislative committee to appear before a legislative committee;

(3) Authorizing [an] **a public** employee to represent [the employee's] **his or her** personal opinions as the opinions of a [state agency] **public employer**; or

(4) Restricting or precluding disciplinary action taken against a [state] **public** employee if: the employee knew that the information was false; the information is closed or is confidential under the provisions of the open meetings law or any other law; or the disclosure relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority or endangerment of the public health or safety.

[4. As used in this section, "disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, whether or not the withholding of work has affected or will affect the employee's compensation.]

**5. In addition to any other remedies provided by law**, any **state** employee may file an administrative appeal whenever the employee alleges that disciplinary action was taken against the employee in violation of this section. The appeal shall be filed with the administrative hearing commission[]; provided that the appeal shall be filed with the appropriate agency review board or body of nonmerit agency employers which have established appeal procedures substantially similar to those provided for merit employees in subsection 5 of section 36.390]. The appeal shall be filed within [thirty days] **one year** of the alleged disciplinary action. Procedures governing the appeal shall be in accordance with chapter 536. If the commission [or appropriate review body] finds that disciplinary action taken was [unreasonable] **taken for any reason that violates this section**, the commission [or appropriate review body] shall modify or reverse the agency's action and order such relief for the employee as the commission considers appropriate. If the commission finds a violation of this section, it may review and recommend to the appointing authority that the violator be suspended on leave without pay for not more than thirty days or, in cases of willful or repeated violations, may review and recommend to the appointing authority that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The decision of the commission [or appropriate review body] in such cases may be appealed by any party pursuant to law.

**6.** Each [state agency] **public employer** shall prominently post a copy of this section in locations where it can reasonably be expected to come to the attention of all employees of the [agency] **public employer**.

**7. (1)** In addition to the remedies in subsection [6] **5** of this section **or any other remedies provided by law**, a person who alleges a violation of this section may bring a civil action **against the public employer** for damages within [ninety days] **one year** after the occurrence of the alleged violation.

**(2)** A civil action commenced pursuant to this subsection may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides. **A person commencing such action may**

request a trial by jury.

(3) [An] **A public employee [must] shall** show by clear and convincing evidence that he or she or a person acting on his or her behalf has reported or was about to report, verbally or in writing, a prohibited activity or a suspected prohibited activity. **Upon such a showing, the burden shall be on the public employer to demonstrate that the disciplinary action was not the result of such a report.**

(4) A court, in rendering a judgment in an action brought pursuant to this section, shall order, as the court considers appropriate, actual damages **including, but not limited to, lost wages and restoration of benefits, punitive damages of no more than five times the amount of actual damages, reinstatement, and an injunction against further employment actions related to the reporting of misconduct**, and may also award the complainant all or a portion of the costs of litigation, including **court costs** and reasonable attorney fees.

**8. If the alleged misconduct is related to the receipt and expenditures of public funds, a public employee alleging that disciplinary action was taken against the employee in violation of this section may request the state auditor to investigate the alleged misconduct and whether the disciplinary action was taken in violation of this section. If the state auditor uses his or her discretion to make such an investigation, the time to appeal such disciplinary action under subsections 5 and 7 of this section shall be the later of one year from the date of the alleged disciplinary action or ninety days following the release of the state auditor's report.**

**9. The provisions of this section shall apply to public employees, notwithstanding any provisions of section 213.070 and section 285.575 to the contrary.**

**105.725. Any person who obtains a claim or final judgment for a payment to be made out of the state legal expense fund shall not be offered or required to sign any confidentiality agreement stating that he or she will not discuss his or her claim or final judgment or stating that if he or she does discuss such claim or final judgment, he or she will waive any right to moneys from the state legal expense fund. If a confidentiality agreement is offered to a person in violation of this section and such agreement is signed, such signed agreement shall be unenforceable.”; and**

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Having voted on the prevailing side, Senator Schupp moved that the vote by which **SA 2** was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Hegeman
Holsman	Hoskins	Kehoe	Koenig	Munzlinger	Nasheed	Onder
Richard	Riddle	Rizzo	Rowden	Sater	Schaaf	Schatz
Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—27	

NAYS—Senators—None

Absent—Senators

Chappelle-Nadal	Emery	Hummel	Romine—4
-----------------	-------	--------	----------

Absent with leave—Senators

Eigel	Libla—2
-------	---------

Vacancies—1

SA 2 was again taken up.

At the request of Senator Schupp, the above amendment was withdrawn.

Senator Schupp offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 1007, Pages 32-35, Section 105.055, by striking all of said section and inserting in lieu thereof the following:

“105.055. 1. As used in this section, the following terms mean:

(1) “Disciplinary action”, any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, regardless of whether the withholding of work has affected or will affect the employee’s compensation;

(2) “Public employee”, any employee, volunteer, intern, or other individual performing work or services for a public employer;

(3) “Public employer”, any state agency or office, the general assembly, any legislative or governing body of the state, any unit or political subdivision of the state, or any other instrumentality of the state.

2. No supervisor or appointing authority of any [state agency] **public employer** shall prohibit any employee of the [agency] **public employer** from discussing the operations of the [agency] **public employer**, either specifically or generally, with any member of the legislature, state auditor, attorney general, a prosecuting or circuit attorney, a law enforcement agency, news media, the public, or any state official or body charged with investigating [such] any alleged misconduct described in this section.

[2.] 3. No supervisor or appointing authority of any [state agency] **public employer** shall:

(1) Prohibit a [state] **public** employee from or take any disciplinary action whatsoever against a [state] **public** employee for the disclosure of any alleged prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes evidences:

(a) A violation of any law, rule or regulation; or

(b) Mismanagement, a gross waste of funds or abuse of authority, **violation of policy, waste of public resources, alteration of technical findings or communication of scientific opinion, breaches of professional ethical canons**, or a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law; [or]

(2) Require [any such] a **public** employee to give notice to the supervisor or appointing authority prior to [making any such report] **disclosing any activity described in subdivision (1) of this subsection; or**

(3) **Prevent a public employee from testifying before a court, administrative body, or legislative body regarding the alleged prohibited activity or disclosure of information.**

[3.] 4. This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that [an] a **public** employee inform the supervisor or appointing authority as to legislative requests for information to the [agency] **public**



**employer** or the substance of testimony made, or to be made, by the **public** employee to legislators on behalf of the [employee to legislators on behalf of the agency] **public employer**;

(2) Permitting [an] **a public** employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the **public** employee is requested by a legislator or legislative committee to appear before a legislative committee;

(3) Authorizing [an] **a public** employee to represent [the employee's] **his or her** personal opinions as the opinions of a [state agency] **public employer**; or

(4) Restricting or precluding disciplinary action taken against a [state] **public** employee if: the employee knew that the information was false; the information is closed or is confidential under the provisions of the open meetings law or any other law; or the disclosure relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority or endangerment of the public health or safety.

[4. As used in this section, "disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, whether or not the withholding of work has affected or will affect the employee's compensation.]

5. **In addition to any other remedies provided by law**, any **state** employee may file an administrative appeal whenever the employee alleges that disciplinary action was taken against the employee in violation of this section. The appeal shall be filed with the administrative hearing commission[]; provided that the appeal shall be filed with the appropriate agency review board or body of nonmerit agency employers which have established appeal procedures substantially similar to those provided for merit employees in subsection 5 of section 36.390]. The appeal shall be filed within [thirty days] **one year** of the alleged disciplinary action. Procedures governing the appeal shall be in accordance with chapter 536. If the commission [or appropriate review body] finds that disciplinary action taken was [unreasonable] **taken for any reason that violates this section**, the commission [or appropriate review body] shall modify or reverse the agency's action and order such relief for the employee as the commission considers appropriate. If the commission finds a violation of this section, it may review and recommend to the appointing authority that the violator be suspended on leave without pay for not more than thirty days or, in cases of willful or repeated violations, may review and recommend to the appointing authority that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The decision of the commission [or appropriate review body] in such cases may be appealed by any party pursuant to law.

6. Each [state agency] **public employer** shall prominently post a copy of this section in locations where it can reasonably be expected to come to the attention of all employees of the [agency] **public employer**.

7. (1) In addition to the remedies in subsection [6] **5** of this section **or any other remedies provided by law**, a person who alleges a violation of this section may bring a civil action **against the public employer** for damages within [ninety days] **one year** after the occurrence of the alleged violation.

(2) A civil action commenced pursuant to this subsection may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides. **A person commencing such action may request a trial by jury.**

(3) [An] **A public** employee [must] **shall** show by clear and convincing evidence that he or she or a person acting on his or her behalf has reported or was about to report, verbally or in writing, a prohibited

activity or a suspected prohibited activity. **Upon such a showing, the burden shall be on the public employer to demonstrate that the disciplinary action was not the result of such a report.**

(4) A court, in rendering a judgment in an action brought pursuant to this section, shall order, as the court considers appropriate, actual damages and may also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees.

**8. If the alleged misconduct is related to the receipt and expenditures of public funds, a public employee alleging that disciplinary action was taken against the employee in violation of this section may request the state auditor to investigate the alleged misconduct and whether the disciplinary action was taken in violation of this section. If the state auditor uses his or her discretion to make such an investigation, the time to appeal such disciplinary action under subsections 5 and 7 of this section shall be the later of one year from the date of the alleged disciplinary action or ninety days following the release of the state auditor's report.**

**9. The provisions of this section shall apply to public employees, notwithstanding any provisions of section 213.070 and section 285.575 to the contrary.**

**105.725. Any person who obtains a claim or final judgment for a payment to be made out of the state legal expense fund shall not be offered or required to sign any confidentiality agreement stating that he or she will not discuss his or her claim or final judgment or stating that if he or she does discuss such claim or final judgment, he or she will waive any right to moneys from the state legal expense fund. If a confidentiality agreement is offered to a person in violation of this section and such agreement is signed, such signed agreement shall be unenforceable.”; and**

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Kehoe moved that **SCS for SB 1007**, as amended, be adopted, which motion prevailed.

On motion of Senator Kehoe, **SCS for SB 1007**, as amended, was declared perfected and ordered printed.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS for HB 1858**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 2002**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 2003**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2004**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2005**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2006**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2007**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2008**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2009**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 2010**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2011**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2012**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2013**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 1291**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HB 1291**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCB 11**, entitled:

An Act to repeal sections 193.265, 210.003, 210.101, 210.102, 210.103, 210.110, 210.112, 210.145, 210.487, 210.498, 211.093, 431.056, 453.121, and 610.021, RSMo, and to enact in lieu thereof thirteen new sections relating to persons under protective custody.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCB 16**, entitled:

An Act to repeal sections 89.020, 137.010, 137.016, 137.017, 137.021, 144.025, 192.947, 265.300, 265.490, 265.494, and 414.032, RSMo, and to enact in lieu thereof sixteen new sections relating to agriculture, with penalty provisions and a delayed effective date for a certain section.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCB 14**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto ten new sections relating to the designation of state highways.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **PRIVILEGED MOTIONS**

Senator Brown requested unanimous consent of the Senate to make one motion to send **SCS** for **HCS** for **HB 2002**; **SCS** for **HCS** for **HB 2003**; **SCS** for **HCS** for **HB 2004**; **SCS** for **HCS** for **HB 2005**; **SCS** for **HCS** for **HB 2006**, as amended; **SCS** for **HCS** for **HB 2007**, as amended; **SCS** for **HCS** for **HB 2008**; **SCS** for **HCS** for **HB 2009**; **SS** for **SCS** for **HCS** for **HB 2010**; **SCS** for **HCS** for **HB 2011**; **SCS** for **HCS** for **HB 2012**; and **SCS** for **HCS** for **HB 2013** to conference in one motion, which request was granted.

Senator Brown moved that the Senate refuse to recede from its position on **SCS for HCS for HB 2002**; **SCS for HCS for HB 2003**; **SCS for HCS for HB 2004**; **SCS for HCS for HB 2005**; **SCS for HCS for HB 2006**, as amended; **SCS for HCS for HB 2007**, as amended; **SCS for HCS for HB 2008**; **SCS for HCS for HB 2009**; **SS for SCS for HCS for HB 2010**; **SCS for HCS for HB 2011**; **SCS for HCS for HB 2012**; and **SCS for HCS for HB 2013** and grant the House a conference thereon, which motion prevailed.

Senator Hoskins moved that the Senate refuse to concur in **HCS for SS for SB 608**, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Sater moved that the Senate refuse to concur in **HCS for SS for SCS for SB 826**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 26, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert P. MacDonald, Democrat, 218 Kaylee Circle, Poplar Bluff, Butler County, Missouri 63901, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2024, and until his successor is duly appointed and qualified; vice, Kendra Neely-Martin, term expired.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 26, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Chassity S. Nevels, 38866 West Saint Cloud Circle, Richmond, Ray County, Missouri 64085, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Lana M. Martin, withdrawn.

Respectfully submitted,

Eric R. Greitens

Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

April 26, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Margaret “Ellen” Nichols, Republican, 2122 East 47th Street, Joplin, Newton County, Missouri 64804, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2019, and until her successor is duly appointed and qualified; vice, James B. Kelly Jr., withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 26, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Janet Rogers, 601 Center Street, Lathrop, Clinton County, Missouri 64465, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Rhonda K. Haight, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 26, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Casey J. Short, 91 Route O, Greenfield, Dade County, Missouri 65661, as the student representative of the University of Central Missouri Board of Governors, for a term ending December 31, 2019, and until her successor is duly appointed and qualified; vice, Mathew R. Martinez, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
April 26, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John Stamm, Independent, 4152 Juniata Street #2 , Saint Louis, Saint Louis City, Missouri 63116, as a member of the Missouri Community Service Commission, for a term ending March 26, 2021, and until his successor is duly appointed and qualified; Nicole N. Roach, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

President Pro Tem Richard referred the above appointments to the Committee on Gubernatorial Appointments.

**SECOND READING OF CONCURRENT RESOLUTIONS**

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

**HCR 96**—Rules, Joint Rules, Resolutions and Ethics.

**RESOLUTIONS**

Senator Libla offered Senate Resolution No. 1888, regarding Lake Road Elementary School, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 1889, regarding Richland Elementary School, Richland, which was adopted.

Senator Romine offered Senate Resolution No. 1890, regarding Dr. Tim Hager, Van Buren, which was adopted.

Senator Romine offered Senate Resolution No. 1891, regarding Jamie Goodman, Van Buren, which was adopted.

Senator Romine offered Senate Resolution No. 1892, regarding Roberta Ives, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 1893, regarding Sharon Masters, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 1894, regarding Gary L. Streiler, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 1895, regarding Joan M. Flieg, Sainte Genevieve, which was adopted.

Senator Romine offered Senate Resolution No. 1896, regarding Clare Schwent-Roth, Saint Mary, which was adopted.

Senator Romine offered Senate Resolution No. 1897, regarding Mary Jo Holland, Sainte Genevieve, which was adopted.

Senator Romine offered Senate Resolution No. 1898, regarding Sherrie Jackson, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 1899, regarding Deborah Loeffelman, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 1900, regarding Mary Beth Reed, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 1901, regarding Dana Daniels, De Soto, which was adopted.

Senator Hummel offered Senate Resolution No. 1902, regarding DeSmet Retirement Community, Florissant, which was adopted.

Senator Hummel offered Senate Resolution No. 1903, regarding Christopher Worth, St. Louis, which

was adopted.

Senator Hoskins offered Senate Resolution No. 1904, regarding Ian Czarnowski, Wentzville, which was adopted.

Senator Wieland offered Senate Resolution No. 1905, regarding Allison Leible, Barnhart, which was adopted.

### **INTRODUCTION OF GUESTS**

Senator Richard introduced to the Senate, the Honorable Dr. Naomi Shabaan, Senator George Khaniri, Senator Aaron Cheruyiot, Dr. Lonah Mumelo, Michael Sialai, Anthony Njoroge, Noor Ghalgan, Osborn Obayo and Gertrude Nangira, Parliamentary Service Commission members and staff from Kenya.

Senator Romine introduced to the Senate, Mike McGirl, Potosi.

Senator Schaaf introduced to the Senate, the Physician of the Day, Dr. Robert L. Corder, St. Joseph.

Senator Rizzo introduced to the Senate, his brother, Anthony Rizzo, and nephew Henry, Kansas City.

Senator Holsman introduced to the Senate, Jennifer Taylor, Tom Greer and Danny Hotson, representatives of the American Society of Civil Engineers, Kansas City.

Senator Kehoe introduced to the Senate, teachers Mrs. Limbach and Mrs. VanDyke, parents, grandparents and fourth-grade students from Eugene Elementary School.

Senator Libla introduced to the Senate, Kyle Aubuchon, Poplar Bluff.

Senator Hegeman introduced to the Senate, twenty-six third-grade students from Rock Port Elementary School.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, April 30, 2018.

### **SENATE CALENDAR**

—————

**SIXTY-FIRST DAY—MONDAY, APRIL 30, 2018**

—————

### **FORMAL CALENDAR**

#### **HOUSE BILLS ON SECOND READING**

HCS for HB 2140

HB 2336-Tate

HCS for HBs 2523 & 2524

HCS for HB 1542

HCS for HB 1915

HB 2155-Schroer

HCS for HB 2017

HCS for HB 2018

HCS for HB 1999

HCS for HB 1289



HCB 11-Neely  
HCB 16-Houghton

HCB 14-Reiboldt

### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)  
SS for SB 699-Sifton (In Fiscal Oversight)

SS for SCS for SB 907-Kehoe

### SENATE BILLS FOR PERFECTION

SJR 36-Schatz, with SCS  
SB 678-Eigel

SB 1102-Kehoe, with SCS

### HOUSE BILLS ON THIRD READING

1. HCS for HB 2116, with SCS (Schatz)
2. HB 1355-Phillips, with SCS (Schatz)
3. HCS for HB 1617, with SCS (Onder)
4. HB 1492-Lynch (Brown)
5. HCS for HB 1597, with SCS (Dixon)
6. HB 1744-Hansen (Romine)
7. HCS for HB 1606 (Romine)

8. HB 1428-Muntzel (Munzlinger)
9. HCS for HB 2034, with SCS (Munzlinger)
10. HCS for HB 1796 (Rowden)
11. HB 2122-Engler, with SCS (Schatz)
12. HCS for HB 1443, with SCS (Sater)
13. HCS for HB 1645 (Rowden)

### INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 &  
667-Eigel (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)  
SB 550-Wasson, with SCS  
SBs 555 & 609-Brown, with SCS  
SB 556-Brown, with SA 1 (pending)  
SB 561-Sater, with SA 1 (pending)

SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 578-Romine  
SB 591-Hegeman, with SCS  
SB 596-Riddle, with SCS

SB 599-Schatz  
SB 602-Onder, with SCS  
SB 612-Koenig, with SCS, SS#2 for SCS,  
SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
for SA 2 (pending)  
SB 663-Schatz, with SCS, SS for SCS & SA 1  
(pending)  
SB 730-Wallingford, with SCS & SA 1  
(pending)  
SB 751-Schatz  
SB 767-Hoskins, with SCS, SS for SCS &  
SA 2 (pending)  
SB 774-Munzlinger  
SB 813-Riddle, with SCS & SA 1 (pending)  
SB 822-Hegeman, with SCS & SS for SCS  
(pending)  
SB 832-Rowden, with SCS, SS#2 for SCS &  
point of order (pending)  
SB 837-Rowden

SB 848-Riddle  
SB 849-Kehoe and Schupp, with SCS, SA 1  
& SA 1 to SA 1 (pending)  
SB 859-Koenig, with SCS & SS for SCS  
(pending)  
SB 860-Koenig, with SCS, SS for SCS & SA 1  
(pending)  
SB 861-Hegeman, with SCS  
SB 865-Kehoe  
SB 893-Sater, with SCS, SS for SCS & SA 1  
(pending)  
SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)  
SB 920-Riddle, with SS & SA 2 (pending)  
SB 928-Onder, with SCS  
SB 949-Emery, with SCS, SS for SCS & SA 2  
(pending)  
SB 1003-Wasson, with SS & SA 1 (pending)  
SB 1021-Dixon and Wallingford, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HBs 1288, 1377 & 2050, with SCS  
(Dixon)  
HB 1303-Alferman, with SCS (Rowden)  
HB 1329-Remole, with SCS, SS for SCS &  
SA 5 (pending) (Munzlinger)  
SS for SCS for HB 1350-Smith (163)  
(Rowden)  
HB 1413-Taylor, with SCS, SS for SCS &  
SA 1 (pending) (Onder)  
HB 1442-Alferman, with SCS, SS for SCS &  
SA 1 (pending) (Schatz)  
HCS for HB 1461 (Rowden)  
HB 1578-Kolkmeier (Munzlinger)

HCS for HB 1605, with SCS (Kehoe)  
HB 1630-Evans (Rowden)  
HB 1691-Miller, with SCS (Emery)  
HCS for HBs 1729, 1621 & 1436 (Brown)  
HB 1769-Mathews, with SCS (Schatz)  
HCS for HB 1879, with SCS, SS for SCS &  
SA 1 (pending) (Cunningham)  
HB 1880-Trent, with SCS & SS for SCS  
(pending) (Cunningham)  
HCS for HB 1991, with SCS (Rowden)  
HB 2044-Taylor, with SCS (pending)  
(Dixon)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 775-Brown, with HCS,  
as amended

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SB 569-Cunningham, with HCS, as amended  
HB 1291-Henderson, with SS for SCS,  
as amended (Romine) (House adopted CCR  
and passed CCS)  
HCS for HB 2002, with SCS (Brown)  
HCS for HB 2003, with SCS (Brown)  
HCS for HB 2004, with SCS (Brown)  
HCS for HB 2005, with SCS (Brown)  
HCS for HB 2006, with SCS, as amended  
(Brown)

HCS for HB 2007, with SCS, as amended  
(Brown)  
HCS for HB 2008, with SCS (Brown)  
HCS for HB 2009, with SCS (Brown)  
HCS for HB 2010, with SS for SCS (Brown)  
HCS for HB 2011, with SCS (Brown)  
HCS for HB 2012, with SCS (Brown)  
HCS for HB 2013, with SCS (Brown)

Requests to Recede or Grant Conference

SS for SB 608-Hoskins, with HCS (Senate  
requests House recede or grant conference)  
SS for SCS for SB 826-Sater, with HCS,  
as amended (Senate requests House  
recede or grant conference)

SS for HB 1858-Christofanelli (Eigel)  
(House requests Senate recede or  
grant conference)

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 37-Eigel and Onder

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTY-FIRST DAY—MONDAY, APRIL 30, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“The earth is the Lord’s and all that is in it, the world and those who live in it.” (Psalm 24:1)

Gracious God of heaven and earth we return refreshed and ready for the challenge that lies ahead. We are grateful to see that all the world and all that is in it including us are Yours and what we must accomplish is also by Your prompting. So grant us to have eyes to see what must be done so we might set our hearts and energy to complete them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 26, 2018 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Dixon offered Senate Resolution No. 1906, regarding Luke Miller, Ballwin, which was adopted.

Senator Dixon offered Senate Resolution No. 1907, regarding Mirhad Hasanovic, Columbia, which was

adopted.

Senator Cunningham offered Senate Resolution No. 1908, regarding Madison Keith, Mansfield, which was adopted.

Senator Cunningham offered Senate Resolution No. 1909, regarding Joe Chadwell, Norwood, which was adopted.

Senator Schupp offered Senate Resolution No. 1910, regarding Madelyn Hubbs, Bridgeton, which was adopted.

Senator Schupp offered Senate Resolution No. 1911, regarding Lauren Vanlandingham, Ladue, which was adopted.

Senator Schupp offered Senate Resolution No. 1912, regarding Brandi James, Chesterfield, which was adopted.

Senator Schupp offered Senate Resolution No. 1913, regarding Emily Baughman, Maryland Heights, which was adopted.

Senator Schupp offered Senate Resolution No. 1914, regarding Sara Beth Matt, which was adopted.

Senator Hoskins offered Senate Resolution No. 1915, regarding Eagle Scout Samuel Dale James, Sweet Springs, which was adopted.

Senator Rowden offered Senate Resolution No. 1916, regarding Eagle Scout Jacob Michael Hall, Columbia, which was adopted.

Senator Cunningham offered Senate Resolution No. 1917, regarding Toni Walton, which was adopted.

Senator Wallingford offered Senate Resolution No. 1918, regarding Recreation Officer I Robert Dunn, Scott City, which was adopted.

Senator Crawford offered Senate Resolution No. 1919, regarding the Byron House, Lebanon, which was adopted.

Senator Cunningham offered Senate Resolution No. 1920, regarding Mary Clair, Marshfield, which was adopted.

Senator Cunningham offered Senate Resolution No. 1921, regarding Helen Laffoon, Houston, which was adopted.

Senator Schupp offered Senate Resolution No. 1922, regarding the Ninety-ninth Anniversary of the passage of the Nineteenth Amendment to the United States Constitution, which was adopted.

Senator Riddle offered Senate Resolution No. 1923, regarding the Sixty-fifth Wedding Anniversary of Jim and Margie Martin, Troy, which was adopted.

Senator Riddle offered Senate Resolution No. 1924, regarding the One Hundredth Birthday of Woodrow Wilson Boulware, Fulton, which was adopted.

President Pro Tem Richard assumed the dais and delivered the following address:

Senator Ron Richard, President Pro Tem

Farewell Address

April 30, 2018

As we enter into our final weeks of this session, and as I prepare to end my journey of legislative service, I reflect on relationships and friends made; bonds that will last a lifetime.

I am reminded of Winston Churchill's comments on his retirement.

“I trust that I shall not be guilty of trespassing beyond those limits of time necessary to make farewell comments.”

Upon my departure on this public occasion, I want to first and foremost thank my wife Patty for her continued support. With grateful regards, thank you my colleagues for the great opportunity to serve with you. Thank you my friends for your support and guidance. Members of the Senate and House have blessed me with many leadership opportunities.

I consider myself very fortunate to have had such wonderful staff.

To my three Chiefs of Staff during my time at the Capitol, Jeff Brooks, Dusty Schnieders and Heidi Kolkmeier, and to the caucus staff under their direction, thank you for your hard work.

Thanks to Gwen Delano for running my district office and for being on top of things in the district.

Thanks to Pattie Parris and Deanna Gesch for their expertise and organization skills that keep my office running smoothly.

I would like to personally thank the Majority Leader, the Senator from Cole, for a great partnership with me and the Senate, negotiating the rough seas of the calendar work and debate.

Thank you to all Senate Staff - Administration, Secretary of Senate, Accounting, Human Resources, Appropriations, Communications, Computer Information Systems, Operations, Research, Bill Room, Enrolling and Engrossing, Office Assistance and Doorkeepers for all you do to help the senators do their job.

Last but not least thanks to all Senator's Staff for your hard work and cooperation.

“Never will these illustrious chambers be out of my memory.”

I am reminded of Sen. Dick Webster of Carthage, Missouri (whose picture is in the Senate Lounge) when he arrived to serve in the Missouri House in Jefferson City in 1949. The Democrats were in complete control. He had a general feeling with regard to those people who sat on the other side of the aisle were either hoodlums or nefarious political bosses.

During his 2nd month of the session, a young Irish bartender by the name of Tommy Walsh was handling a bill.

It raised the salaries of constables in St. Louis from \$9.00 a day to \$10.00 a day. A large number of Democrats were voicing their opposition. During the debate, a senior Republican said to Dick Webster “Kid, if I were you I would vote for the bill.” When Webster seemed surprised, the Senior Republican said “Trust ME.” The bill carried by one vote.

As Webster walked out of the House Chamber, the young Irishman put his hand out and said “I won't forget.”

When Webster later asked the Senior Republican Bill Cruce, from Eldorado Springs, why was that vote important - the answer came, “all the good guys are not in our party and all the bad ones are not in theirs.” Senator Cruce also said that he was not going to point out who the bad guys are. “If you can't figure that out by the end of session, you shouldn't be here. Tommy Walsh is one of the good guys.

When the next session began, Warren Fuqua, legislative advisor to Farm Bureau asked Webster to file a bill. Webster thought he was co-sponsoring a bill, but he was being asked to handle it (very unusual for a freshmen).

Webster agreed to handle the bill and received a notice of committee hearing the following week. When he arrived at the hearing, the young Irish bartender was the chairman.

When Webster's bill came before the committee – Walsh said this bill is very important to our friend, from outstate Missouri.

Representative Webster was asked if he wanted to explain the bill or did he want the committee to go ahead and take action. Webster replied that he would trust the committee's decision.

The bill was never discussed. The motion was made and carried. The bill came to the floor the next week and Tom Walsh and other democrats saw that there was enough votes to pass the bill.

The bill was the establishment of rural fire districts and also permitted rural areas to cooperate with town and city fire districts. Without the legislation in 1950, the farmers could not expect to participate in the use of the Carthage, Missouri, fire department.

When Dick Webster was elected to the Missouri Senate in 1962, Walsh and Webster continued to be close friends. Walsh worked the Missouri House, walking the aisles helping get enough votes to make Missouri Southern College in Joplin a full four year funded College.

As Sen. Richard Webster prophetically said in 1986, and is still true today, a “multitude of changes have been made in the minds and attitudes of American voters and public officials. Our Constitution, however, is still in place and it will fail only when the people of America lose interest in their government and how it works!”

I would like to share a few thoughts after 16 years in the State Capitol; some of these notions are mine, some are borrowed from intellectuals from the past.

In the time we have served in government, I have asked that you respect tradition, respect your word that which is your bond.

If you want respect, you have to give respect.

The Legislature must be independent and stand against over reach and the assault from the other branches of government and the tides of public opinion.

Be careful of ideas that promote personal agendas. Some ideas may seem in the best interest of Missourians. Look for the residue or the

fallout of the possible outcome.

Daniel Moynihan said that “everyone is entitled to their own opinion but not to their own facts.”

Do not allow an antiquated notion that a caring government can socialize everyone to behave well, thereby erasing personal accountability and responsibility.

I am intrigued by people reacting to circumstance they find themselves and how events were affected by actions.

Incrementalism – the key to passing legislation .... Small bites over several years yields large dividends and your goals while avoiding mistakes in large bills.

As the Speaker of the House, it was difficult to understand the pace of the Senate. However it became clear that the discussion between Washington and Jefferson was true, that the Senate cooled passions and tried to “reconcile the irreconcilable.”

In Robert Bryd, volumes of US Senate history applies to us in the Missouri Senate “Let the Senate in moments of drama - the kind of independence, impartiality, fairness and courage that from time to time over the years has brought to bear on great issues.”

James Madison - “If man were angels, no government would be necessary. If angels were to govern man, neither external nor internal contracts on government would be necessary.”

Elections have consequences because “enlightened statesmen will not always be sent to Jefferson City.”

I have tried to learn leadership skills no matter what office I was elected to. I looked at history for those who had larger decisions to make and how they handled them.

I have always believed that as elected officials we must take charge of events - not allow events to take charge of us.

In the Missouri Senate, the leaders recognized, generations ago, that party affiliation had little to do with political philosophy. They were wise enough in 1919 when the new Capital was opened to establish an unwritten rule that we (the senate) would never sit by political party on the floor of the Senate. It isn’t possible to walk in and see the Democrats on one side and the Republicans on the other. It is the only legislative body in this nation which follows that tradition. The result is the ability to vote in accordance with your conscience and the interest of the people that you represent. Neither the Democrat floor leader nor I would ever attempt to crack the whip and deliver a solid party vote in order to maintain party loyalty.

In the Missouri Senate, we generally follow the rules of procedure as the United States Senate. A rule can be suspended by a majority vote. We also have “unwritten rules” which have nothing to do with parliamentary procedure. Some of them deal with the matter of common courtesy. Others deal with overall conduct toward each other.

As an example, it doesn’t matter who the governor is, no gubernatorial appointment will be confirmed if the senator in whose district the appointee resides objects. This has been hard for many governors to understand; it is not a written rule, but is strictly enforced.

Thanks for your kindness, your patience, your wisdom.

Your leadership team has always tried to guide the Senate with fairness and professionalism. I have sought guidance, opinions from all I have met.

This is not the occasion to outline remedies on governance, but I may suggest that “My faith is in God’s mercy we may choose right.” There is always time and hope if we combine patience and courage.

I will always believe that the “day may dawn when fair play, love for one another, respect for justice and freedom will enable tormented generations to march forth serene and triumphed.”

God bless you

God bless the state of Missouri

God bless the United States

President Pro Tem Richard assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator Schaaf, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **HB 1953**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Libla, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **HB 1409**, begs

leave to report that it has considered the same and recommends that the bill do pass.

Senator Wasson, Chairman of the Committee on Economic Development, submitted the following report:

Mr. President: Your Committee on Economic Development, to which was referred **SB 1015**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1797**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 2026**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 2101**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 1267**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1415**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 709**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 640**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 1968**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,



Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 2330**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HB 1887**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 963**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 1247**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 952**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wallingford, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1831**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS for HB 1635**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS for HB 2171**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Emery, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS for HB 1364**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hegeman, Chairman of the Committee on Local Government and Elections, submitted the following reports:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 1646**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 1809**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following reports:

Mr. President: Your Committee on Insurance and Banking, to which was referred **HB 1252**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Insurance and Banking, to which was referred **HCS for HB 1251**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hoskins, Chairman of the Committee on Veterans and Military Affairs, submitted the following reports:

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **HCS No. 2 for HB 1503**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **SB 864**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HCS for HB 1614**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **SB 998**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Government Reform, submitted the following reports:

Mr. President: Your Committee on Government Reform, to which was referred **SB 703**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **SB 915**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **SB 934**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **HCS for HB 1264**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **HCS for HB 1611**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **HCS for HB 2119**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following reports:

Mr. President: Your Committee on Professional Registration, to which was referred **HCS for HB 2079**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **HCS for HB 1710**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 988**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **SB 790**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Walsh, Chairman of the Committee on Progress and Development, submitted the following reports:

Mr. President: Your Committee on Progress and Development, to which was referred **HB 1484**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Progress and Development, to which was referred **HJR 59**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

President Parson assumed the Chair.

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred SS for SCS for **SB 553** and SCS for **SB 1007**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### HOUSE BILLS ON THIRD READING

Senator Cunningham moved that HCS for **HB 1879**, with SCS, SS for SCS and SA 1 (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Libla moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman offered SA 2:

### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1879, Page 9, Section 30.270, Line 2 of said page, by inserting after all of said line the following:

“34.165. 1. In making purchases for this state, its governmental agencies or political subdivisions, the commissioner of administration shall give a bidding preference consisting of **at least** a [ten-point] **five-point bonus and no greater than a fifteen-point** bonus on bids for products and services manufactured, produced or assembled in qualified nonprofit organizations for the blind established pursuant to the provisions of 41 U.S.C. Sections 46 to 48c, as amended and in sheltered workshops holding a certificate of approval from the department of elementary and secondary education pursuant to section 178.920 if, **at a minimum**, the participating nonprofit organization **or workshop** provides the greater of two percent or five thousand dollars of the total contract value of bids for purchase not exceeding ten million dollars. **The bonus points shall be awarded on the basis of a sliding scale, as determined in rule by the commissioner of administration, based on revenue generation for and utilization of qualified nonprofit organizations for the blind or sheltered workshops, with the bonus points increasing as the revenue generation for and utilization of such organizations and workshops increases.**

2. An affidavit signed by the director or manager and the board president of a participating nonprofit organization shall be provided to the purchasing agency by the contractor at the completion of the contract or within thirty days of the first anniversary of the contract, whichever first occurs, verifying compliance.

3. The commissioner of administration shall make such rules and regulations regarding specifications, quality standards, time of delivery, performance, **bidding preferences**, and other relevant matters as shall be necessary to carry out the purpose of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

4. At the request of the commissioner of administration, the state auditor may examine all records, books and data of any qualified nonprofit organization for the blind to determine the costs of manufacturing products or rendering services and the manner and efficiency of production and administration of such

nonprofit organization with relation to any product or services purchased by this state, its governmental agencies or political subdivisions and to furnish the results of such examination to the commissioner for appropriate action.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Schatz offered SA 3:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1879, Page 1, Section A, Line 6, by inserting after all of said line the following:

**“8.301. 1. Neither the state nor any political subdivision thereof shall:**

**(1) Condition a contract upon a requirement that a bidder have a specified experience modification factor;**

**(2) Make an offer to contract conditioned upon bidder having a specified experience modification factor;**

**(3) Issue an advertisement for bids on a contract containing a requirement that the bidder have a specified experience modification factor;**

**(4) Solicit bids for a contract conditioned upon a bidder having a specified experience modification factor; or**

**(5) Weight any bidder for a contract favorably or unfavorably based upon the bidder's experience modification factor.**

**2. For purposes of this section, the phrase “experience modification factor” shall mean the factor calculated pursuant to the provisions of chapter 287.”; and**

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Wallingford offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1879, Page 9, Section 30.270, Line 2 of said page, by inserting immediately after said line the following:

**“34.010. 1. The term “department” as used in this chapter shall be deemed to mean department, office, board, commission, bureau, institution, or any other agency of the state, except the legislative and judicial departments. The term “department” shall not include public institutions of higher education.**

**2. The term “lowest and best” in determining the lowest and best award, cost, and other factors are to be considered in the evaluation process. Factors may include, but are not limited to, value, performance, and quality of a product.**

**3. The term “Missouri product” refers to goods or commodities which are manufactured, mined,**

produced, or grown by companies in Missouri, or services provided by such companies.

4. The term “negotiation” as used in this chapter means the process of selecting a contractor by the competitive methods described in this chapter, whereby the commissioner of administration can establish any and all terms and conditions of a procurement contract by discussion with one or more prospective contractors.

5. The term “purchase” as used in this chapter shall include the rental or leasing of any equipment, articles or things.

6. The term “supplies” used in this chapter shall be deemed to mean supplies, materials, equipment, contractual services and any and all articles or things, except for utility services regulated under chapter 393 or as in this chapter otherwise provided.

7. The term “value” includes but is not limited to price, performance, and quality. In assessing value, the state purchaser may consider the economic impact to the state of Missouri for Missouri products versus the economic impact of products generated from out of state. This economic impact may include the revenues returned to the state through tax revenue obligations.”; and

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham moved that **SS for SCS for HCS for HB 1879**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SS for SCS for HCS for HB 1879**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Libla	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senator Schaaf—1

Absent—Senators

Koenig                      Nasheed—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS for HB 2116**, with **SCS**, entitled:

An Act to repeal sections 306.100, 306.125, and 306.126, RSMo, and to enact in lieu thereof three new sections relating to boat passengers.

Was taken up by Senator Schatz.

**SCS for HCS for HB 2116**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2116

An Act to repeal sections 306.100, 306.125, and 306.126, RSMo, and to enact in lieu thereof three new sections relating to watercraft, with a penalty provision.

Was taken up.

Senator Schatz moved that **SCS for HCS for HB 2116** be adopted, which motion prevailed.

On motion of Senator Schatz, **SCS for HCS for HB 2116** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators

Nasheed      Schupp—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

At the request of Senator Schatz, **HB 1355**, with **SCS**, was placed on the Informal Calendar.

President Pro Tem Richard assumed the Chair.

**HCS for HB 1617**, with **SCS**, entitled:

An Act to repeal sections 191.1145, 208.670, 208.671, 208.673, and 208.677, RSMo, and to enact in lieu thereof three new sections relating to telehealth.

Was taken up by Senator Onder.

**SCS for HCS for HB 1617**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1617

An Act to repeal sections 191.1145, 208.670, 208.671, 208.673, 208.675, and 208.677, RSMo, and to enact in lieu thereof three new sections relating to telehealth.

Was taken up.

Senator Onder moved that **SCS for HCS for HB 1617** be adopted.

President Parson assumed the Chair.

Senator Onder offered **SS** for **SCS for HCS for HB 1617**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1617

An Act to repeal sections 191.1145, 208.670, 208.671, 208.673, 208.675, 208.677, 376.427, 376.1350, and 376.1367, RSMo, and to enact in lieu thereof eight new sections relating to reimbursement of health care services.

Senator Onder moved that **SS** for **SCS for HCS for HB 1617** be adopted.

At the request of Senator Onder, **SS** for **SCS for HCS for HB 1617** was withdrawn.

Senator Onder offered **SS No. 2** for **SCS for HCS for HB 1617**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1617

An Act to repeal sections 191.1145, 208.670, 208.671, 208.673, 208.675, 208.677, 376.427, 376.1350, and 376.1367, RSMo, and to enact in lieu thereof eight new sections relating to reimbursement of health care services.

Senator Onder moved that **SS No. 2** for **SCS for HCS for HB 1617** be adopted.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1617, Page 10, Section 376.690, Lines 7-8, by striking all of said lines and inserting in lieu thereof the following: “**the health carrier’s networks, the initial offer for reimbursement for unanticipated out-of-network care shall be the amount for the network that has**”.

Senator Onder moved that the above amendment be adopted.

At the request of Senator Onder, **HCS for HB 1617**, with **SCS**, **SS No. 2** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, reading of which was waived:



GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

April 27, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Margaret "Ellen" Nichols as a member of the State Board of Registration for the Healing Arts submitted to you on April 26, 2018. Line 4 should be amended to read:

vice, Jeffrey Carter, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

President Pro Tem Richard referred the above addendum to the Committee on Gubernatorial Appointments.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 917**, entitled:

An Act to repeal section 260.242, RSMo, and to enact in lieu thereof one new section relating to coal ash.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 660**, entitled:

An Act to repeal sections 208.217, 552.020, 630.745, and 630.945, RSMo, and to enact in lieu thereof four new sections relating to mental health, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 4 and 5.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 660, Page 1, Section A, Line 3, by inserting after all of said line the following:

"208.151. 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

(1) All participants receiving state supplemental payments for the aged, blind and disabled;

(2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in drug court, as defined in section 478.001, shall have their eligibility automatically extended

sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;

(3) All participants receiving blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet

coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for

this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. **Subject to appropriations, pregnant women receiving substance abuse treatment within sixty days of giving birth shall be eligible for MO HealthNet benefits for no more than twelve additional months as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waiver from the Centers for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental health and the department of social services shall report to the house of representatives budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;**

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1;

(26) Effective August 28, 2013, persons who are in foster care under the responsibility of the state of Missouri on the date such persons [attain] **attained** the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, without regard to income or assets, if such persons:

- (a) Are under twenty-six years of age;
- (b) Are not eligible for coverage under another mandatory coverage group; and
- (c) Were covered by Medicaid while they were in foster care.

2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(I).”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 660, Page 1, Section A, Line 3, by inserting immediately after said section and line the following:

**“9.270. June twenty-seventh of each year shall be known and designated as “Posttraumatic Stress Awareness Day”. It is recommended to the people of the state that the day be appropriately observed through activities which will increase awareness of posttraumatic stress.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 660, Page 3, Section 208.217, Line 65, by inserting immediately after all of said section and line the following:

**“337.025. 1. The provisions of this section shall govern the education and experience requirements for initial licensure as a psychologist for the following persons:**

(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that the applicant has received a

doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association (APA), [or] the Canadian Psychological Association (CPA), **or the Psychological Clinical Science Accreditation System (PCSAS); provided that, such program includes a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;** or

(2) A program designated or approved, including provisional approval, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent organizational entity within the institution of higher education;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall be an integrated, organized, sequence of study;

(e) There shall be an identifiable psychology faculty and a psychologist responsible for the program;

(f) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

(h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year's residency at the educational institution granting the doctoral degree; and

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

a. The biological bases of behavior such as courses in: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;

c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;

d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;

e. The scientific methods and procedures of understanding, predicting and influencing human behavior such as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

4. Acceptable supervised professional experience may be accrued through preinternship, internship, predoctoral postinternship, or postdoctoral experiences. The academic training director or the postdoctoral training supervisor shall attest to the hours accrued to meet the requirements of this section. Such hours shall consist of:

(1) A minimum of fifteen hundred hours of experience in a successfully completed internship to be completed in not less than twelve nor more than twenty-four months; and

(2) A minimum of two thousand hours of experience consisting of any combination of the following:

(a) Preinternship and predoctoral postinternship professional experience that occurs following the completion of the first year of the doctoral program or at any time while in a doctoral program after completion of a master's degree in psychology or equivalent as defined by rule by the committee;

(b) Up to seven hundred fifty hours obtained while on the internship under subdivision (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this subsection; or

(c) Postdoctoral professional experience obtained in no more than twenty-four consecutive calendar months. In no case shall this experience be accumulated at a rate of more than fifty hours per week. Postdoctoral supervised professional experience for prospective health service providers and other applicants shall involve and relate to the delivery of psychological services in accordance with professional requirements and relevant to the applicant's intended area of practice.

5. Experience for those applicants who intend to seek health service provider certification and who have completed a program in one or more of the American Psychological Association designated health service provider delivery areas shall be obtained under the primary supervision of a licensed psychologist who is also a health service provider or who otherwise meets the requirements for health service provider certification. Experience for those applicants who do not intend to seek health service provider certification shall be obtained under the primary supervision of a licensed psychologist or such other qualified mental health professional approved by the committee.

6. For postinternship and postdoctoral hours, the psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one hour per month in face-to-face individual supervision. Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisors who are qualified psychologists. The secondary supervisors shall retain order, control, and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable for supervised professional experience. The primary supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology. The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.

7. The committee by rule shall provide procedures for exceptions and variances from the requirements



for once a week face-to-face supervision due to vacations, illness, pregnancy, and other good causes.

337.029. 1. A psychologist licensed in another jurisdiction who has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction may receive a license in Missouri, provided the psychologist passes a written examination on Missouri laws and regulations governing the practice of psychology and meets one of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology;
- (2) Is a member of the National Register of Health Service Providers in Psychology;
- (3) Is currently licensed or certified as a psychologist in another jurisdiction who is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;
- (4) Is currently licensed or certified as a psychologist in another state, territory of the United States, or the District of Columbia and:
  - (a) Has a doctoral degree in psychology from a program accredited, or provisionally accredited, **either** by the American Psychological Association **or the Psychological Clinical Science Accreditation System**, or that meets the requirements as set forth in subdivision (3) of subsection 3 of section 337.025;
  - (b) Has been licensed for the preceding five years; and
  - (c) Has had no disciplinary action taken against the license for the preceding five years; or
- (5) Holds a current certificate of professional qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

2. Notwithstanding the provisions of subsection 1 of this section, applicants may be required to pass an oral examination as adopted by the committee.

3. A psychologist who receives a license for the practice of psychology in the state of Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement of the score from the examination of professional practice in psychology score will also be eligible for and shall receive certification from the committee as a health service provider if the psychologist meets one or more of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery;
- (2) Is a member of the National Register of Health Service Providers in Psychology; or
- (3) Has completed or obtained through education, training, or experience the requisite knowledge comparable to that which is required pursuant to section 337.033.

337.033. 1. A licensed psychologist shall limit his or her practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. A psychologist trained in one area shall not practice in another area without obtaining additional relevant professional education, training, and experience through an acceptable program of respecialization.

2. A psychologist may not represent or hold himself or herself out as a state certified or registered psychological health service provider unless the psychologist has first received the psychologist health service provider certification from the committee; provided, however, nothing in this section shall be construed to limit or prevent a licensed, whether temporary, provisional or permanent, psychologist who

does not hold a health service provider certificate from providing psychological services so long as such services are consistent with subsection 1 of this section.

3. “Relevant professional education and training” for health service provider certification, except those entitled to certification pursuant to subsection 5 or 6 of this section, shall be defined as a licensed psychologist whose graduate psychology degree from a recognized educational institution is in an area designated by the American Psychological Association as pertaining to health service delivery or a psychologist who subsequent to receipt of his or her graduate degree in psychology has either completed a respecialization program from a recognized educational institution in one or more of the American Psychological Association recognized clinical health service provider areas and who in addition has completed at least one year of postdegree supervised experience in such clinical area or a psychologist who has obtained comparable education and training acceptable to the committee through completion of postdoctoral fellowships or otherwise.

4. The degree or respecialization program certificate shall be obtained from a recognized program of graduate study in one or more of the health service delivery areas designated by the American Psychological Association as pertaining to health service delivery, which shall meet one of the criteria established by subdivisions (1) to (3) of this subsection:

(1) A doctoral degree or completion of a recognized respecialization program in one or more of the American Psychological Association designated health service provider delivery areas which is accredited, or provisionally accredited, **either** by the American Psychological Association **or the Psychological Clinical Science Accreditation System**; or

(2) A clinical or counseling psychology doctoral degree program or respecialization program designated, or provisionally approved, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A doctoral degree or completion of a respecialization program in one or more of the American Psychological Association designated health service provider delivery areas that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as being in one or more of the American Psychological Association designated health service provider delivery areas;

(b) Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists in one or more of the American Psychological Association designated health service provider delivery areas.

5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28, 1989, and who subsequently passes the examination shall be deemed to have met all requirements for health service provider certification; provided, however, that such person shall be governed by the provisions of subsection 1 of this section with respect to limitation of practice.

6. Any person who is lawfully licensed as a psychologist in this state and who meets one or more of the following criteria shall automatically, upon payment of the requisite fee, be entitled to receive a health service provider certification from the committee:

- (1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery; or
- (2) Is a member of the National Register of Health Service Providers in Psychology.

**337.100. 1. Sections 337.100 to 337.165 shall be known as the “Psychology Interjurisdictional Compact”. The party states find that:**

- (1) States license psychologists, in order to protect the public through verification of education, training and experience and ensure accountability for professional practice;**
- (2) This compact is intended to regulate the day to day practice of telepsychology, the provision of psychological services using telecommunication technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;**
- (3) This compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for thirty days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;**
- (4) This compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state;**
- (5) This compact recognizes that states have a vested interest in protecting the public’s health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;**
- (6) This compact does not apply when a psychologist is licensed in both the home and receiving states; and**
- (7) This compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.**

**2. The general purposes of this compact are to:**

- (1) Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;**
- (2) Enhance the states’ ability to protect the public’s health and safety, especially client/patient safety;**
- (3) Encourage the cooperation of compact states in the areas of psychology licensure and regulation;**
- (4) Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions and disciplinary history;**
- (5) Promote compliance with the laws governing psychological practice in each compact state; and**
- (6) Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.**

**337.105. As used in this compact, the following terms shall mean:**

(1) “Adverse action”, any action taken by a state psychology regulatory authority which finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record;

(2) “Association of State and Provincial Psychology Boards (ASPPB)”, the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada;

(3) “Authority to practice interjurisdictional telepsychology”, a licensed psychologist’s authority to practice telepsychology, within the limits authorized under this compact, in another compact state;

(4) “Bylaws”, those bylaws established by the psychology interjurisdictional compact commission pursuant to section 337.145 for its governance, or for directing and controlling its actions and conduct;

(5) “Client/patient”, the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, or consulting services;

(6) “Commissioner”, the voting representative appointed by each state psychology regulatory authority pursuant to section 337.145;

(7) “Compact state”, a state, the District of Columbia, or United States territory that has enacted this compact legislation and which has not withdrawn pursuant to subsection 3 of section 337.160 or been terminated pursuant to subsection 2 of section 337.155;

(8) “Coordinated licensure information system” also referred to as “coordinated database”, an integrated process for collecting, storing, and sharing information on psychologists’ licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities;

(9) “Confidentiality”, the principle that data or information is not made available or disclosed to unauthorized persons or processes;

(10) “Day”, any part of a day in which psychological work is performed;

(11) “Distant state”, the compact state where a psychologist is physically present, not through the use of telecommunications technologies, to provide temporary in-person, face-to-face psychological services;

(12) “E.Passport”, a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines;

(13) “Executive board”, a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission;

(14) “Home state”, a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the

home state is any compact state where the psychologist is licensed;

(15) “Identity history summary”, a summary of information retained by the Federal Bureau of Investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service;

(16) “In-person, face-to-face”, interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies;

(17) “Interjurisdictional practice certificate (IPC)”, a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily, and verification of one’s qualifications for such practice;

(18) “License”, authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization;

(19) “Noncompact state”, any state which is not at the time a compact state;

(20) “Psychologist”, an individual licensed for the independent practice of psychology;

(21) “Psychology interjurisdictional compact commission” also referred to as “commission”, the national administration of which all compact states are members;

(22) “Receiving state”, a compact state where the client/patient is physically located when the telepsychological services are delivered;

(23) “Rule”, a written statement by the psychology interjurisdictional compact commission promulgated pursuant to section 337.150 of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal or suspension of an existing rule;

(24) “Significant investigatory information”:

(a) Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

(b) Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and had an opportunity to respond;

(25) “State”, a state, commonwealth, territory, or possession of the United States, the District of Columbia;

(26) “State psychology regulatory authority”, the board, office or other agency with the legislative mandate to license and regulate the practice of psychology;

(27) “Telepsychology”, the provision of psychological services using telecommunication technologies;

**(28) “Temporary authorization to practice”, a licensed psychologist’s authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state;**

**(29) “Temporary in-person, face-to-face practice”, where a psychologist is physically present, not through the use of telecommunications technologies, in the distant state to provide for the practice of psychology for thirty days within a calendar year and based on notification to the distant state.**

**337.110. 1. The home state shall be a compact state where a psychologist is licensed to practice psychology.**

**2. A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.**

**3. Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.**

**4. Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized by temporary authorization to practice under the terms of this compact.**

**5. A home state’s license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state:**

**(1) Currently requires the psychologist to hold an active E.Passport;**

**(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;**

**(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;**

**(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and**

**(5) Complies with the bylaws and rules of the commission.**

**6. A home state’s license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:**

**(1) Currently requires the psychologist to hold an active IPC;**

**(2) Has a mechanism in place for receiving and investigating complaints about licensed individuals;**

**(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;**

**(4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and**

**(5) Complies with the bylaws and rules of the commission.**

**337.115. 1. Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice telepsychology in receiving states in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.**

**2. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:**

**(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:**

**(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or**

**(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a) of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;**

**(2) Hold a graduate degree in psychology that meets the following criteria:**

**(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;**

**(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;**

**(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;**

**(d) The program shall consist of an integrated, organized sequence of study;**

**(e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;**

**(f) The designated director of the program shall be a psychologist and a member of the core faculty;**

**(g) The program shall have an identifiable body of students who are matriculated in that program for a degree;**

**(h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;**

**(i) The curriculum shall encompass a minimum of three academic years of full-time graduate**

study for doctoral degree and a minimum of one academic year of full-time graduate study for master's degree;

(j) The program includes an acceptable residency as defined by the rules of the commission;

(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

(4) Have no history of adverse action that violate the rules of the commission;

(5) Have no criminal record history reported on an identity history summary that violates the rules of the commission;

(6) Possess a current, active E.Passport;

(7) Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) Meet other criteria as defined by the rules of the commission.

3. The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

4. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.

5. If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

**337.120. 1.** Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice temporarily in distant states in which the psychologist is not licensed, as provided in the compact.

2. To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:

(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(a) Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or

(b) A foreign college or university deemed to be equivalent to the requirements of paragraph (a)



of this subdivision by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service;

(2) Hold a graduate degree in psychology that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent, organizational entity within the institution;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall consist of an integrated, organized sequence of study;

(e) There shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

(f) The designated director of the program shall be a psychologist and a member of the core faculty;

(g) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(h) The program shall include supervised practicum, internship, or field training appropriate to the practice of psychology;

(i) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;

(j) The program includes an acceptable residency as defined by the rules of the commission;

(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

(4) No history of adverse action that violate the rules of the commission;

(5) No criminal record history that violates the rules of the commission;

(6) Possess a current, active IPC;

(7) Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) Meet other criteria as defined by the rules of the commission.

3. A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.

4. A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's

due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the commission.

5. If a psychologist's license in any home state, another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.

337.125. A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances:

(1) The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state;

(2) Other conditions regarding telepsychology as determined by rules promulgated by the commission.

337.130. 1. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

2. A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

3. (1) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked.

(2) All home state disciplinary orders which impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.

(3) In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

(4) Other actions may be imposed as determined by the rules promulgated by the commission.

4. A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

5. A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under

temporary authorization practice which occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.

6. Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the compact state's law. Compact states shall require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

7. No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to subsection 3 of this section.

337.135. 1. In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to:

(1) Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses, or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located; and

(2) Issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice.

2. During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his or her home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

337.140. 1. The commission shall provide for the development and maintenance of a coordinated licensure information system "coordinated database" and reporting system containing licensure and disciplinary action information on all psychologist individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.

2. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:

- (1) Identifying information;**
- (2) Licensure data;**
- (3) Significant investigatory information;**
- (4) Adverse actions against a psychologist's license;**
- (5) An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;**
- (6) Nonconfidential information related to alternative program participation information;**
- (7) Any denial of application for licensure, and the reasons for such denial; and**
- (8) Other information which may facilitate the administration of this compact, as determined by the rules of the commission.**

**3. The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.**

**4. Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.**

**5. Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.**

**337.145. 1. The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.**

**(1) The commission is a body politic and an instrumentality of the compact states.**

**(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.**

**(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.**

**2. The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:**

- (1) Executive director, executive secretary or similar executive;**
- (2) Current member of the state psychology regulatory authority of a compact state; or**
- (3) Designee empowered with the appropriate delegate authority to act on behalf of the compact state.**

**3. (1) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.**

(2) Each commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 337.150.

(5) The commission may convene in a closed, nonpublic meeting if the commission shall discuss:

(a) Noncompliance of a compact state with its obligations under the compact;

(b) The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(c) Current, threatened, or reasonably anticipated litigation against the commission;

(d) Negotiation of contracts for the purchase or sale of goods, services or real estate;

(e) Accusation against any person of a crime or formally censuring any person;

(f) Disclosure of trade secrets or commercial or financial information which is privileged or confidential;

(g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(h) Disclosure of investigatory records compiled for law enforcement purposes;

(i) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact;

(j) Matters specifically exempted from disclosure by federal and state statute.

(6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of subsection 3 of this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

4. The commission shall, by a majority vote of the commissioners, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

**(1) Establishing the fiscal year of the commission;**

**(2) Providing reasonable standards and procedures:**

**(a) For the establishment and meetings of other committees; and**

**(b) Governing any general or specific delegation of any authority or function of the commission;**

**(3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed;**

**(4) Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;**

**(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission;**

**(6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;**

**(7) Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations.**

**5. (1) The commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states;**

**(2) The commission shall maintain its financial records in accordance with the bylaws; and**

**(3) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.**

**6. The commission shall have the following powers:**

**(1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rule shall have the force and effect of law and shall be binding in all compact states;**

**(2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;**

**(3) To purchase and maintain insurance and bonds;**

**(4) To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state;**

**(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;**

**(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest;**

**(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;**

**(8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;**

**(9) To establish a budget and make expenditures;**

**(10) To borrow money;**

**(11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;**

**(12) To provide and receive information from, and to cooperate with, law enforcement agencies;**

**(13) To adopt and use an official seal; and**

**(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.**

**7. (1) The elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact.**

**(2) The executive board shall be comprised of six members:**

**(a) Five voting members who are elected from the current membership of the commission by the commission;**

**(b) One ex officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.**

**(3) The ex officio member shall have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.**

**(4) The commission may remove any member of the executive board as provided in bylaws.**

**(5) The executive board shall meet at least annually.**

**(6) The executive board shall have the following duties and responsibilities:**

**(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees;**

- (b) Ensure compact administration services are appropriately provided, contractual or otherwise;**
- (c) Prepare and recommend the budget;**
- (d) Maintain financial records on behalf of the commission;**
- (e) Monitor compact compliance of member states and provide compliance reports to the commission;**
- (f) Establish additional committees as necessary; and**
- (g) Other duties as provided in rules or bylaws.**

**8. (1) The commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.**

**(2) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.**

**(3) The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission which shall promulgate a rule binding upon all compact states.**

**(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state.**

**(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.**

**9. (1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.**

**(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from**



that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

**337.150. 1.** The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

2. If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.

3. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

4. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and

(2) On the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

5. The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) The text of the proposed rule or amendment and the reason for the proposed rule;

(3) A request for comments on the proposed rule from any interested person;

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

6. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

7. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) At least twenty-five persons who submit comments independently of each other;

(2) A governmental subdivision or agency; or

(3) A duly appointed person in an association that has at least twenty-five members.

8. (1) If a hearing is held on the proposed rule or amendment, the commission shall publish the

place, time, and date of the scheduled public hearing.

(2) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(3) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(4) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

(5) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

10. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

11. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

12. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare;

(2) Prevent a loss of commission or compact state funds;

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(4) Protect public health and safety.

13. (1) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule.

(2) A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action.

**If the revision is challenged, the revision may not take effect without the approval of the commission.**

**337.155. 1. (1) The executive, legislative and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.**

**(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.**

**(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.**

**2. (1) If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:**

**(a) Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default or any other action to be taken by the commission; and**

**(b) Provide remedial training and specific technical assistance regarding the default.**

**(2) If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.**

**(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.**

**(4) A compact state which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.**

**(5) The commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.**

**(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.**

**3. (1) Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact which arise among compact states and between compact and noncompact states.**

**(2) The commission shall promulgate a rule providing for both mediation and binding dispute**

resolution for disputes that arise before the commission.

4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

337.160. 1. The compact shall come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

2. Any state which joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule which has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

3. (1) Any compact state may withdraw from this compact by enacting a statute repealing the same.

(2) A compact state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(3) Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

4. Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a noncompact state which does not conflict with the provisions of this compact.

5. This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

337.165. This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states.”; and

Further amend said bill, Page 9, Section 630.945, Line 7, by inserting immediately after all of said section and line the following:

“Section B. Sections 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140,

337.145, 337.150, 337.155, 337.160, and 337.165 of this act shall become effective upon notification by the commission to the revisor of statutes that seven states have adopted the psychology interjurisdictional compact.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 660, Page 9, Section 630.945, Line 7, by inserting after all of said line the following:

“632.005. As used in chapter 631 and this chapter, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Comprehensive psychiatric services”, any one, or any combination of two or more, of the following services to persons affected by mental disorders other than intellectual disabilities or developmental disabilities: inpatient, outpatient, day program or other partial hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation, prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and medical prevention and treatment for drug abuse;

(2) “Council”, the Missouri advisory council for comprehensive psychiatric services;

(3) “Court”, the court which has jurisdiction over the respondent or patient;

(4) “Division”, the division of comprehensive psychiatric services of the department of mental health;

(5) “Division director”, director of the division of comprehensive psychiatric services of the department of mental health, or his designee;

(6) “Head of mental health facility”, superintendent or other chief administrative officer of a mental health facility, or his designee;

(7) “Judicial day”, any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but excluding Saturdays, Sundays and legal holidays;

(8) “Licensed physician”, a physician licensed pursuant to the provisions of chapter 334 or a person authorized to practice medicine in this state pursuant to the provisions of section 334.150;

(9) “Licensed professional counselor”, a person licensed as a professional counselor under chapter 337 and with a minimum of one year training or experience in providing psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a mental disorder;

(10) “Likelihood of serious harm” means any one or more of the following but does not require actual physical injury to have occurred:

(a) A substantial risk that serious physical harm will be inflicted by a person upon his own person, as evidenced by recent threats, including verbal threats, or attempts to commit suicide or inflict physical harm on himself. Evidence of substantial risk may also include information about patterns of behavior that historically have resulted in serious harm previously being inflicted by a person upon himself;

(b) A substantial risk that serious physical harm to a person will result or is occurring because of an impairment in his capacity to make decisions with respect to his hospitalization and need for treatment as evidenced by his current mental disorder or mental illness which results in an inability to provide for his

own basic necessities of food, clothing, shelter, safety or medical care or his inability to provide for his own mental health care which may result in a substantial risk of serious physical harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in serious harm to the person previously taking place because of a mental disorder or mental illness which resulted in his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or mental health care; or

(c) A substantial risk that serious physical harm will be inflicted by a person upon another as evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in physical harm previously being inflicted by a person upon another person;

(11) “Mental health coordinator”, a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is authorized by the director of the department, or his designee, to serve a designated geographic area or mental health facility and who has the powers, duties and responsibilities provided in this chapter;

(12) “Mental health facility”, any residential facility, public or private, or any public or private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering from a mental disorder or mental illness and which is recognized as such by the department or any outpatient treatment program certified by the department of mental health. No correctional institution or facility, jail, regional center or developmental disability facility shall be a mental health facility within the meaning of this chapter;

(13) “Mental health professional”, a psychiatrist, resident in psychiatry, **psychiatric physician assistant, psychiatric assistant physician, psychiatric advanced practice registered nurse**, psychologist, psychiatric nurse, licensed professional counselor, or psychiatric social worker;

(14) “Mental health program”, any public or private residential facility, public or private hospital, public or private specialized service or public or private day program that can provide care, treatment, rehabilitation or services, either through its own staff or through contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No correctional institution or facility or jail may be a mental health program within the meaning of this chapter;

(15) “Ninety-six hours” shall be construed and computed to exclude Saturdays, Sundays and legal holidays which are observed either by the court or by the mental health facility where the respondent is detained;

(16) “Peace officer”, a sheriff, deputy sheriff, county or municipal police officer or highway patrolman;

(17) **“Psychiatric advanced practice registered nurse”, a registered nurse who is currently recognized by the board of nursing as an advanced practice registered nurse, who has at least two years of experience in providing psychiatric treatment to individuals suffering from mental disorders;**

**(18) “Psychiatric assistant physician”, a licensed assistant physician under chapter 334 and who has had at least two years of experience as an assistant physician in providing psychiatric treatment to individuals suffering from mental health disorders;**

(19) “Psychiatric nurse”, a registered professional nurse who is licensed under chapter 335 and who has

had at least two years of experience as a registered professional nurse in providing psychiatric nursing treatment to individuals suffering from mental disorders;

**(20) “Psychiatric physician assistant”, a licensed physician assistant under chapter 334 and who has had at least two years of experience as a physician assistant in providing psychiatric treatment to individuals suffering from mental health disorders or a graduate of a postgraduate residency or fellowship for physician assistants in psychiatry;**

[(18)] **(21) “Psychiatric social worker”, a person with a master’s or further advanced degree from an accredited school of social work, practicing pursuant to chapter 337, and with a minimum of one year training or experience in providing psychiatric care, treatment or services in a psychiatric setting to individuals suffering from a mental disorder;**

[(19)] **(22) “Psychiatrist”, a licensed physician who in addition has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;**

[(20)] **(23) “Psychologist”, a person licensed to practice psychology under chapter 337 with a minimum of one year training or experience in providing treatment or services to mentally disordered or mentally ill individuals;**

[(21)] **(24) “Resident in psychiatry”, a licensed physician who is in a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;**

[(22)] **(25) “Respondent”, an individual against whom involuntary civil detention proceedings are instituted pursuant to this chapter;**

[(23)] **(26) “Treatment”, any effort to accomplish a significant change in the mental or emotional conditions or the behavior of the patient consistent with generally recognized principles or standards in the mental health professions.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 660, Page 9, Section 630.945, Line 7, by inserting after all of said section and line the following:

**“630.1010. The department of mental health shall develop a treatment protocol containing best practice guidelines for the treatment of opioid-dependent patients. The treatment protocol shall include the following:**

**(1) Appropriate clinical use of all drugs approved by the federal Food and Drug Administration for the treatment of opioid addiction, including, but not limited to, the following:**

**(a) Opioid maintenance;**

**(b) Opioid detoxification;**

**(c) Overdose reversal; and**

**(d) Long acting, antagonist medication;**

**(2) Training for prescribers dispensing narcotic drugs for the treatment and management of opiate-dependent patients consistent with the federal Controlled Substances Act, as amended by Section 303 of the Comprehensive Addiction and Recovery Act of 2016; and**

**(3) Development and adoption of standard processes for obtaining informed consent from patients concerning all available medication-assisted treatment options, including potential benefits and risks.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2015**, entitled:

An Act to appropriate money for supplemental purposes for the expenses, grants and distributions of the Department of Economic Development to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2018.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2002**. Representatives: Fitzpatrick, Alferman, Rowland (155), Kendrick, McGee.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2003**. Representatives: Fitzpatrick, Alferman, Rowland (155), Kendrick, McGee.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2004**. Representatives: Fitzpatrick, Alferman, Conway (104), Butler, Razer.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2005**. Representatives: Fitzpatrick, Alferman, Bahr, Kendrick, Merideth (80).

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2006**, as amended. Representatives: Fitzpatrick, Alferman, Redmon, Kendrick, Pierson.



Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2007**, as amended. Representatives: Fitzpatrick, Alferman, Redmon, Burnett, Kendrick.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2008**. Representatives: Fitzpatrick, Alferman, Conway (104), Butler, May.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2009**. Representatives: Fitzpatrick, Alferman, Conway (104), Kendrick, May.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 2010**. Representatives: Fitzpatrick, Alferman, Wood, Lavender, Quade.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2011**. Representatives: Fitzpatrick, Alferman, Wood, Lavender, Quade.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2012**. Representatives: Fitzpatrick, Alferman, Bahr, Lavender, Merideth (80).

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2013**. Representatives: Fitzpatrick, Alferman, Bahr, Kendrick, Razer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2179**, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to prohibiting public entities from contracting with companies discriminating against Israel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2538**, entitled:

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to maintaining Missouri state parks.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2499**, entitled:

An Act to repeal sections 217.670 and 217.690, RSMo, and to enact in lieu thereof two new sections relating to videoconferencing for parole hearings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2438**, entitled:

An Act to repeal section 287.090, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2407**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto two new sections relating to an advisory council on rare diseases within the MO HealthNet division.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **PRIVILEGED MOTIONS**

Senator Eigel moved that the Senate refuse to recede from its position on **SS** for **HB 1858**, and grant the House a conference thereon, which motion prevailed.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS** for **HB 2140**—Government Reform.

**HB 2336**—Judiciary and Civil and Criminal Jurisprudence.

**HCS for HBs 2523 and 2524**—Rules, Joint Rules, Resolutions and Ethics.

**HCS for HB 1542**—Insurance and Banking.

**HCS for HB 1915**—Government Reform.

**HB 2155**—Government Reform.

**HCS for HB 2017**—Appropriations.

**HCS for HB 2018**—Appropriations.

**HCS for HB 1999**—Commerce, Consumer Protection, Energy and the Environment.

**HCS for HB 1289**—Local Government and Elections.

#### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2002**: Senators Brown, Hegeman, Cunningham, Curls and Holsman.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2003**: Senators Brown, Hegeman, Sater, Curls and Nasheed.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2004**: Senators Brown, Hegeman, Cunningham, Curls and Holsman.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2005**: Senators Brown, Hegeman, Cunningham, Curls and Holsman.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2006**, as amended: Senators Brown, Hegeman, Cunningham, Curls and Holsman.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2007**, as amended: Senators Brown, Hegeman, Cunningham, Curls and Nasheed.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2008**: Senators Brown, Hegeman, Cunningham, Curls and Holsman.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2009**: Senators Brown, Sater, Cunningham, Curls and Nasheed.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 2010**: Senators Brown, Hegeman, Sater, Curls and Nasheed.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2011**: Senators Brown, Hegeman, Sater, Curls and Nasheed.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2012**: Senators Brown, Hegeman, Sater, Curls and Nasheed.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2013**: Senators Brown, Hegeman, Sater, Curls and Holsman.

Also,

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SS** for **HB 1858**: Senators Eigel, Wallingford, Koenig, Nasheed and Rizzo.

### **RESOLUTIONS**

Senator Romine offered Senate Resolution No. 1925, regarding Lance Sprenkel, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 1926, regarding Robert Love, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 1927, regarding Charlotte Hopkins, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 1928, regarding Shirley Lotz, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 1929, regarding Sherry Mauk, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 1930, regarding Terri Barron, Desloge, which was adopted.

Senator Romine offered Senate Resolution No. 1931, regarding Paul Schroer, Bonne Terre, which was

adopted.

Senator Romine offered Senate Resolution No. 1932, regarding Julie Gilliland, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 1933, regarding Norma Coplin, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 1934, regarding William Neubrand, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 1935, regarding Jason Jones, Farmington, which was adopted.

Senator Romine offered Senate Resolution No. 1936, regarding Laura Horton, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 1937, regarding Randy Nash, Bismarck, which was adopted.

Senator Romine offered Senate Resolution No. 1938, regarding Tonya Cook, Lesterville, which was adopted.

Senator Romine offered Senate Resolution No. 1939, regarding Gary Volner, Lesterville, which was adopted.

### **INTRODUCTION OF GUESTS**

Senator Dixon introduced to the Senate, Mirhad Hasanovic, Columbia.

Senator Schupp introduced to the Senate, Madelyn Hubbs and her parents, Jeff and Melissa, Bridgeton.

Senator Libla introduced to the Senate, Don Chance, Dudley; and Tracy Davied, Sikeston.

Senator Munzlinger introduced to the Senate, Haleigh Karl, Gower; Ethan Boss, Salisbury; Emily Hagan, Old Monroe; and Baylee Siegel, and her parents, Katie and Joshua, California.

Senator Cunningham introduced to the Senate, Madison Keith, and her parents, Kendall and Carrie, Mansfield.

On motion of Senator Kehoe, the Senate adjourned under the rules.

### **SENATE CALENDAR**

---

SIXTY-SECOND DAY—TUESDAY, MAY 1, 2018

---

### **FORMAL CALENDAR**

### **HOUSE BILLS ON SECOND READING**

HC B 11-Neely  
HC B 16-Houghton

HC B 14-Reiboldt  
HB 2015-Fitzpatrick

HB 2179-Richardson  
HB 2538-Pietzman  
HB 2499-Hansen

HB 2438-Remole  
HCS for HB 2407

THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)  
SS for SB 699-Sifton (In Fiscal Oversight)  
SS for SCS for SB 907-Kehoe

SS for SCS for SB 553-Dixon  
SCS for SB 1007-Kehoe

SENATE BILLS FOR PERFECTION

1. SJR 36-Schatz, with SCS
2. SB 678-Eigel
3. SB 1102-Kehoe, with SCS
4. SB 1015-Wieland, with SCS
5. SB 709-Schatz, with SCS
6. SB 640-Sater
7. SB 963-Wieland, with SCS
8. SB 952-Rowden

9. SB 864-Hoskins
10. SB 998-Schatz, with SCS
11. SB 703-Hegeman
12. SB 915-Crawford
13. SB 934-Hegeman
14. SB 988-Rowden, with SCS
15. SB 790-Cierpiot, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1492-Lynch (Brown)
2. HCS for HB 1597, with SCS (Dixon)
3. HB 1744-Hansen (Romine)
4. HCS for HB 1606 (Romine)
5. HB 1428-Muntzel (Munzlinger)
6. HCS for HB 2034, with SCS (Munzlinger)
7. HCS for HB 1796 (Rowden)
8. HB 2122-Engler, with SCS (Schatz)
9. HCS for HB 1443, with SCS (Sater)
10. HCS for HB 1645 (Rowden)
11. HB 1953-Neely (Onder)
12. HB 1409-Fitzpatrick (Kehoe)
13. HB 1797-Fitzwater, with SCS (Riddle)
14. HB 2026-Wilson, with SCS (Rowden)
15. HB 2101-Beard (Hoskins)
16. HB 1267-Lichtenegger (Munzlinger)
17. HB 1415-Lauer (Wasson)

18. HB 1968-Grier (Schatz)
19. HB 2330-Beck (Sifton)
20. HB 1887-Bahr (Onder)
21. HB 1247-Pike (Onder)
22. HB 1831-Ruth (Wieland)
23. HCS for HB 1635, with SCS (Wallingford)
24. HCS for HB 2171 (Sater)
25. HCS for HB 1364, with SCS (Munzlinger)
26. HB 1646-Eggleston (Hegeman)
27. HB 1809-Tate (Schatz)
28. HB 1252-Plocher (Riddle)
29. HCS for HB 1251, with SCS (Crawford)
30. HCS#2 for HB 1503, with SCS (Hoskins)
31. HCS for HB 1614 (Hegeman)
32. HCS for HB 1264 (Hegeman)
33. HCS for HB 1611 (Riddle)
34. HCS for HB 2119 (Rowden)

35. HCS for HB 2079, with SCS (Crawford)  
 36. HCS for HB 1710, with SCS (Eigel)

37. HB 1484-Brown (57) (Romine)  
 38. HJR 59-Brown (57) (Romine)

# INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 &  
 667-Eigel (In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)  
 SB 550-Wasson, with SCS  
 SBs 555 & 609-Brown, with SCS  
 SB 556-Brown, with SA 1 (pending)  
 SB 561-Sater, with SA 1 (pending)  
 SB 567-Cunningham, with SCS, SS for SCS,  
 SA 1 & SA 1 to SA 1 (pending)  
 SB 578-Romine  
 SB 591-Hegeman, with SCS  
 SB 596-Riddle, with SCS  
 SB 599-Schatz  
 SB 602-Onder, with SCS  
 SB 612-Koenig, with SCS, SS#2 for SCS,  
 SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
 for SA 2 (pending)  
 SB 663-Schatz, with SCS, SS for SCS &  
 SA 1 (pending)  
 SB 730-Wallingford, with SCS & SA 1  
 (pending)  
 SB 751-Schatz  
 SB 767-Hoskins, with SCS, SS for SCS &  
 SA 2 (pending)  
 SB 774-Munzlinger  
 SB 813-Riddle, with SCS & SA 1 (pending)

SB 822-Hegeman, with SCS & SS for SCS  
 (pending)  
 SB 832-Rowden, with SCS, SS#2 for SCS &  
 point of order (pending)  
 SB 837-Rowden  
 SB 848-Riddle  
 SB 849-Kehoe and Schupp, with SCS, SA 1  
 & SA 1 to SA 1 (pending)  
 SB 859-Koenig, with SCS & SS for SCS  
 (pending)  
 SB 860-Koenig, with SCS, SS for SCS &  
 SA 1 (pending)  
 SB 861-Hegeman, with SCS  
 SB 865-Kehoe  
 SB 893-Sater, with SCS, SS for SCS &  
 SA 1 (pending)  
 SB 912-Rowden, with SCS & SS#3 for SCS  
 (pending)  
 SB 920-Riddle, with SS & SA 2 (pending)  
 SB 928-Onder, with SCS  
 SB 949-Emery, with SCS, SS for SCS &  
 SA 2 (pending)  
 SB 1003-Wasson, with SS & SA 1 (pending)  
 SB 1021-Dixon and Wallingford, with SCS

## HOUSE BILLS ON THIRD READING

HCS for HBs 1288, 1377 & 2050, with SCS  
 (Dixon)  
 HB 1303-Alferman, with SCS (Rowden)

HB 1329-Remole, with SCS, SS for SCS &  
 SA 5 (pending) (Munzlinger)  
 SS for SCS for HB 1350-Smith (163) (Rowden)

HB 1355-Phillips, with SCS (Schatz)  
HB 1413-Taylor, with SCS, SS for SCS &  
SA 1 (pending) (Onder)  
HB 1442-Alferman, with SCS, SS for SCS &  
SA 1 (pending) (Schatz)  
HCS for HB 1461 (Rowden)  
HB 1578-Kolkmeier (Munzlinger)  
HCS for HB 1605, with SCS (Kehoe)  
HCS for HB 1617, with SCS, SS#2 for SCS  
& SA 1 (pending) (Onder)

HB 1630-Evans (Rowden)  
HB 1691-Miller, with SCS (Emery)  
HCS for HBs 1729, 1621 & 1436 (Brown)  
HB 1769-Mathews, with SCS (Schatz)  
HB 1880-Trent, with SCS & SS for SCS  
(pending) (Cunningham)  
HCS for HB 1991, with SCS (Rowden)  
HB 2044-Taylor, with SCS (pending) (Dixon)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 660-Riddle, with HCS, as amended  
SS for SCS for SB 775-Brown, with HCS,  
as amended

SCS for SB 917-Crawford, with HCS

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 569-Cunningham, with HCS, as amended  
HB 1291-Henderson, with SS for SCS,  
as amended (Romine) (House adopted CCR  
and passed CCS)  
SS for HB 1858-Christofanelli (Eigel)  
HCS for HB 2002, with SCS (Brown)  
HCS for HB 2003, with SCS (Brown)  
HCS for HB 2004, with SCS (Brown)  
HCS for HB 2005, with SCS (Brown)  
HCS for HB 2006, with SCS, as amended  
(Brown)

HCS for HB 2007, with SCS, as amended  
(Brown)  
HCS for HB 2008, with SCS (Brown)  
HCS for HB 2009, with SCS (Brown)  
HCS for HB 2010, with SS for SCS (Brown)  
HCS for HB 2011, with SCS (Brown)  
HCS for HB 2012, with SCS (Brown)  
HCS for HB 2013, with SCS (Brown)

##### Requests to Recede or Grant Conference

SS for SB 608-Hoskins, with HCS (Senate  
requests House recede or grant  
conference)

SS for SCS for SB 826-Sater, with HCS,  
as amended (Senate requests House  
recede or grant conference)



## RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 37-Eigel and Onder

✓

# Journal of the Senate

SECOND REGULAR SESSION

---

**SIXTY-SECOND DAY—TUESDAY, MAY 1, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“But when one turns to the Lord, the veil is removed.” (2 Corinthians 3:16)

Heavenly Father, we thank You that You are our God and we ask that our eyes be open to the different ways to see possibilities that come before us so that we might provide opportunities to turn that which is hurtful to a brilliant solution. Give those who come before You a clear vision of what we may truly accomplish and ways for them to be making that happen. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Rowden offered Senate Resolution No. 1940, regarding William Stone Woods, which was adopted.

Senator Rowden offered Senate Resolution No. 1941, regarding Charles Quarles Chandler, II, which was adopted.

Senator Wasson offered Senate Resolution No. 1942, regarding Connie Lorene Scott, Rogersville, which was adopted.

Senator Schaaf offered Senate Resolution No. 1943, regarding Corrections Officer I Michelle Vogel, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 1944, regarding Jennifer Newton, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 1945, regarding Deborah Foster, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 1946, regarding Sandy Veale, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 1947, regarding Gail Pike, Agency, which was adopted.

Senator Schaaf offered Senate Resolution No. 1948, regarding Lynette Lower, St. Joseph, which was adopted.

**THIRD READING OF SENATE BILLS**

**SS for SCS for SB 907**, introduced by Senator Kehoe, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 907

An Act to authorize the conveyance of certain state properties.

Was taken up.

On motion of Senator Kehoe, **SS for SCS for SB 907** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Dixon	Emery
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

## NAYS—Senators—None

## Absent—Senators

Curls                      Eigel—2

Absent with leave—Senator Schatz—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**SS for SCS for SB 553**, introduced by Senator Dixon, entitled:

An Act to repeal sections 67.410, 143.783, 302.321, 302.341, 347.048, 479.020, 479.353, 479.359, and 479.360, RSMo, and to enact in lieu thereof nine new sections relating to local government, with existing penalty provisions.

Was taken up.

President Pro Tem Richard assumed the Chair.

Senator Dixon moved that **SS for SCS for SB 553** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

YEAS—Senators

Brown	Crawford	Cunningham	Dixon	Eigel	Emery	Hoskins
Kehoe	Munzlinger	Richard	Riddle	Rizzo	Wasson—13	

NAYS—Senators

Chappelle-Nadal	Cierpiot	Curls	Hegeman	Hummel	Koenig	Libla
Nasheed	Onder	Romine	Rowden	Schaaf	Schupp	Sifton
Wallingford	Walsh	Wieland—17				

Absent—Senators

Holsman	Sater	Schatz—3
---------	-------	----------

Absent with leave—Senators—None

Vacancies—1

**SCS for SB 1007**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1007

An Act to repeal sections 36.020, 36.030, 36.031, 36.040, 36.050, 36.060, 36.070, 36.080, 36.090, 36.100, 36.110, 36.120, 36.130, 36.140, 36.150, 36.170, 36.180, 36.190, 36.200, 36.210, 36.220, 36.225, 36.240, 36.250, 36.260, 36.270, 36.280, 36.290, 36.300, 36.310, 36.320, 36.340, 36.360, 36.380, 36.390, 36.400, 36.440, 36.470, 36.510, 37.010, 105.055, 207.085, 621.075, and 630.167, RSMo, and to enact in lieu thereof thirty-eight new sections relating to the state personnel law, with existing penalty provisions.

Was taken up by Senator Kehoe.

Senator Rowden assumed the Chair.

On motion of Senator Kehoe, **SCS** for **SB 1007** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder
Richard	Riddle	Rowden	Sater	Schatz	Wallingford	Wasson—21

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Hummel	Nasheed	Rizzo	Romine
Schaaf	Schupp	Sifton	Walsh	Wieland—12		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Kehoe, title to the bill was agreed to.

Senator Kehoe moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

### HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

**HB 2015**—Appropriations.

### REFERRALS

President Pro Tem Richard referred **HB 1409**; **HB 1267**; **HCS** for **HB 2171**; and **HJR 59** to the Committee on Fiscal Oversight.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 683**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1739**, entitled:

An Act to amend chapter 558, RSMo, by adding thereto one new section relating to minimum terms of imprisonment.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 814**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HCS** for **HB 1286** and has taken up and passed **SCS** for **HCS** for **HB 1286**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS No. 2**, as amended for **SCS** for **HCS** for **HB 1500** and has taken up and passed **SS No. 2** for **SCS** for **HCS** for **HB 1500**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HCS** for **HB 1268** and has taken up and passed **SCS** for **HCS** for **HB 1268**.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **HB 1858**. Representatives: Christofanelli, Curtman, Smith (163), Carpenter, Morgan.

On motion of Senator Kehoe, the Senate recessed until 3:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

### **RESOLUTIONS**

Senators Kehoe, Schatz and Riddle offered Senate Resolution No. 1949, regarding Dr. Tracey Hankins, Hermann, which was adopted.

Senator Kehoe offered Senate Resolution No. 1950, regarding Parents Day of Hope, which was adopted.

Senator Hummel offered Senate Resolution No. 1951, regarding Brian Kelley, Liberty, which was adopted.

### **HOUSE BILLS ON THIRD READING**

**HB 1492**, introduced by Representative Lynch, entitled:

An Act to repeal section 620.515, RSMo, and to enact in lieu thereof one new section relating to the show-me heroes program.

Was taken up by Senator Brown.

On motion of Senator Brown, **HB 1492** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HB 1355**, with **SCS**, introduced by Representative Phillips, entitled:

An Act to amend chapter 590, RSMo, by adding thereto one new section relating to retired peace officers.

Was called from the Informal Calendar and taken up by Senator Schatz.

**SCS** for **HB 1355**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1355

An Act to repeal sections 43.505, 57.117, 221.050, 302.176, 488.5320, and 513.653, RSMo, and to enact in lieu thereof twelve new sections relating to public safety, with an effective date for a certain section, with penalty provisions.

Was taken up.

Senator Schatz moved that **SCS** for **HB 1355** be adopted.

Senator Schatz offered **SS** for **SCS** for **HB 1355**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1355

An Act to repeal sections 43.505, 43.507, 57.117, 57.450, 84.510, 190.335, 217.015, 217.030, 217.075, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.050, 221.105, 260.391, 292.606, 302.176, 306.030, 306.126, 414.032, 488.5320, 513.653, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, and 595.220, RSMo, and to enact in lieu thereof fifty-four new sections relating to public safety, with penalty provisions.

Senator Schatz moved that SS for SCS for **HB 1355** be adopted.

Senator Chappelle-Nadal offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1355, Pages 62-63, Section 260.558, by striking said section and inserting in lieu thereof the following:

**“260.558. 1. There is hereby created in the state treasury the “Radioactive Waste Investigation Fund”. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely by the department of natural resources to investigate concerns of exposure to radioactive waste. Upon written request by a local governing body expressing concerns of radioactive waste contamination in a specified area within its jurisdiction, the department of natural resources shall use moneys in the radioactive waste investigation fund to develop and conduct an investigation, using sound scientific methods, for the specified area of concern. The request by a local governing body shall include a specified area of concern and any supporting documentation related to the concern. The department shall prioritize requests in the order in which they are received, except that the department may give priority to requests that are in close proximity to federally designated sites where radioactive contaminants are known or reasonably expected to exist. The investigation shall be performed by applicable federal or state agencies or by a qualified contractor selected by the department through a competitive bidding process. In conducting an investigation under this section, the department shall work with the applicable government agency or approved contractor, as well as local officials, to develop a sampling and analysis plan to determine if radioactive contaminants in the area of concern exceed federal standards for remedial action due to contamination. Within a residential area, this plan may include dust samples collected inside residential homes only after obtaining permission from the homeowners. The samples shall be analyzed for the isotopes necessary to correlate the samples with the suspected contamination, as described in the sampling and analysis plan. Within forty-five days of receiving the final sampling results, the department shall report the results to the attorney general and the local governing body that requested the investigation and make the finalized report and testing results publicly available on the department’s website.**

**2. The transfer to the fund shall not exceed one hundred fifty thousand dollars per fiscal year. Investigation costs expended from this fund shall not exceed one hundred fifty thousand dollars per fiscal year. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of**



the hazardous waste fund.

**3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”.**

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1355, Page 13, Section 84.510, Line 22 of said page, by inserting immediately after said line the following:

“99.848. **1.** Notwithstanding subsection 1 of section [99.847] **99.845**, any district **or county imposing a property tax for the purposes of** providing emergency services pursuant to chapter 190 or 321 shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent [nor] **but not** more than one hundred percent of the district’s tax increment. This section shall not apply to tax increment financing projects or districts approved prior to August 28, 2004.

**2. Beginning August 28, 2018, an ambulance district board operating under chapter 190, a fire protection district board operating under chapter 321, or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall annually set the reimbursement rate under subsection 1 of this section prior to the time the assessment is paid into the special allocation fund. If the redevelopment plan, area, or project is amended by ordinance or by other means after August 28, 2018, the ambulance or fire protection district board or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter 190 or chapter 321 shall have the right to recalculate the reimbursement rate under this section.**

135.090. 1. As used in this section, the following terms mean:

(1) “Homestead”, the dwelling in Missouri owned by the surviving spouse and not exceeding five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. As used in this section, “homestead” shall not include any dwelling which is occupied by more than two families;

(2) “Public safety officer”, any firefighter, police officer, capitol police officer, parole officer, probation officer, correctional employee, water patrol officer, park ranger, conservation officer, commercial motor **vehicle** enforcement officer, emergency medical technician, **emergency medical responder, as defined in section 190.100**, first responder, or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty, unless the death was the result of the officer’s own misconduct or abuse of alcohol or drugs;

(3) “Surviving spouse”, a spouse, who has not remarried, of a public safety officer.

2. For all tax years beginning on or after January 1, 2008, a surviving spouse shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the total amount of the property taxes on the surviving spouse’s homestead paid during the tax year for which the credit is claimed. A surviving spouse may claim the credit authorized under this section for each tax year beginning the year of death of the public safety officer spouse

until the tax year in which the surviving spouse remarries. No credit shall be allowed for the tax year in which the surviving spouse remarries. If the amount allowable as a credit exceeds the income tax reduced by other credits, then the excess shall be considered an overpayment of the income tax.

3. The department of revenue shall promulgate rules to implement the provisions of this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized under this section shall expire on December 31, 2019, unless reauthorized by the general assembly; and

(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

190.094. 1. Any ambulance licensed in this state, when used as an ambulance and staffed with volunteer staff, shall be staffed with a minimum of one emergency medical technician and one other crew member who may be a licensed emergency medical technician, registered nurse, physician, or someone who has a [first] **emergency medical** responder certification.

2. When transporting a patient, at least one licensed emergency medical technician, registered nurse, or physician shall be in attendance with the patient in the patient compartment at all times.

3. For purposes of this section, "volunteer" shall mean an individual who performs hours of service without promise, expectation or receipt of compensation for services rendered. Compensation such as a nominal stipend per call to compensate for fuel, uniforms, and training shall not nullify the volunteer status.

190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

(1) **"Advanced emergency medical technician" or "AEMT", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;**

(2) **"Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;**

[2)] (3) **"Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who**

require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

[(3)] (4) “Ambulance service”, a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

[(4)] (5) “Ambulance service area”, a specific geographic area in which an ambulance service has been authorized to operate;

[(5)] (6) “Basic life support (BLS)”, a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

[(6)] (7) “Council”, the state advisory council on emergency medical services;

[(7)] (8) “Department”, the department of health and senior services, state of Missouri;

[(8)] (9) “Director”, the director of the department of health and senior services or the director’s duly authorized representative;

[(9)] (10) “Dispatch agency”, any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

[(10)] (11) “Emergency”, the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person’s health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

[(11)] (12) “Emergency medical dispatcher”, a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

**(13) “Emergency medical responder”, a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the U.S. Department of Transportation and any modifications to such curricula specified by the department through rules adopted under sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;**

[(12)] (14) “Emergency medical response agency”, any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

[(13)] (15) “Emergency medical services for children (EMS-C) system”, the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

[(14)] (16) “Emergency medical services (EMS) system”, the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

[(15)] (17) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

[(16)] (18) “Emergency medical technician-basic” or “EMT-B”, a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

[(17)] (19) “Emergency medical technician-community paramedic”, “community paramedic”, or “EMT-CP”, a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;

[(18)] “Emergency medical technician-intermediate” or “EMT-I”, a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;]

[(19)] (20) “Emergency medical technician-paramedic” or “EMT-P”, a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

[(20)] (21) “Emergency services”, health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital’s emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

[(21)] “First responder”, a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;]

(22) “Health care facility”, a hospital, nursing home, physician’s office or other fixed location at which medical and health care services are performed;

(23) “Hospital”, an establishment as defined in the hospital licensing law, subsection 2 of section

197.020, or a hospital operated by the state;

(24) “Medical control”, supervision provided by or under the direction of physicians [to providers by written or verbal communications], **or their designated registered nurse, including both online medical control, instructions by radio, telephone, or other means of direct communications, and offline medical control through supervision by treatment protocols, case review, training, and standing orders for treatment;**

(25) “Medical direction”, medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

(26) “Medical director”, a physician licensed pursuant to chapter 334 designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

(27) “Memorandum of understanding”, an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(28) “Patient”, an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

(29) “Person”, as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

(30) “Physician”, a person licensed as a physician pursuant to chapter 334;

(31) “Political subdivision”, any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

(32) “Professional organization”, any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B’s, nurses, EMT-P’s, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

(33) “Proof of financial responsibility”, proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

(34) “Protocol”, a predetermined, written medical care guideline, which may include standing orders;

(35) “Regional EMS advisory committee”, a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

(36) “Specialty care transportation”, the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

(37) “Stabilize”, with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual’s medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

(38) “State advisory council on emergency medical services”, a committee formed to advise the department on policy affecting emergency medical service throughout the state;

(39) “State EMS medical directors advisory committee”, a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

(40) “STEMI” or “ST-elevation myocardial infarction”, a type of heart attack in which impaired blood flow to the patient’s heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

(41) “STEMI care”, includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

(42) “STEMI center”, a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

(43) “Stroke”, a condition of impaired blood flow to a patient’s brain as defined by the department;

(44) “Stroke care”, includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

(45) “Stroke center”, a hospital that is currently designated as such by the department;

(46) “Trauma”, an injury to human tissues and organs resulting from the transfer of energy from the environment;

(47) “Trauma care” includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

(48) “Trauma center”, a hospital that is currently designated as such by the department.

190.103. 1. One physician with expertise in emergency medical services from each of the EMS regions

shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The regional EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors shall be elected to an initial four-year term. All subsequent terms following the initial terms shall be four years. The state EMS medical director shall be the chair of the state EMS medical director's advisory committee, **and shall be elected by the members of the regional EMS medical director's advisory committee, shall serve a term of four years, and shall seek to coordinate EMS services between the EMS regions, promote educational efforts for agency medical directors, represent Missouri EMS nationally in the role of the state EMS medical director, and seek to incorporate the EMS system into the health care system serving Missouri.**

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders. **Emergency medical technicians shall only perform those medical procedures as directed by treatment protocols approved by the local medical director or when authorized through direct communication with online medical control.**

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director. The agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

5. Regional EMS medical directors **and the state EMS medical director** elected as provided under subsection 1 of this section shall be considered public officials for purposes of sovereign immunity, official immunity, and the Missouri public duty doctrine defenses.

6. The state EMS medical director's advisory committee shall be considered a peer review committee under section 537.035.

7. Regional EMS medical directors may act to provide online telecommunication medical direction to AEMTs, EMT-Bs, [EMT-Is,] EMT-Ps, and community paramedics and provide offline medical direction

per standardized treatment, triage, and transport protocols when EMS personnel, including **AEMTs**, EMT-Bs, [EMT-Is,] EMT-Ps, and community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director.

8. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional boundaries, and such protocols may be used by multiple agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments. Treatment protocols shall include steps to ensure the receiving hospital is informed of the pending arrival of the special needs patient, the condition of the patient, and the treatment instituted.

9. Multiple EMS agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments shall take necessary steps to follow the regional EMS protocols established as provided under subsection 8 of this section in cases of mass casualty or state-declared disaster incidents.

10. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for patients, such activity shall not be construed as having usurped local medical direction authority in any manner.

11. Notwithstanding any other provision of law to the contrary, when regional EMS medical directors are providing either online telecommunication medical direction to **AEMTs**, EMT-Bs, [EMT-Is,] EMT-Ps, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications.

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for an ambulance service issued pursuant to the provisions of sections 190.001 to 190.245.

2. No ground ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless the ground ambulance is under the immediate supervision and direction of a person who is holding a currently valid Missouri license as an emergency medical technician. Nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed physician be required to hold an emergency medical technician's license. Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record. Each ground ambulance shall be staffed with at least two licensed individuals when transporting a patient, except as provided in section 190.094. In emergency situations which require additional medical personnel to assist the patient during transportation, [a first] **an emergency medical** responder, firefighter, or law enforcement personnel with a valid driver's license and prior experience with driving emergency vehicles may drive the ground ambulance provided the ground ambulance service stipulates to this practice in operational policies.

3. No license shall be required for an ambulance service, or for the attendant of an ambulance, which:

(1) Is rendering assistance in the case of an emergency, major catastrophe or any other unforeseen event



or series of events which jeopardizes the ability of the local ambulance service to promptly respond to emergencies; or

(2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for transportation to locations within Missouri, except as provided in subdivision (1) of this subsection.

4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245 shall not be construed so as to authorize any person to provide ambulance services or to operate any ambulances without a franchise in any city not within a county or in a political subdivision in any county with a population of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid agreement in any other political subdivision which has enacted an ordinance making it unlawful to do so.

5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or regulation not in conflict with such sections by any city not within a county, or at least as strict as such sections by any county, municipality or political subdivision except that no such regulations or ordinances shall be adopted by a political subdivision in a county with a population of over nine hundred thousand inhabitants except by the county's governing body.

6. In a county with a population of over nine hundred thousand inhabitants, the governing body of the county shall set the standards for all ambulance services which shall comply with subsection 5 of this section. All such ambulance services must be licensed by the department. The governing body of such county shall not prohibit a licensed ambulance service from operating in the county, as long as the ambulance service meets county standards.

7. An ambulance service or vehicle when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad safety.

8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of such employer's employees whose illness or injury occurs on private property, and not on a public highway or property, nor to any person operating such a motor vehicle.

9. A political subdivision that is authorized to operate a licensed ambulance service may establish, operate, maintain and manage its ambulance service, and select and contract with a licensed ambulance service. Any political subdivision may contract with a licensed ambulance service.

10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection 2 of section 190.109, shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to promulgate laws, ordinances or regulations related to the provision of ambulance services. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to operate an ambulance service without a franchise in an ambulance district or a fire protection district that is authorized to provide ambulance service which has enacted an ordinance making it unlawful to do so. This provision shall not apply to any municipality or

county which operates an ambulance service established prior to August 28, 1998.

12. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section, is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter or to fire protection districts pursuant to chapter 321, or to counties, cities, towns and villages pursuant to chapter 67.

14. Upon the sale or transfer of any ground ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.

190.131. 1. The department shall accredit or certify training entities for [first] **emergency medical** responders, emergency medical dispatchers, **and** emergency medical [technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic] **technicians**, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245.

2. Such rules promulgated by the department shall set forth the minimum requirements for entrance criteria, training program curricula, instructors, facilities, equipment, medical oversight, record keeping, and reporting.

3. Application for training entity accreditation or certification shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems reasonably necessary to make a determination as to whether the training entity meets all requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon receipt of such application for training entity accreditation or certification, the department shall determine whether the training entity, its instructors, facilities, equipment, curricula and medical oversight meet the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

5. Upon finding these requirements satisfied, the department shall issue a training entity accreditation or certification in accordance with rules promulgated by the department pursuant to sections 190.001 to 190.245.

6. Subsequent to the issuance of a training entity accreditation or certification, the department shall cause a periodic review of the training entity to assure continued compliance with the requirements of sections 190.001 to 190.245 and all rules promulgated pursuant to sections 190.001 to 190.245.

7. No person or entity shall hold itself out or provide training required by this section without accreditation or certification by the department.

190.142. 1. **(1) For applications submitted before the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect**, the department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made

of the applicant for an emergency medical technician's license.

**(2) For applications submitted after the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an emergency medical technician in this state shall submit to a background check by the Missouri state highway patrol and the Federal Bureau of Investigation through a process approved by the department of health and senior services. Such processes may include the use of vendors or systems administered by the Missouri state highway patrol. The department may share the results of such a criminal background check with any emergency services licensing agency in any member state, as that term is defined under section 190.900, of the recognition of EMS personnel licensure interstate compact. The department shall not issue a license until the department receives the results of an applicant's criminal background check from the Missouri state highway patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary license as provided under section 190.143. Any fees due for a criminal background check shall be paid by the applicant.**

**(3)** The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) **Emergency medical technician and paramedic** education and training requirements based on respective [national curricula of the United States Department of Transportation] **National Emergency Medical Services Education Standards** and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) **Paramedic accreditation requirements. Paramedic training programs shall be accredited by the Commission on Accreditation of Allied Health Education Program (CAAHEP) or hold a CAAHEP letter of review;**

(4) Initial licensure testing requirements. Initial EMT-P licensure testing shall be through the national registry of EMTs [or examinations developed and administered by the department of health and senior services];

[(4)] (5) Continuing education and relicensure requirements; and

[(5)] (6) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

190.143. 1. Notwithstanding any other provisions of law, the department may grant a ninety-day temporary emergency medical technician license to all levels of emergency medical technicians who meet the following:

(1) Can demonstrate that they have, or will have, employment requiring an emergency medical technician license;

(2) Are not currently licensed as an emergency medical technician in Missouri or have been licensed as an emergency medical technician in Missouri and fingerprints need to be submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal history, or they are currently licensed and the license will expire before a verification can be completed of the existence or absence of a criminal history;

(3) Have submitted a complete application upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245;

(4) Have not been disciplined pursuant to sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245;

(5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to 190.245.

2. A temporary emergency medical technician license shall only authorize the license to practice while under the immediate supervision of a licensed emergency medical [technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic] **technician**, registered nurse, or physician who is currently licensed, without restrictions, to practice in Missouri.

3. A temporary emergency medical technician license shall automatically expire either ninety days from the date of issuance or upon the issuance of a five-year emergency medical technician license.

**190.147. 1. Emergency medical technician paramedics (EMT-Ps):**

**(1) Who have completed a standard crisis intervention training course as endorsed and developed by the state EMS medical director's advisory committee;**

**(2) Who have been authorized by their ground or air ambulance service's administration and medical director under subsection 3 of section 190.103; and**

**(3) Whose ground or air ambulance service has developed and adopted standardized triage, treatment, and transport protocols under subsection 3 of section 190.103, which address the challenge of treating and transporting behavioral health patients who present a likelihood of serious harm to themselves or others as the term “likelihood of serious harm” is defined under section 632.005 or who are significantly incapacitated by alcohol or drugs; provided, that such protocols shall be reviewed and approved by the state EMS medical director’s advisory committee and that such protocols shall direct the EMT-P regarding the proper use of patient restraint and coordination with area law enforcement. Patient restraint protocols shall be based upon current applicable national guidelines;**

**may make a good faith determination that such patients shall be placed into a temporary hold for the sole purposes of transport to the nearest appropriate facility; provided, that such determination shall be made in cooperation with at least one other EMT-P or other medical professional involved in the transport. Once in a temporary hold, the patient shall be treated with humane care in a manner that preserves human dignity, consistent with applicable federal regulations and nationally-recognized guidelines regarding the appropriate use of temporary holds and restraints in medical transport.**

**2. In any instance in which a good faith determination for a temporary hold of a patient has been made, such hold shall be made in a clinically appropriate and adequately justified manner, and shall be documented and attested to in writing. The writing shall be retained by the ambulance service and included as part of the patient’s medical file.**

**3. EMT-Ps who have made a good faith decision for a temporary hold of a patient as authorized by this section shall no longer have to rely on the common law doctrine of implied consent and therefore shall not be civilly liable for a good faith determination made in accordance with this section and shall not have waived any sovereign immunity defense, official immunity defense, or Missouri public duty doctrine defense if employed at the time of the good faith determination by a government employer.**

**4. Any ground or air ambulance service that adopts the authority and protocols provided for by this section shall have a memorandum of understanding with applicable local law enforcement agencies in order to achieve a collaborative and coordinated response to patients displaying symptoms of either a likelihood of serious harm to themselves or others or significant incapacitation by alcohol or drugs, which require a crisis intervention response. The memorandum of understanding shall include, but not be limited to, the following:**

**(1) Administrative oversight, including coordination between ambulance services and law enforcement agencies;**

**(2) Patient restraint techniques and coordination of agency responses to situations in which patient restraint may be required;**

**(3) Field interaction between paramedics and law enforcement, including patient destination and transportation; and**

**(4) Coordination of program quality assurance.**

**5. The physical restraint of a patient by an emergency medical technician under the authority of this section shall be permitted only in order to provide for the safety of bystanders, the patient, or emergency personnel due to an imminent or immediate danger, or upon approval by local medical**

**control through direct communications. Restraint shall also be permitted through cooperation with on-scene law enforcement officers. All incidents involving patient restraint used under the authority of this section shall be reviewed by the ambulance service physician medical director.**

190.165. 1. The department may refuse to issue or deny renewal of any certificate, permit or license required pursuant to sections 190.100 to 190.245 for failure to comply with the provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the department to implement its provisions as described in subsection 2 of this section. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate, permit or license required by sections 190.100 to 190.245 or any person who has failed to renew or has surrendered his or her certificate, permit or license for failure to comply with the provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the department to implement such sections. Those regulations shall be limited to the following:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any activity licensed or regulated by sections 190.100 to 190.245;

(2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any activity licensed or regulated pursuant to sections 190.100 to 190.245, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate, permit or license issued pursuant to sections 190.100 to 190.245 or in obtaining permission to take any examination given or required pursuant to sections 190.100 to 190.245;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to 190.245;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to sections 190.100 to 190.245;

(7) Impersonation of any person holding a certificate, permit or license or allowing any person to use his or her certificate, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any activity regulated by sections 190.100 to 190.245 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) For an individual being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any activity licensed or regulated by sections 190.100 to 190.245 who is not licensed and currently eligible to practice pursuant to sections 190.100 to 190.245;

(11) Issuance of a certificate, permit or license based upon a material mistake of fact;

(12) Violation of any professional trust, confidence, or legally protected privacy rights of a patient by means of an unauthorized or unlawful disclosure;

(13) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(14) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(15) Refusal of any applicant or licensee to respond to reasonable department of health and senior services' requests for necessary information to process an application or to determine license status or license eligibility;

(16) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health or safety of a patient or the public;

(17) Repeated acts of negligence or recklessness in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to 190.245.

3. If the department conducts investigations, the department, prior to interviewing a licensee who is the subject of the investigation, shall explain to the licensee that he or she has the right to:

(1) Consult legal counsel or have legal counsel present;

(2) Have anyone present whom he or she deems to be necessary or desirable[, except for any holder of any certificate, permit, or license required by sections 190.100 to 190.245]; and

(3) Refuse to answer any question or refuse to provide or sign any written statement.

The assertion of any right listed in this subsection shall not be deemed by the department to be a failure to cooperate with any department investigation.

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit. Notwithstanding any provision of law to the contrary, the department shall be authorized to impose a suspension or revocation as a disciplinary action only if it first files the requisite complaint with the administrative hearing commission. **The administrative hearing commission shall hear all relevant evidence on remediation activities of the licensee and shall make a recommendation to the department of health and senior services as to licensure disposition based on such evidence.**

5. An individual whose license has been revoked shall wait one year from the date of revocation to apply

for relicensure. Relicensure shall be at the discretion of the department after compliance with all the requirements of sections 190.100 to 190.245 relative to the licensing of an applicant for the first time. Any individual whose license has been revoked twice within a ten-year period shall not be eligible for relicensure.

6. The department may notify the proper licensing authority of any other state in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.

7. Any person, organization, association or corporation who reports or provides information to the department pursuant to the provisions of sections 190.100 to 190.245 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

8. The department of health and senior services may suspend any certificate, permit or license required pursuant to sections 190.100 to 190.245 simultaneously with the filing of the complaint with the administrative hearing commission as set forth in subsection 2 of this section, if the department finds that there is an imminent threat to the public health. The notice of suspension shall include the basis of the suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to suspend the license, certificate or permit to the department. The appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be conducted by the department within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

190.173. 1. All complaints, investigatory reports, and information pertaining to any applicant, holder of any certificate, permit, or license, or other individual are confidential and shall only be disclosed upon written consent of the person whose records are involved or to other administrative or law enforcement agencies acting within the scope of their statutory authority. However, no applicant, holder of any certificate, permit, or license, or other individual shall have access to any complaints, investigatory reports, or information concerning an investigation in progress until such time as the investigation has been completed as required by subsection 1 of section 190.248.

2. Any information regarding the identity, name, address, license, final disciplinary action taken, currency of the license, permit, or certificate of an applicant for or a person possessing a license, permit, or certificate in accordance with sections 190.100 to 190.245 shall not be confidential.

**3. Any information regarding the physical address, mailing address, phone number, fax number, or email address of a licensed ambulance service or a certified training entity, including the name of the medical director and organizational contact information, shall not be confidential.**

4. This section shall not be construed to authorize the release of records, reports, or other information which may be held in department files for any holder of or applicant for any certificate, permit, or license that is subject to other specific state or federal laws concerning their disclosure.

**5. Nothing in this section shall prohibit the department from releasing aggregate information in accordance with section 192.067.**

190.196. 1. No employer shall knowingly employ or permit any employee to perform any services for which a license, certificate or other authorization is required by sections 190.001 to 190.245, or by rules adopted pursuant to sections 190.001 to 190.245, unless and until the person so employed possesses all



licenses, certificates or authorizations that are required.

2. Any person or entity that employs or supervises a person's activities as [a first] **an emergency medical** responder, emergency medical dispatcher, emergency medical [technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic] **technician**, registered nurse, or physician shall cooperate with the department's efforts to monitor and enforce compliance by those individuals subject to the requirements of sections 190.001 to 190.245.

3. Any person or entity who employs individuals licensed by the department pursuant to sections 190.001 to 190.245 shall report to the department within seventy-two hours of their having knowledge of any charges filed against a licensee in their employ for possible criminal action involving the following felony offenses:

- (1) Child abuse or sexual abuse of a child;
- (2) Crimes of violence; or
- (3) Rape or sexual abuse.

4. Any licensee who has charges filed against him or her for the felony offenses in subsection 3 of this section shall report such an occurrence to the department within seventy-two hours of the charges being filed.

5. The department will monitor these reports for possible licensure action authorized pursuant to section 190.165.

190.246. 1. As used in this section, the following terms shall mean:

(1) "Eligible person, firm, organization or other entity", an ambulance service or emergency medical response agency, [a certified first] **an emergency medical** responder, [emergency medical technical-basic] or **an emergency medical [technician-paramedic] technician** who is employed by, or an enrolled member, person, firm, organization or entity designated by, rule of the department of health and senior services in consultation with other appropriate agencies. All such eligible persons, firms, organizations or other entities shall be subject to the rules promulgated by the director of the department of health and senior services;

(2) "Emergency health care provider":

(a) A physician licensed pursuant to chapter 334 with knowledge and experience in the delivery of emergency care; or

(b) A hospital licensed pursuant to chapter 197 that provides emergency care.

2. Possession and use of epinephrine auto-injector devices shall be limited as follows:

(1) No person shall use an epinephrine auto-injector device unless such person has successfully completed a training course in the use of epinephrine auto-injector devices approved by the director of the department of health and senior services. Nothing in this section shall prohibit the use of an epinephrine auto-injector device:

(a) By a health care professional licensed or certified by this state who is acting within the scope of his or her practice; or

(b) By a person acting pursuant to a lawful prescription;

(2) Every person, firm, organization and entity authorized to possess and use epinephrine auto-injector devices pursuant to this section shall use, maintain and dispose of such devices in accordance with the rules of the department;

(3) Every use of an epinephrine auto-injector device pursuant to this section shall immediately be reported to the emergency health care provider.

3. (1) Use of an epinephrine auto-injector device pursuant to this section shall be considered first aid or emergency treatment for the purpose of any law relating to liability.

(2) Purchase, acquisition, possession or use of an epinephrine auto-injector device pursuant to this section shall not constitute the unlawful practice of medicine or the unlawful practice of a profession.

(3) Any person otherwise authorized to sell or provide an epinephrine auto-injector device may sell or provide it to a person authorized to possess it pursuant to this section.

4. Any person, firm, organization or entity that violates the provisions of this section is guilty of a class B misdemeanor.”; and

Further amend said bill, page 19, section 190.335, line 16 of said page, by inserting immediately after said line the following:

**“190.900. 1. The “Recognition of EMS Personnel Licensure Interstate Compact” (REPLICA) is hereby enacted into law and entered into with all other jurisdictions legally joining therein, in the form substantially as follows in sections 190.900 to 190.939.**

**2. As used in sections 190.900 to 190.939, the following terms mean:**

**(1) “Advanced emergency medical technician” or “AEMT”, an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;**

**(2) “Adverse action”, any administrative, civil, equitable, or criminal action permitted by a state’s laws that may be imposed against licensed EMS personnel by a state EMS authority or state court including, but not limited to, actions against an individual’s license such as revocation, suspension, probation, consent agreement, monitoring or other limitation, or encumbrance on the individual’s practice, letters of reprimand or admonition, fines, criminal convictions, and state court judgments enforcing adverse actions by the state EMS authority;**

**(3) “Certification”, the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination;**

**(4) “Commission”, the national administrative body of which all states that have enacted the compact are members;**

**(5) “Emergency medical technician” or “EMT”, an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;**

**(6) “EMS”, emergency medical services;**

(7) “Home state”, a member state where an individual is licensed to practice emergency medical services;

(8) “License”, the authorization by a state for an individual to practice as an EMT, AEMT, paramedic, or a level in between EMT and paramedic;

(9) “Medical director”, a physician licensed in a member state who is accountable for the care delivered by EMS personnel;

(10) “Member state”, a state that has enacted this compact;

(11) “Paramedic”, an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;

(12) “Privilege to practice”, an individual’s authority to deliver emergency medical services in remote states as authorized under this compact;

(13) “Remote state”, a member state in which an individual is not licensed;

(14) “Restricted”, the outcome of an adverse action that limits a license or the privilege to practice;

(15) “Rule”, a written statement by the interstate commission promulgated under section 190.930 of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule;

(16) “Scope of practice”, defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform;

(17) “Significant investigatory information”:

(a) Investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would result in the imposition of an adverse action on a license or privilege to practice; or

(b) Investigative information that indicates that the individual represents an immediate threat to public health and safety, regardless of whether the individual has been notified and had an opportunity to respond;

(18) “State”, any state, commonwealth, district, or territory of the United States;

(19) “State EMS authority”, the board, office, or other agency with the legislative mandate to license EMS personnel.

**190.903. 1.** Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.

**2.** Any member state may require an individual to obtain and retain a license to be authorized to

practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.

3. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

(1) Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

(2) Has a mechanism in place for receiving and investigating complaints about individuals;

(3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;

(4) No later than five years after activation of the compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with 5 CFR 731.202 and submit documentation of such as promulgated in the rules of the commission; and

(5) Complies with the rules of the commission.

190.906. 1. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with section 190.903.

2. To exercise the privilege to practice under the terms and provisions of this compact, an individual shall:

(1) Be at least eighteen years of age;

(2) Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic, or state-recognized and licensed level with a scope of practice and authority between EMT and paramedic; and

(3) Practice under the supervision of a medical director.

3. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state, as may be defined in the rules of the commission.

4. Except as provided in subsection 3 of this section, an individual practicing in a remote state shall be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action, it shall promptly notify the home state and the commission.

5. If an individual's license in any home state is restricted, suspended, or revoked, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

6. If an individual's privilege to practice in any remote state is restricted, suspended, or revoked, the individual shall not be eligible to practice in any remote state until the individual's privilege to

practice is restored.

**190.909.** An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the commission, and under the following circumstances:

(1) The individual originates a patient transport in a home state and transports the patient to a remote state;

(2) The individual originates in the home state and enters a remote state to pick up a patient and provides care and transport of the patient to the home state;

(3) The individual enters a remote state to provide patient care or transport within that remote state;

(4) The individual enters a remote state to pick up a patient and provides care and transport to a third member state; or

(5) Other conditions as determined by rules promulgated by the commission.

**190.912.** Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply, and to the extent any terms or provisions of this compact conflict with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

**190.915. 1.** Member states shall consider a veteran, active military service member, or member of the National Guard and Reserves separating from an active duty tour, or a spouse thereof, who holds a current, valid, and unrestricted NREMT certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.

**2.** Member states shall expedite the process of licensure applications submitted by veterans, active military service members, or members of the National Guard and Reserves separating from an active duty tour, or their spouses.

**3.** All individuals functioning with a privilege to practice under this section remain subject to the adverse action provisions of section 190.918.

**190.918. 1.** A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.

**2.** If an individual's license in any home state is restricted, suspended, or revoked, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

(1) All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and the remote state's EMS authority.

(2) An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state's EMS authority.

**3. A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted, suspended, or revoked to the commission in accordance with the rules of the commission.**

**4. A remote state may take adverse action on an individual's privilege to practice within that state.**

**5. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.**

**6. A home state's EMS authority shall coordinate investigative activities, share information via the coordinated database, and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.**

**7. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states shall require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.**

**190.921. A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this compact to:**

**(1) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the remote state by any court of competent jurisdiction according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state's EMS authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence is located; and**

**(2) Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in the state.**

**190.924. 1. The compact states hereby create and establish a joint public agency known as the "Interstate Commission for EMS Personnel Practice".**

**(1) The commission is a body politic and an instrumentality of the compact states.**

**(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.**

**(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.**

**2. Each member state shall have and be limited to one delegate. The responsible official of the state EMS authority or his or her designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the commission shall be filled in accordance with the**

laws of the member state in which the vacancy exists. In the event that more than one board, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the governor of the state shall determine which entity shall be responsible for assigning the delegate.

(1) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws, and shall otherwise have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(2) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(3) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 190.930.

(4) The commission may convene in a closed, nonpublic meeting if the commission must discuss:

(a) Noncompliance of a member state with its obligations under the compact;

(b) The employment, compensation, discipline or other personnel matters, practices, or procedures related to specific employees, or other matters related to the commission's internal personnel practices and procedures;

(c) Current, threatened, or reasonably anticipated litigation;

(d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;

(e) Accusing any person of a crime or formally censuring any person;

(f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(g) Disclosure of information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;

(h) Disclosure of investigatory records compiled for law enforcement purposes;

(i) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or

(j) Matters specifically exempted from disclosure by federal or member state statute.

(5) If a meeting or portion of a meeting is closed under this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent

jurisdiction.

**3. The commission shall, by a majority vote of the delegates, prescribe bylaws and rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact including, but not limited to:**

**(1) Establishing the fiscal year of the commission;**

**(2) Providing reasonable standards and procedures:**

**(a) For the establishment and meetings of other committees; and**

**(b) Governing any general or specific delegation of any authority or function of the commission;**

**(3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed;**

**(4) Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the commission;**

**(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the commission;**

**(6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;**

**(7) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations;**

**(8) The commission shall publish its bylaws and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any;**

**(9) The commission shall maintain its financial records in accordance with the bylaws; and**

**(10) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.**

**4. The commission shall have the following powers:**

**(1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding on all member states;**

**(2) To bring and prosecute legal proceedings or actions in the name of the commission; provided that, the standing of any state EMS authority or other regulatory body responsible for EMS personnel**



licensure to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept, or contract for services of personnel including, but not limited to, employees of a member state;

(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that, at all times the commission shall strive to avoid any appearance of impropriety and conflict of interest;

(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed; provided that, at all times the commission shall strive to avoid any appearance of impropriety;

(8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(9) To establish a budget and make expenditures;

(10) To borrow money;

(11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(12) To provide and receive information from, and to cooperate with, law enforcement agencies;

(13) To adopt and use an official seal; and

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of EMS personnel licensure and practice.

5. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by

and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

6. (1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim, damage to or loss of property, personal injury, or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, nothing in this subdivision shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that, the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of the person.

190.927. 1. The commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states.

2. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this compact is applicable as required by the rules of the commission, including:

- (1) Identifying information;
- (2) Licensure data;
- (3) Significant investigatory information;
- (4) Adverse actions against an individual's license;

- (5) An indicator that an individual's privilege to practice is restricted, suspended, or revoked;**
- (6) Nonconfidential information related to alternative program participation;**
- (7) Any denial of application for licensure and the reasons for such denial; and**
- (8) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.**

**3. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.**

**4. Member states contributing information to the coordinated database may designate information that shall not be shared with the public without the express permission of the contributing state.**

**5. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.**

**190.930. 1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.**

**2. If a majority of the legislatures of the member states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any member state.**

**3. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.**

**4. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule or rules shall be considered and voted upon, the commission shall file a notice of proposed rulemaking:**

**(1) On the website of the commission; and**

**(2) On the website of each member state's EMS authority or the publication in which each state would otherwise publish proposed rules.**

**5. The notice of proposed rulemaking shall include:**

**(1) The proposed time, date, and location of the meeting at which the rule shall be considered and voted upon;**

**(2) The text of the proposed rule or amendment and the reason for the proposed rule;**

**(3) A request for comments on the proposed rule from any interested person; and**

**(4) The manner in which interested parties may submit notice to the commission of their intention to attend the public hearing and any written comments.**

**6. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments that shall be made available to the public.**

**7. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:**

- (1) At least twenty-five persons;**
- (2) A governmental subdivision or agency; or**
- (3) An association having at least twenty-five members.**

**8. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.**

**(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.**

**(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.**

**(3) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subdivision shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.**

**(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.**

**9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.**

**10. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.**

**11. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.**

**12. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided that, the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:**

- (1) Meet an imminent threat to public health, safety, or welfare;**
- (2) Prevent a loss of commission or member state funds;**
- (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or**
- (4) Protect public health and safety.**

**13. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.**

**190.933. 1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.**

**2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceedings in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.**

**3. The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.**

**4. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:**

**(1) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission; and**

**(2) Provide remedial training and specific technical assistance regarding the default.**

**5. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.**

**6. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.**

**7. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.**

**8. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the commission and**

the defaulting state.

9. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

10. Upon a request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

11. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

12. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

13. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

14. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

190.936. 1. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

2. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

3. Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

4. Nothing contained in this compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

5. This compact may be amended by the member states. No amendment to this compact shall

become effective and binding upon any member state until it is enacted into the laws of all member states.

**190.939. This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any member state thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.**

191.630. As used in sections 191.630 and 191.631, the following terms mean:

(1) “Communicable disease”, acquired immunodeficiency syndrome (AIDS), cutaneous anthrax, hepatitis in any form, human immunodeficiency virus (HIV), measles, meningococcal disease, mumps, pertussis, pneumonic plague, rubella, severe acute respiratory syndrome (SARS-CoV), smallpox, tuberculosis, varicella disease, vaccinia, viral hemorrhagic fevers, and other such diseases as the department may define by rule or regulation;

(2) “Communicable disease tests”, tests designed for detection of communicable diseases. Rapid testing of the source patient in accordance with the Occupational Safety and Health Administration (OSHA) enforcement of the Centers for Disease Control and Prevention (CDC) guidelines shall be recommended;

(3) “Coroner or medical examiner”, the same meaning as defined in chapter 58;

(4) “Department”, the Missouri department of health and senior services;

(5) “Designated infection control officer”, the person or persons within the entity or agency who are responsible for managing the infection control program and for coordinating efforts surrounding the investigation of an exposure such as:

(a) Collecting, upon request, facts surrounding possible exposure of an emergency care provider or Good Samaritan to a communicable disease;

(b) Contacting facilities that receive patients or clients of potentially exposed emergency care providers or Good Samaritans to ascertain if a determination has been made as to whether the patient or client has had a communicable disease and to ascertain the results of that determination; and

(c) Notifying the emergency care provider or Good Samaritan as to whether there is reason for concern regarding possible exposure;

(6) “Emergency care provider”, a person who is serving as a licensed or certified person trained to provide emergency and nonemergency medical care as a first responder, emergency **medical** responder, [EMT-B, EMT-I, or EMT-P] **as defined in section 190.100, emergency medical technician**, as defined in section 190.100, firefighter, law enforcement officer, sheriff, deputy sheriff, registered nurse, physician, medical helicopter pilot, or other certification or licensure levels adopted by rule of the department;

(7) “Exposure”, a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee’s duties;

(8) “Good Samaritan”, any person who renders emergency medical assistance or aid within his or her level of training or skill until such time as he or she is relieved of those duties by an emergency care provider;

(9) “Hospital”, the same meaning as defined in section 197.020;

(10) “Source patient”, any person who is sick or injured and requiring the care or services of a Good Samaritan or emergency care provider, for whose blood or other potentially infectious materials have resulted in exposure.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Sifton offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1355, Page 80, Section 455.095, Line 2 of said page, by inserting after all of said line the following:

**“455.560. 1. A prosecuting attorney or circuit attorney may impanel a domestic violence fatality review panel for the county or city not within a county in which he or she serves to investigate the deaths of victims of homicides determined to be related to domestic violence, as the term is defined in section 455.010.**

**2. Members of the panel may include any representative of programs or organizations that provide services and responses to victims of domestic violence within the county or city not within a county. The panel shall include, but shall not be limited to, the following members:**

**(1) The prosecuting or circuit attorney;**

**(2) The coroner or medical examiner for the county or city not within a county;**

**(3) A representative of law enforcement personnel in the county or city not within a county;**

**(4) A provider of public health care services;**

**(5) A provider of emergency medical services or other medical or health care providers;**

**(6) A representative of any victim assistant unit for the prosecuting or circuit attorney, law enforcement organization, or court of the county or city not within a county;**

**(7) A representative of shelters for victims of domestic violence, as defined in section 455.200, or domestic violence services organizations that provide services for victims within the county or city not within a county; and**

**(8) A representative of rape crisis centers, as defined in section 455.003, that provide sexual assault services for victims within the county or city not within a county.**

**3. A prosecuting or circuit attorney shall organize the panel and shall call the first organizational meeting of the panel. The panel shall elect a chairperson who shall convene the panel to meet to review all deaths of victims of homicides determined to be related to domestic violence.**

**4. The executive officer of any municipality or county may request that a domestic violence fatality review panel be convened in response to any fatality which occurs within the boundaries of the municipality or county.**



**5. Work products of the domestic violence fatality review panel other than the final report required by subsection 6 of this section, including, but not limited to internal memoranda, summaries or minutes of panel meetings, and written, audio recorded, or electronic records and communications, are not public records as defined by subdivision (6) of section 610.010 and are not available for public examination, reproduction, or disclosure, and are not admissible as evidence in any civil, criminal, or administrative proceeding.**

**6. The panel shall issue a final report, which shall be a public record as defined by subdivision (6) of section 610.010, of each investigation. The final report shall include the panel's findings and recommendations for enhanced practices, protocols, and collaborations to address domestic violence and prevent homicides, and a copy shall be provided to the governor, the speaker of the house of representatives, the president pro tempore of the senate, the executive leadership of the government of the political subdivision of the state of Missouri in which the panel operates, and the statewide domestic violence coalition, as such is recognized by the United States Department of Justice and the United States Department of Health and Human Services. The final report shall also include a summary.”; and**

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

Senator Schatz offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1355, Page 10, Section 57.117, Line 7 of said page, by inserting after the word “state.” the following: **“The provisions of this section authorizing the appointment of a person as an under sheriff or deputy sheriff who is a bona fide resident of an adjoining state shall not apply to a sheriff of any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants.”; and**

Further amend said bill, Page 13, Section 84.510, Line 22 of said page, by inserting after all of said line the following:

“87.135. 1. Under such rules and regulations as the board of trustees shall adopt, each member who was a firefighter on and prior to the date of the establishment of the retirement system shall file a detailed statement of all service as a firefighter rendered by him or her prior to that date for which the firefighter claims credit.

2. The board of trustees shall fix and determine by proper rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the board of trustees allow credit as service for any period of more than one month's duration during which the member was absent without pay.

3. Subject to the above restrictions and to such other rules and regulations as the board of trustees may adopt, the board of trustees shall verify the service claims as soon as practicable after the filing of the statement of service.

4. Upon verification of the statements of service the board of trustees shall issue prior service

certificates, certifying to each member the length of prior service with which the member is credited on the basis of his or her statement of service. So long as the holder of the certificate continues to be a member, a prior service certificate shall be final and conclusive for retirement purposes as to such service, except that any member may, within one year from the date of issuance or modification of the certificate, request the board of trustees to modify or correct the member's prior service certificate, and upon such request or of its own motion the board may correct the certificate. When any firefighter ceases to be a member his or her prior service certificate shall become void. Should he or she again become a member, he or she shall enter the retirement system as a member not entitled to prior service credit except as provided in section 87.215.

5. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of creditable membership service rendered by him or her, and also if the member has a prior service certificate which is in full force and effect, the amount of the service certified on the member's prior service certificate. Service rendered by a firefighter after the operative date and prior to becoming a member shall be included as creditable membership service provided the service was rendered since he or she last became a firefighter.

**6. The retirement system, with the approval of the board of trustees, may enter into cooperative agreements to transfer creditable service between the retirement system and any other retirement plan established by the state of Missouri or any political subdivision or instrumentality of the state when a member who has been employed in a position covered by one plan is employed in a position covered by another plan. The transfer of creditable service shall be in accordance with the provisions of section 105.691 and the policies and procedures established by the board of trustees.”; and**

Further amend said bill, Page 83, Section 513.653, Line 18 of said page, by inserting immediately after said line the following:

“559.600. 1. In cases where the board of probation and parole is not required under section 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities or other court-approved entity to provide such services. The court-approved entity, including private or other entities, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for class A, B, C, and D misdemeanor offenses, specifically including persons placed on probation for violations of section 577.023. Nothing in sections 559.600 to 559.615 shall be construed to prohibit the board of probation and parole, or the court, from supervising misdemeanor offenders in a circuit where the judges have entered into a contract with a probation entity.

**2. In all cases, the entity providing such private probation service shall utilize the cutoff concentrations utilized by the department of corrections with regard to drug and alcohol screening for clients assigned to such entity. A drug test is positive if drug presence is at or above the cutoff concentration or negative if no drug is detected or if drug presence is below the cutoff concentration.**

**3. In all cases, the entity providing such private probation service shall not require the clients assigned to such entity to travel in excess of fifty miles in order to attend their regular probation meetings.”; and**

Further amend said bill, Page 106, Section 595.220, Lines 15-16 of said page, by striking the words “written or”; and

Further amend said bill and section, page 108, line 16 of said page, by inserting immediately after

“victim” the following: “, **or his or her designee,**”; and

Further amend said bill and section, page 109, line 4 of said page, by striking the words “written or”; and further amend line 5 of said page, by inserting immediately after “victim” the following: “, **or his or her designee,**”; and

Further amend said bill and section, page 110, line 3 of said page, by inserting immediately after “victim” the following: “, **or his or her designee,**”; and further amend line 7 of said page, by inserting immediately after “victim” the following: “, **or his or her designee,**”; and further amend line 10 of said page, by inserting after “9.” the following: “**The attorney general shall establish protocols and an electronic platform to implement an electronic evidence tracking system that:**

**(1) Identifies, documents, records, and tracks evidentiary collection kits and their components, including individual specimen containers, through their existence from forensic examination, to possession by a law enforcement agency, to testing, to use as evidence in criminal proceedings, and until disposition of such proceedings;**

**(2) Assigns a unique alphanumeric identifier to each respective evidentiary collection kit, and all its respective components, and to each respective person, or his or her designees, who may handle an evidentiary test kit;**

**(3) Links the identifiers of an evidentiary collection kit and its components, which shall be machine-readable indicia;**

**(4) Allows each person, or his or her designees, who is properly credentialed to handle an evidentiary test kit to check the status of an evidentiary test kit or its components and to save a portfolio of identifiers so that the person, or his or her designees may track, obtain reports, and receive updates of the status of evidentiary collection kits or their components; and**

**(5) Allows sexual assault victims or their designees access in order to monitor the current status of their evidentiary test kit.**

**10.”**; and further amend line 22 of said page, by inserting after all of said line the following:

“610.140. 1. Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was charged or found guilty of any offenses, violations, or infractions for an order to expunge records of such arrest, plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person may apply to have one or more offenses, violations, or infractions expunged if such offense, violation, or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person lists all the offenses, violations, and infractions he or she is seeking to have expunged in the petition and so long as all such offenses, violations, and infractions are not excluded under subsection 2 of this section. If the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed as part of the same course of criminal conduct, the person may include all the related offenses, violations, and infractions in the petition, regardless of the limits of subsection 12 of this section, and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.

2. The following offenses, violations, and infractions shall not be eligible for expungement under this

section:

- (1) Any class A felony offense;
- (2) Any dangerous felony as that term is defined in section 556.061;
- (3) Any offense that requires registration as a sex offender;
- (4) Any felony offense where death is an element of the offense;
- (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping;
- (6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.100, 569.160, 570.025, 570.030, 570.090, 570.100, 570.130, 570.180, 570.223, 570.224, 570.310, 571.020, [571.030,] 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;
- (7) Any offense eligible for expungement under section 577.054 or 610.130;
- (8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;
- (9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section; [and]
- (10) Any [violations] **violation** of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state; **and**
- (11) Any offense of section 571.030, except any offense under subdivision (1) of subsection 1 of section 571.030 where the person was convicted or found guilty prior to January 1, 2017.**

3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses, violations, and infractions listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.

4. The petition shall include the following information:

- (1) The petitioner's:
  - (a) Full name;
  - (b) Sex;
  - (c) Race;

(d) Driver's license number, if applicable; and

(e) Current address;

(2) Each offense, violation, or infraction for which the petitioner is requesting expungement;

(3) The approximate date the petitioner was charged for each offense, violation, or infraction; and

(4) The name of the county where the petitioner was charged for each offense, violation, or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the name of the municipality for each offense, violation, or infraction; and

(5) The case number and name of the court for each offense.

5. The clerk of the court shall give notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed within thirty days after receipt of service, the court may set a hearing on the matter and shall give reasonable notice of the hearing to each entity named in the petition. At any hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses, violations, or infractions listed in the petition for expungement:

(1) It has been at least seven years if the offense is a felony, or at least three years if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;

(2) The person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters 304 and 307, during the time period specified for the underlying offense, violation, or infraction in subdivision (1) of this subsection;

(3) The person has satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;

(4) The person does not have charges pending;

(5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and

(6) The expungement is consistent with the public welfare and the interests of justice warrant the expungement.

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at any hearing held under this section, and the court may make a determination based solely on such victim's testimony.

6. A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

7. If the court determines that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses, violations, or infractions listed in the petition for expungement, the court shall enter an order of expungement. In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition. A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall close any record in its possession relating to any offense, violation, or infraction listed in the petition, in the manner established by section 610.120. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense, infraction, or violation ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

8. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, violation, or infraction to any court when asked or upon being charged with any subsequent offense, violation, or infraction. The expunged offense, violation, or infraction may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, violation, or infraction when the disclosure of such information is necessary to complete any application for:

(1) A license, certificate, or permit issued by this state to practice such individual's profession;

(2) Any license issued under chapter 313 or permit issued under chapter 571;

(3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency;

(4) Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

(5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from

employment; or

(6) Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection. Notwithstanding any provision of law to the contrary, an expunged offense, violation, or infraction shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer “no” to an employer’s inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that the petitioner has not met the criteria for any of the offenses, violations, or infractions listed in the petition for expungement or the petitioner has knowingly provided false information in the petition, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

12. A person may be granted more than one expungement under this section provided that during his or her lifetime, the total number of offenses, violations, or infractions for which orders of expungement are granted to the person shall not exceed the following limits:

(1) Not more than two misdemeanor offenses or ordinance violations that have an authorized term of imprisonment; and

(2) Not more than one felony offense.

A person may be granted expungement under this section for any number of infractions. Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense, violation, or infraction.

13. The court shall make available a form for pro se petitioners seeking expungement, which shall include the following statement: “I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief.”.

14. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law.”; and

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Sater offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1355, Page 83, Section 513.653, Line 18, by inserting after all of said line the following:

“566.147. 1. Any person who, since July 1, 1979, has been or hereafter has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not reside within one thousand feet of any public school as defined in section 160.011, any private school giving instruction in a grade or grades not higher than the twelfth grade, or any child care facility that is licensed under chapter 210, or any child care facility as defined in section 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility, where the school or facility is in existence at the time the individual begins to reside at the location. **Such person shall also not reside within one thousand feet of the property line of the residence of a former victim of such person.**

2. If such person has already established a residence and a public school, a private school, or child care facility is subsequently built or placed within one thousand feet of such person’s residence, **or a former victim subsequently resides on property with a property line within one thousand feet of such person’s residence**, then such person shall, within one week of the opening of such public school, private school, or child care facility, **or the former victim residing on the property**, notify the county sheriff where such public school, private school, [or] child care facility, **or residence of a former victim** is located that he or she is now residing within one thousand feet of such public school, private school, [or] child care facility, **or property line of the residence of a former victim**, and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child care facility, **or the former victim residing on the property**.

3. For purposes of this section, “resides” means sleeps in a residence, which may include more than one location and may be mobile or transitory.

4. **For the purposes of the section, one thousand feet shall be measured from the edge of the offender’s property nearest the public school, private school, child care facility, or former victim to the nearest edge of the public school, private school, child care facility, or former victim’s property.**

5. Violation of the provisions of subsection 1 of this section is a class E felony except that the second



or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class E felony.”; and

Further amend the title and enacting clause accordingly.

Senator Sater moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1355, Page 10, Section 57.117, Line 7 of said page, by inserting after the word “state.” the following: “**The provisions of this section authorizing the appointment of a person as an under sheriff or deputy sheriff who is a bona fide resident of an adjoining state shall not apply to a sheriff of any city not within a county.**”.

Senator Nasheed moved that the above amendment be adopted, which motion prevailed.

Senator Schatz moved that **SS** for **SCS** for **HB 1355**, as amended, be adopted, which motion prevailed.

Senator Schatz moved that **SS** for **SCS** for **HB 1355**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Richard referred **SS** for **SCS** for **HB 1355**, as amended, to the Committee on Fiscal Oversight.

At the request of Senator Dixon, **HCS** for **HB 1597**, with **SCS**, was placed on the Informal Calendar.

**HB 1744**, introduced by Representative Hansen, entitled:

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to higher education financial aid eligibility, with an emergency clause.

Was taken up by Senator Romine.

Senator Romine offered **SS** for **HB 1744**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 1744

An Act to repeal sections 160.545, 162.441, 166.435 as enacted by senate bill no. 366, ninety-eighth general assembly, first regular session, 166.435 as enacted by senate bill no. 863, ninety-fourth general assembly, second regular session, 173.1101, 173.1102, 173.1104, 173.1105, and 173.1107, RSMo, and to enact in lieu thereof eight new sections relating to higher education, with an emergency clause for a certain section.

Senator Romine moved that **SS** for **HB 1744** be adopted.

Senator Onder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1744, Page 20, Section 173.1107, Line 4, by inserting immediately after said line the following:

**“173.1592. After July 1, 2019, no public institution of higher education in this state shall require any student to purchase meal plans or to dine at on-campus facilities when a student has presented medical documentation of a food allergy or sensitivity, or a medical dietary issue, to the institution.”;**  
and

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Romine moved that **SS for HB 1744**, as amended, be adopted, which motion prevailed.

On motion of Senator Romine, **SS for HB 1744**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Wallingford	Walsh

Wasson—29

NAYS—Senator Schaaf—1

Absent—Senators

Schupp	Sifton	Wieland—3
--------	--------	-----------

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Wallingford	Walsh

Wasson—29

NAYS—Senator Schaaf—1

Absent—Senators

Schupp	Sifton	Wieland—3
--------	--------	-----------

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS for HB 1606**, entitled:

An Act to repeal sections 161.094 and 161.095, RSMo, and to enact in lieu thereof two new sections relating to elementary and secondary education.

Was taken up by Senator Romine.

Senator Romine offered **SS for HCS for HB 1606**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1606

An Act to repeal sections 160.011, 160.041, 160.530, 161.094, 161.095, 161.106, 161.670, 162.064, 162.401, 162.720, 163.018, 163.021, 163.073, 167.121, 167.225, 171.029, 171.031, 171.033, 173.1004, and 302.272, RSMo, and to enact in lieu thereof twenty-seven new sections relating to elementary and secondary education, with an effective date for certain sections.

Senator Romine moved that **SS for HCS for HB 1606** be adopted.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1606, Page 23, Section 161.670, Line 9, by inserting after “providers” the following: “**and learning management systems**”.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Richard assumed the Chair.

Senator Curls offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 1606, Page 55, Section 302.272, Line 9, by inserting after all of said line the following:

“304.060. 1. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. The state board of education may adopt rules and regulations governing the use of other vehicles owned by a district or operated under contract with any school district in this state and used for the purpose of transporting school children. The operator of such vehicle shall be licensed in accordance with section 302.272, and such vehicle shall transport no more children than the manufacturer suggests as appropriate for such vehicle. The state board of education may also adopt rules and regulations governing the use of authorized common carriers for the transportation of students on field trips or other special trips

for educational purposes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The state board of education shall cooperate with the state transportation department and the state highway patrol in placing suitable warning signs at intervals on the highways of the state.

**2. Notwithstanding the provisions of subsection 1 of this section, any school board in the state of Missouri in an urban district containing the greater part of the population of a city which has more than three hundred thousand inhabitants may contract with any municipality, bi-state agency, or other governmental entity for the purpose of transporting school children attending a grade or grades not lower than the ninth nor higher than the twelfth grade, provided that such contract shall be for additional transportation services, and shall not replace or fulfill any of the school district's obligations pursuant to section 167.231. The school district may notify students of the option to use district contracted transportation services.**

**3.** Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district.

[3.] **4.** Any other provision of the law to the contrary notwithstanding, in any county of the first class with a charter form of government adjoining a city not within a county, school buses may bear the word "special".; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

Senator Schatz offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for House Committee Substitute for House Bill No. 1606, Page 35, Section 167.121, Line 9 of said page, by inserting immediately after the word "his" the following: "**or her**"; and further amend line 10 of said page, by inserting immediately after the word "district" the following: "**, except as provided in section 167.125**"; and further amend line 12 of said page, by inserting at the end of said line the following: "**Any assignment granted to a pupil under this section prior to August 28, 2018, shall remain in effect until the pupil completes his or her course of study in the receiving district or until the parent or guardian withdraws the pupil from the assignment. Any assignment granted to a pupil under this section prior to August 28, 2018, shall also be applicable to any sibling of the pupil and shall remain in effect until the pupil completes his or her course of study in the receiving district or until the parent or guardian withdraws the pupil from the assignment.**"; and

Further amend said bill and section, page 36, line 26 of said page, by inserting after all of said line the following:

**"167.125. 1. (1) For the purposes of this section, the term "attendance center" shall mean a public school building or buildings or part of a school building that constitutes one unit for accountability purposes under the Missouri school improvement program.**

**(2) For any pupil residing in any unincorporated area located in any county of the first classification with more than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants that also borders on any county with a charter form of government and with more than nine hundred fifty thousand inhabitants and any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants, and for any pupil residing in any village with more than three hundred twenty but fewer than three hundred sixty inhabitants and located in any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a village with more than two hundred but fewer than two hundred fifty inhabitants as the county seat, the commissioner of education or his or her designee shall, upon proper application by the parent or guardian of the pupil, assign the pupil and any sibling of the pupil to another school district if the pupil is eligible as described under subsection 2 of this section and the following conditions are met:**

**(a) The actual driving distance from the pupil's residence to the attendance center in the district of residence is fifteen miles or more by the shortest route available as determined by the commissioner or his or her designee;**

**(b) The attendance center to which the pupil would be assigned in the receiving district is at least five miles closer in actual driving distance by the shortest route available to the pupil's residence than the current attendance center in the district of residence as determined by the commissioner or his or her designee; and**

**(c) The attendance of the pupil will not cause the classroom in the receiving district to exceed the maximum number of pupils per class as determined by the receiving district.**

**2. (1) For pupils applying to the commissioner of education under this section, the commissioner, or his or her designee, shall assign pupils in the order in which applications are received, provided the applications are properly completed and the conditions of subsection 1 of this section are met.**

**(2) Once granted, the hardship assignment shall continue until the pupil, and any sibling of the pupil who attends the same attendance center, completes his or her course of study in the receiving district or the parent or guardian withdraws the pupil. If a parent or guardian withdraws a pupil from a hardship assignment, the granting of a subsequent application is discretionary.**

**(3) A pupil shall be eligible to apply to the commissioner of education to be assigned to another district under this section if the pupil has been enrolled in and attending a public school in his or her district of residence during the school year prior to the application. Any pupil shall be eligible to apply to the commissioner of education to be assigned to another district under this section if the pupil has been enrolled in and attending a public school in a district other than his or her district of residence and paid nonresident tuition for such enrollment during the school year prior to the application. Pupils who reside in the district who become eligible for kindergarten or first grade shall also be eligible to apply to the commissioner of education to be assigned to another district.**

**(4) A pupil who is not currently enrolled in a public school district shall become eligible to apply to the commissioner of education to be assigned to another district after the pupil has enrolled in and completed a full school year in a public school in his or her district of residence.**

**3. The board of education of the district in which the pupil resides shall pay the tuition of the pupil**

**assigned. The tuition amount shall not exceed the pro rata cost of instruction. However, if the tuition of the receiving district is greater than the tuition of the pupil's district of residence, the pupil's parent or guardian shall pay the difference in tuition.**

**4. A receiving district shall not be required to alter its transportation route to accommodate pupils that are assigned to the receiving district under the provisions of this section.”; and**

Further amend the title and enacting clause accordingly.

Senator Schatz moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for House Committee Substitute for House Bill No. 1606, Page 47, Section 168.024, Line 10, by inserting after all of said line the following:

“170.015. 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate and shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;

(2) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human papilloma virus, hepatitis and other sexually transmitted diseases;

(3) Present students with the latest medically factual information regarding both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall present students with information on contraceptives and pregnancy in a manner consistent with the provisions of the federal abstinence education law, 42 U.S.C. Section 710;

(4) Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as well as the advantages of adoption, including the adoption of special needs children, and the processes involved in making an adoption plan;

(5) Teach skills of conflict management, personal responsibility and positive self-esteem through discussion and role-playing at appropriate grade levels to emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others. Pupils shall be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure;

(6) Advise pupils of the laws pertaining to their financial responsibility to children born in and out of

wedlock and advise pupils of the provisions of chapter 566 pertaining to statutory rape;

(7) Teach pupils about the dangers of sexual predators, including online predators when using electronic communication methods such as the internet, cell phones, text messages, chat rooms, email, and instant messaging programs. Pupils shall be taught how to behave responsibly and remain safe on the internet and the importance of having open communication with responsible adults and reporting any inappropriate situation, activity, or abuse to a responsible adult, and depending on intent and content, to local law enforcement, the Federal Bureau of Investigation, or the National Center for Missing & Exploited Children's CyberTipline; [and]

(8) Teach pupils about the consequences, both personal and legal, of inappropriate text messaging, even among friends; **and**

**(9) Teach pupils about sexual harassment, sexual violence, and consent:**

**(a) For the purposes of this subdivision, the term "consent" shall mean a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent;**

**(b) For the purposes of this subdivision, the term "sexual harassment" shall mean uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate;**

**(c) For the purposes of this subdivision, the term "sexual violence" shall mean causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent.**

2. Policies concerning referrals and parental notification regarding contraception shall be determined by local school boards or charter schools, consistent with the provisions of section 167.611.

3. A school district or charter school which provides human sexuality instruction may separate students according to gender for instructional purposes.

4. The board of a school district or charter school shall determine the specific content of the district's or school's instruction in human sexuality, in accordance with subsections 1 to 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age of the students receiving such instruction.

5. A school district or charter school shall notify the parent or legal guardian of each student enrolled in the district or school of:

(1) The basic content of the district's or school's human sexuality instruction to be provided to the student; and

(2) The parent's right to remove the student from any part of the district's or school's human sexuality instruction.

6. A school district or charter school shall make all curriculum materials used in the district's or school's

human sexuality instruction available for public inspection pursuant to chapter 610 prior to the use of such materials in actual instruction.

7. No school district or charter school, or its personnel or agents, shall provide abortion services, or permit a person or entity to offer, sponsor, or furnish in any manner any course materials or instruction relating to human sexuality or sexually transmitted diseases to its students if such person or entity is a provider of abortion services.

8. As used in this section, the following terms mean:

(1) “Abortion”, the same meaning as such term is defined in section 188.015;

(2) “Abortion services”:

(a) Performing, inducing, or assisting in the performance or inducing of an abortion which is not necessary to save the life of the mother;

(b) Encouraging a patient to have an abortion or referring a patient for an abortion, which is not necessary to save the life of the mother; or

(c) Developing or dispensing drugs, chemicals, or devices intended to be used to induce an abortion which is not necessary to save the life of the mother.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 1606, Page 24, Section 162.064, Line 2, by striking “1.”; and further amend lines 5-6 by striking the words “an annual” and inserting in lieu thereof the following: “**a biennial**”; and further amend lines 6-9 by striking all of the underlined words; and further amend lines 17-28 by striking all of said lines; and further amend said bill and section, page 25, line 1, by striking all of said line.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Wallingford offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Committee Substitute for House Bill No. 1606, Page 12, Section 160.572, Line 4, by inserting immediately after said line the following:

**“161.026. 1. Notwithstanding the provisions of section 161.032 or any other provision of law, the governor shall, by and with the advice and consent of the senate, appoint a teacher representative to the state board of education, who shall attend all meetings and participate in all deliberations of the board. The teacher representative shall not have the right to vote on any matter before the board or be counted in establishing a quorum under section 161.082.**

**2. The teacher representative shall be an active classroom teacher. For purposes of this section, “active classroom teacher” means a resident of the state of Missouri who is a full-time teacher with**



at least five years of teaching experience in the state of Missouri, who is certified to teach under the laws governing the certification of teachers in Missouri, and who is not on leave at the time of the appointment to the position of teacher representative. The teacher representative shall have the written support of the local school board prior to accepting the appointment.

**3. The term of the teacher representative shall be four years, and appointments made under this section shall be made in rotation from each congressional district beginning with the first congressional district and continuing in numerical order.**

**4. If a vacancy occurs for any reason in the position of teacher representative, the governor shall appoint, by and with the advice and consent of the senate, a replacement for the unexpired term. Such replacement shall be a resident of the same congressional district as the teacher representative being replaced, shall meet the qualifications set forth under subsection 2 of this section, and shall serve until his or her successor is appointed and qualified.**

**5. If the teacher representative ceases to be an active classroom teacher, as defined under subsection 2 of this section, or fails to follow the board's attendance policy, the teacher representative's position shall immediately become vacant unless an absence is caused by sickness or some accident preventing the representative's arrival at the time and place appointed for the meeting.**

**6. The teacher representative shall receive the same reimbursement for expenses as members of the state board of education receive under section 161.022.**

**7. At no time shall more than one nonvoting member serve on the state board of education.**

**8. The provisions of this section shall expire on August 28, 2026.**

161.072. **1.** The state board of education shall meet semiannually in December and in June in Jefferson City. Other meetings may be called by the president of the board on seven days' written notice to the members. In the absence of the president, the commissioner of education shall call a meeting on request of three members of the board, and if both the president and the commissioner of education are absent or refuse to call a meeting, any three members of the board may call a meeting by similar notices in writing. The business to come before the board shall be available by free electronic record at least seven business days prior to the start of each meeting. All records of any decisions, votes, exhibits, or outcomes shall be available by free electronic media within forty-eight hours following the conclusion of every meeting. Any materials prepared for the members of the board by the staff shall be delivered to the members at least five days before the meeting, and to the extent such materials are public records as defined in section 610.010 and are not permitted to be closed under section 610.021, shall be made available by free electronic media at least five business days in advance of the meeting.

**2. Upon an affirmative vote of the members of the board who are present and who are not teacher representatives, a given meeting closed under sections 610.021 and 610.022 shall be closed to the teacher representative.”; and**

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator Riddle offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Committee Substitute for House Bill No. 1606, Page 39, Section 167.266, Line 22, by inserting after all of said line the following:

**“167.637. If the local board of education of a school district provides information on immunizations, infectious diseases, medications, or other school health issues to parents and guardians of students in a grade or grades not lower than kindergarten nor higher than the twelfth grade, the board shall include information that is identical or similar to that produced by the Centers for Disease Control and Prevention about influenza and influenza vaccinations.”; and**

Further amend the title and enacting clause accordingly.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Rowden assumed the Chair.

President Pro Tem Richard assumed the Chair.

Senator Koenig offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Committee Substitute for House Bill No. 1606, Page 15, Section 161.670, Line 28 of said page, by striking all of said line; and

Further amend said bill and section, Page 16, lines 1-4 of said page, by striking all of said lines and inserting in lieu thereof the following: **“school, including any charter school; except that, no student seeking to enroll in Missouri course access and virtual school program courses under this subdivision shall be required to have attended a public school during the previous semester if the student has a documented”**; and further amend lines 12-16 by striking all of said lines and inserting in lieu thereof the following: **“(2) Each”**; and further amend line 27 by striking the words “In case of”; and further amend line 28 by striking all of said line; and further amend said bill and section, page 17, lines 1-6 by striking all of said lines and inserting in lieu thereof the following:

**“If the school district or charter school disapproves a student’s request to enroll in a course or courses provided by the Missouri course access and virtual school program, including full-time enrollment in courses provided by the Missouri course access and virtual school program, the reason shall be provided in writing and it shall be for “good cause”. “Good cause” justification to disapprove a student’s request for enrollment in a course shall be a determination that doing so is not in the best educational interest of the student. In cases of denial by the school district or charter school, local education agencies shall inform the student and the student’s family of their right to appeal any enrollment denial in the Missouri course access and virtual school program to the local school district board or charter school governing body where the family shall be given an opportunity to present their reasons for their child or children to enroll in the Missouri course access and virtual school program in an official school board meeting. In addition, the school district or charter school administration shall provide its “good cause” justification for denial at a school board meeting or governing body meeting. Both the family and school administration shall also provide their reasons in writing to the members of the school board or governing body and the documents shall be entered into the official board minutes. The members of the board or governing body shall issue their decision in writing within thirty calendar days, and then an appeal may be made to the department of**

**elementary and secondary education, which shall provide a final enrollment decision within seven calendar days.”.**

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Committee Substitute for House Bill No. 1606, Page 55, Section B, Line 40, by striking “sections 161.670 and” and inserting in lieu thereof the following: “section”.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Emery offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for House Committee Substitute for House Bill No. 1606, Page 20, Section 161.670, Line 8 of said page, by inserting immediately after said line the following:

**“(14) Any online course or virtual program offered by a school district or charter school, including those offered prior to August 28, 2018, which meets the requirements of section 162.1250 shall be automatically approved to participate in the Missouri course access and virtual school program. Such course or program shall be subject to periodic renewal. A school district or charter school offering such a course or virtual school program shall be deemed an approved provider.”.**

Senator Emery moved that the above amendment be adopted, which motion prevailed.

Senator Chappelle-Nadal offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for House Committee Substitute for House Bill No. 1606, Page 28, Section 163.018, Line 1, by inserting an opening bracket after the “2.”; and further amend said bill and section, page 29, line 4, by inserting a closing bracket after the “3.”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Onder assumed the Chair.

Senator Romine moved that **SS for HCS for HB 1606**, as amended, be adopted, which motion prevailed.

Senator Romine moved that **SS for HCS for HB 1606**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Richard referred **SS for HCS for HB 1606**, as amended, to the Committee on Fiscal Oversight.

**REFERRALS**

President Pro Tem Richard referred **HCS for HB 1364**, with **SCS**; **HCS for HB 1710**, with **SCS**; and **HCS No. 2 for HB 1503**, with **SCS**, to the Committee on Fiscal Oversight.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1554**, entitled:

An Act to repeal sections 191.480, 192.945, 192.947, 195.207, 261.265, and 263.250, RSMo, and to enact in lieu thereof six new sections relating to the use of investigational drugs, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 870**, entitled:

An Act to repeal sections 99.848, 100.050, 100.059, 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, 191.630, 320.094, 320.202, 353.110, 650.277, and 701.377, RSMo, and to enact in lieu thereof thirty-eight new sections relating to emergency medical services, with existing penalty provisions.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment Nos. 3, 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6, as amended, House Amendment Nos. 7, 8, 9, 10, 11 and 13.

**HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 42, Section 217.151, Line 53, by inserting after all of said line the following:

**“9. The provisions of this section shall apply only to the department of corrections and any entity that contracts with the department of corrections.”; and**

Further amend said bill, Pages 42-43, Section 221.520, Lines 1-46, by deleting said section and lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 2**

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 21, Lines 47-48, by deleting all of said lines; and

Further amend said amendment, Page 22, Lines 1-8, by deleting all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 2**

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 1, Section A, Line 8, by inserting after all of said section and line the following:

“43.401. 1. The reporting of missing persons by law enforcement agencies, private citizens, and the responsibilities of the patrol in maintaining accurate records of missing persons are as follows:

(1) A person may file a complaint of a missing person with a law enforcement agency having jurisdiction. The complaint shall include, but need not be limited to, the following information:

(a) The name of the complainant;

(b) **The name, address, and phone number of the guardian, if any, of the missing person;**

(c) The relationship of the complainant to the missing person;

[(c)] **(d)** The name, age, address, and all identifying characteristics of the missing person;

[(d)] **(e)** The length of time the person has been missing; **and**

[(e)] **(f)** All other information deemed relevant by either the complainant or the law enforcement agency;

(2) A report of the complaint of a missing person shall be immediately entered into the Missouri uniform law enforcement system (MULES) and the National Crime Information Center (NCIC) system by the law enforcement agency receiving the complaint, and disseminated to other law enforcement agencies who may come in contact with or be involved in the investigation or location of a missing person;

(3) A law enforcement agency with which a complaint of a missing child has been filed shall prepare, as soon as practicable, a standard missing child report. The missing child report shall be maintained as a record by the reporting law enforcement agency during the course of an active investigation;

(4) Upon the location of a missing person, or the determination by the law enforcement agency of jurisdiction that the person is no longer missing, the law enforcement agency which reported the missing person shall immediately remove the record of the missing person from the MULES and NCIC files.

2. No law enforcement agency shall prevent an immediate active investigation on the basis of an agency rule which specifies an automatic time limitation for a missing person investigation.

70.210. As used in sections 70.210 to 70.320, the following terms mean:

(1) “Governing body”, the board, body or persons in which the powers of a municipality or political subdivision are vested;

(2) “Municipality”, municipal corporations, political corporations, and other public corporations and agencies authorized to exercise governmental functions;

(3) “Political subdivision”, counties, townships, cities, towns, villages, school, county library, city library, city-county library, road, drainage, sewer, levee and fire districts, soil and water conservation districts, watershed subdistricts, county hospitals, any board of control of an art museum, **any 911 or emergency services board authorized in chapter 190 or section 321.243**, the board created under sections 205.968 to 205.973, and any other public subdivision or public corporation having the power to tax.”; and

Further amend said bill, Page 25, Section 190.246, Line 34, by inserting immediately after all of said section and line the following:

“190.300. As used in sections 190.300 to [190.320] **190.340**, the following terms and phrases mean:

(1) “Emergency telephone service”, a telephone system utilizing a single three digit number “911” for

reporting police, fire, medical or other emergency situations;

(2) “Emergency telephone tax”, a tax to finance the operation of emergency telephone service;

(3) “Exchange access facilities”, all facilities provided by the service supplier for local telephone exchange access to a service user;

(4) “Governing body”, the legislative body for a city, county or city not within a county;

(5) “Person”, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user;

(6) “Public agency”, any city, county, city not within a county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services;

(7) “Service supplier”, any person providing exchange telephone services to any service user in this state;

(8) “Service user”, any person, other than a person providing pay telephone service pursuant to the provisions of section 392.520 not otherwise exempt from taxation, who is provided exchange telephone service in this state;

(9) “Tariff rate”, the rate or rates billed by a service supplier to a service user as stated in the service supplier’s tariffs, [approved by the Missouri public service commission] **contracts, service agreements, or similar documents governing the provision of the service**, which represent the service supplier’s recurring charges for exchange access facilities or their equivalent, **or equivalent rates contained in contracts, service agreements, or similar documents**, exclusive of all taxes, fees, licenses, or similar charges whatsoever.

190.308. 1. In any county that has established an emergency telephone service pursuant to sections 190.300 to [190.320] **190.340**, it shall be unlawful for any person to misuse the emergency telephone service. For the purposes of this section, “emergency” means any incident involving danger to life or property that calls for an emergency response dispatch of police, fire, EMS or other public safety organization, “misuse the emergency telephone service” includes, but is not limited to, repeatedly calling the “911” for nonemergency situations causing operators or equipment to be in use when emergency situations may need such operators or equipment and “repeatedly” means three or more times within a one-month period.

2. Any violation of this section is a class B misdemeanor.

3. No political subdivision shall impose any fine or penalty on the owner of a pay telephone or on the owner of any property upon which a pay telephone is located for calls to the emergency telephone service made from the pay telephone. Any such fine or penalty is hereby void.

190.325. 1. In any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants but less than two hundred **fifty** thousand inhabitants, the county commission may use all or a part of the moneys derived from the emergency

telephone tax authorized pursuant to section 190.305 for central dispatching of fire protection, emergency ambulance service or any other emergency services, which may include the purchase and maintenance of communications and emergency equipment. In the event such commission chooses to use the tax provided in that section for such services, the provisions of sections 190.300 to 190.320 shall apply except as provided in this section.

2. The tax shall not exceed a percentage of the base tariff rate and such percentage shall not exceed an amount equal to a maximum rate of one dollar thirty cents per line per month, the provisions of section 190.305 to the contrary notwithstanding. The tax imposed by this section and the amounts required to be collected are due monthly. The amount of tax collected in one calendar month by the service supplier shall be remitted to the governing body no later than one month after the close of a calendar month. On or before the last day of each calendar month, a return for the preceding month shall be filed with the governing body in such form as the governing body and service supplier shall agree. The service supplier shall include the list of any service user refusing to pay the tax imposed by this section with each return filing. The service supplier required to file the return shall deliver the return, together with a remittance of the amount of the tax collected. The records shall be maintained for a period of one year from the time the tax is collected. From every remittance to the governing body made on or before the date when the same becomes due, the service supplier required to remit the same shall be entitled to deduct and retain, as a collection fee, an amount equal to two percent thereof.

3. Nothing in this section shall be construed to require any municipality or other political subdivision to join the central dispatching system established pursuant to this section. The governing body of any municipality or other political subdivision may contract with the board established pursuant to section 190.327 for such services or portion of such services, or for the purchase and maintenance of communication and emergency equipment.

190.327. 1. Immediately upon the decision by the commission to utilize a portion of the emergency telephone tax for central dispatching and an affirmative vote of the telephone tax, the commission shall appoint the initial members of a board which shall administer the funds and oversee the provision of central dispatching for emergency services in the county and in municipalities and other political subdivisions which have contracted for such service. Beginning with the general election in 1992, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency telephone service and in chapter 321, with regard to the provision of central dispatching service, and such duties shall be exercised by the board.

2. Elections for board members may be held on general municipal election day, as defined in subsection 3 of section 115.121, after approval by a simple majority of the county commission.

3. For the purpose of providing the services described in this section, the board shall have the following powers, authority and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions and proceedings;

(3) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the board;

(4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, including leases and easements;

(5) To have the management, control and supervision of all the business affairs of the board and the construction, installation, operation and maintenance of any improvements;

(6) To hire and retain agents and employees and to provide for their compensation including health and pension benefits;

(7) To adopt and amend bylaws and any other rules and regulations;

(8) To fix, charge and collect the taxes and fees authorized by law for the purpose of implementing and operating the services described in this section;

(9) To pay all expenses connected with the first election and all subsequent elections; and

(10) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this subsection. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections 190.300 to 190.329.

**4. (1) Notwithstanding the provisions of subsections 1 and 2 of this section to the contrary, the county commission may elect to appoint the members of the board to administer the funds and oversee the provision of central dispatching for emergency services in the counties, municipalities, and other political subdivisions which have contracted for such service upon the request of the municipalities and other political subdivisions. Upon appointment of the initial members of the board, the commission shall relinquish all powers and duties to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of central dispatching service and such duties shall be exercised by the board.**

**(2) The board shall consist of seven members appointed without regard to political affiliation. The members shall include:**

**(a) Five members who shall serve for so long as they remain in their respective county or municipal positions as follows:**

**a. The county sheriff, or his or her designee;**

**b. The heads of the municipal police department who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees; or**

**c. The heads of the municipal fire departments or fire divisions who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees;**

**(b) Two members who shall serve two year terms appointed from among the following:**

**a. The head of any of the county's fire protection districts who have contracted for central dispatching service, or his or her designee;**

**b. The head of any of the county's ambulance districts who have contracted for central dispatching service, or his or her designee;**

**c. The head of any of the municipal police departments located in the county who have contracted**



for central dispatching service, or his or her designee, excluding those mentioned in subparagraph b of paragraph (a) of this subdivision; and

d. The head of any of the municipal fire departments in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph c of paragraph (a) of this subdivision.

**(3) Upon the appointment of the board under this subsection, the board shall have the powers provided in subsection 3 of this section and the commission shall relinquish all powers and duties relating to the provision of central dispatching service under this chapter to the board.**

190.328. 1. Beginning in 1997, within the area from which voters and the commission have approved the provision of central dispatching for emergency services by a public agency for an area containing third or fourth class cities in counties of the third classification with a population of at least thirty-two thousand but no greater than forty thousand that border a county of the first classification but do not border the Mississippi River, the initial board shall consist of two members from each township within such area and one at-large member who shall serve as the initial chairperson of such board.

2. Within the area from which voters and the commission have approved the provision of central dispatching for emergency services by a public agency for an area containing third or fourth class cities in counties of the third classification with a population of at least thirty-two thousand but no greater than forty thousand that border a county of the first classification, voters shall elect a board to administer funds and oversee the provision of central dispatching for emergency services. Such board shall consist of two members elected from each of the townships within such area and one member elected at large who shall serve as the chairperson of the board.

3. Of those initially elected to the board as provided in this section, four from the townships shall be elected to a term of two years, and four from the townships and the at-large member shall be elected to a term of four years. Upon the expiration of these initial terms, all members shall thereafter be elected to terms of four years; **provided that, if a board established in this section consolidates with a board established under section 190.327 or 190.335, under the provisions of section 190.470, the term of office for the existing board members shall end on the thirtieth day following the appointment of the initial board of directors for the consolidated district.**

190.329. 1. Except in areas from which voters and the commission have approved the provision of central dispatching for emergency services by a public agency for an area containing third or fourth class cities located in counties of the third classification with a population of at least thirty-two thousand but no greater than forty thousand that border a county of the first classification but do not border the Mississippi River, the initial board shall consist of seven members appointed without regard for political party who shall be selected from and shall represent the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from any one commission district of the county.

2. Beginning in 1992, three members shall be elected from each commission district and one member shall be elected at large, with such at-large member to be a voting member and chairman of the board. Of those first elected, four members from commission districts shall be elected for terms of two years and two

members from commission districts and the member at large shall be elected for terms of four years. In 1994, and thereafter, all terms of office shall be for four years, except as **otherwise provided in this subsection or as provided in subsection 3 of this section**. Any vacancy on the board shall be filled in the same manner as the initial appointment was made. Four members shall constitute a quorum. **If a board established in section 190.327 consolidates with a board established under section 190.327, 190.328, or 190.335, under the provisions of section 190.470, the term of office for the existing board members shall end on the thirtieth day following the appointment of the initial board of directors for the consolidated district.**

3. Upon approval by the county commission for the election of board members to be held on general municipal election day, pursuant to subsection 2 of section 190.327, the terms of those board members then holding office shall be reduced by seven months. After a board member's term has been reduced, all following terms for that position shall be for four years, **except as otherwise provided under subsection 2 of this section**.

190.334. The state auditor shall have the authority to conduct performance and fiscal audits of any board, dispatch center, joint emergency communications entity, or trust fund established under section 190.327, 190.328, 190.329, 190.335, 190.420, 190.455, 190.460, **190.465, 190.470**, or 650.325.

190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (insert name of county) impose a county sales tax of ..... (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail

of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the board shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The board shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years; **provided that, if a board established under this section consolidates with a board established under this section, section 190.327, or section 190.328, under the provisions of section 190.470, the term of office for the existing board members shall end on the thirtieth day following the appointment of the initial board of directors for the consolidated district.** Notwithstanding any other provision of law, if there is no candidate for an open position on the board, then no election shall be held for that position and it shall be considered vacant, to be filled pursuant to the provisions of section 190.339, and, if there is only one candidate for each open position, no election shall be held and the candidate or candidates shall assume office at the same time and

in the same manner as if elected.

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants or in any county of the third classification with a township form of government and with more than twenty-eight thousand but fewer than thirty-one thousand inhabitants, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339. Such boards which existed prior to August 25, 2010, shall not be considered a body corporate and a political subdivision of the state for any purpose, unless and until an order is entered upon an unanimous vote of the commissioners of the county in which such board is established reclassifying such board as a corporate body and political subdivision of the state. The order shall approve the transfer of the assets and liabilities related to the operation of the emergency **telephone** service 911 system to the new entity created by the reclassification of the board.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

(4) In any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall be represented on the board by at least one member.

**(5) In any county with more than fifty thousand but fewer than seventy thousand inhabitants and with a county seat with more than two thousand one hundred but fewer than two thousand four hundred inhabitants, the entities listed in subdivision (2) of this subsection shall be represented by one member, and two members shall be residents of the county not affiliated with any of the entities listed in subdivision (2) of this subsection and shall be known as public members.**

190.400. **1.** As used in sections 190.400 to [190.440] **190.460**, the following words and terms shall

mean:

- (1) ["911", the primary emergency telephone number within the wireless system;
- (2) "Board", the wireless service provider enhanced 911 advisory board;
- (3) **"Active telephone number", a ten-digit North American Numbering Plan number that has been assigned to a subscriber and is provisioned to generally reach, by dialing, the public switched telephone network and not only 911 or the 911 system;**
  - (2) **"Communications service":**
    - (a) **Any service that:**
      - a. **Uses telephone numbers or their functional equivalents or successors;**
      - b. **Provides access to, and a connection or interface with, a 911 system through the activation or enabling of a device, transmission medium, or technology that is used by a customer to dial, initialize, or otherwise activate the 911 system, regardless of the particular device, transmission medium, or technology employed;**
      - c. **Provides and enables real-time or interactive communications other than machine-to-machine communications; and**
      - d. **Is available to a prepaid user or a standard user;**
    - (b) **The term includes, but is not limited to, the following:**
      - a. **Internet protocol-enabled services and applications that are provided through wireline, cable, wireless, or satellite facilities, or any other facility or platform that is capable of connecting and enabling a 911 communication to a public safety answering point;**
      - b. **Commercial mobile radio service; and**
      - c. **Interconnected voice over internet protocol service and voice over power lines; and**
    - (c) **The term does not include broadband internet access service;**
  - (d) **For purposes of this section, if a device that is capable of contacting 911 is permanently installed in a vehicle, it shall not be subject to this section unless the owner of such vehicle purchases or otherwise subscribes to a commercial mobile service as defined under 47 U.S.C. Section 332(d) of the Telecommunications Act of 1996;**
- (3) **"Provider" or "communications service provider", a person who provides retail communications services to the public that include 911 communications service including, but not limited to, a local exchange carrier, a wireless provider, and a voice over internet protocol provider, but only if such entity provides access to, and connection and interface with, a 911 communications service or its successor service;**
- (4) **"Public safety agency", a functional division of a public agency which provides fire fighting, police, medical or other emergency services. For the purpose of providing wireless service to users of 911 emergency services, as expressly provided in this section, the department of public safety and state highway patrol shall be considered a public safety agency;**

[(4)] (5) “Public safety answering point”, the location at which 911 calls are [initially] answered;

[(5)] (6) “Subscriber”, a person who contracts with and is billed by a provider for a retail communications service. In the case of wireless service and for purposes of section 190.455, the term “subscriber” means a person who contracts with a provider if the person’s primary place of use is within the county or city imposing a monthly fee under section 190.455, and does not include subscribers to prepaid wireless service;

(7) “Wireless service provider”, a provider of commercial mobile service pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq).

**2. Upon the request of local emergency service agencies or local jurisdictions, the following agencies and entities are authorized to enter into interoperability service agreements for shared frequencies or shared talk groups for the purpose of enhancing interoperability of radio systems or talk groups:**

**(1) Missouri Department of Public Safety;**

**(2) Missouri State Highway Patrol;**

**(3) Missouri Department of Natural Resources;**

**(4) State Emergency Management Agency;**

**(5) Missouri Department of Conservation; and**

**(6) State owned and operated radio and emergency communications systems.**

190.420. 1. There is hereby established a **special trust** fund to be known as the “[Wireless Service Provider Enhanced] **Missouri 911 Service Trust Fund**”. All fees collected pursuant to sections 190.400 to [190.440 by wireless service providers] **190.460** shall be remitted to the director of the department of revenue.

2. The director of the department of revenue shall deposit such payments into the [wireless service provider enhanced] **Missouri 911 service trust** fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the [wireless service provider enhanced] **Missouri 911 [system] systems and for the answering and dispatching of emergency calls as determined to be appropriate by the governing body of the county or city imposing the fee.**

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.

**4. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which were collected in each county, city not within a county, or home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants under sections 190.400 to 190.460, and the records shall be open to the inspection of officers of a participating county or city and the public.**

**190.455. 1. Except as provided under subsections 9 and 10 of this section, in lieu of the tax levy authorized under section 190.305 or 190.325, or the sales tax imposed under section 190.292 or 190.335, the governing body of any county, city not within a county, or home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants may impose, by order or ordinance, a monthly fee on subscribers of any communications service that has been enabled to contact 911. The monthly fee authorized in this section shall not exceed one dollar and fifty cents and shall be assessed to the subscriber of the communications service, regardless of technology, based upon the number of active telephone numbers, or their functional equivalents or successors, assigned by the provider and capable of simultaneously contacting the public safety answering point; provided that, for multiline telephone systems and for facilities provisioned with capacity greater than a voice-capable grade channel or its equivalent, regardless of technology, the charge shall be assessed on the number of voice-capable grade channels as provisioned by the provider that allow simultaneous contact with the public safety answering point. Only one fee may be assessed per active telephone number, or its functional equivalent or successor, used to provide a communications service. No fee imposed under this section shall be imposed on more than one hundred voice-grade channels or their equivalent per person per location. Notwithstanding any provision of this section to the contrary, the monthly fee shall not be assessed on the provision of broadband internet access service. The fee shall be imposed solely for the purpose of funding 911 service in such county or city. The monthly fee authorized in this section shall be limited to one fee per device. The fee authorized in this section shall be in addition to all other taxes and fees imposed by law and may be stated separately from all other charges and taxes. The fee shall be the liability of the subscriber, not the provider, except that the provider shall be liable to remit all fees that the provider collects under this section.**

**2. No such order or ordinance adopted under this section shall become effective unless the governing body of the county or city submits to the voters residing within the county or city at a state general, primary, or special election a proposal to authorize the governing body to impose a fee under this section. The question submitted shall be in substantially the following form:**

**“Shall ..... (insert name of county or city) impose a monthly fee of ..... (insert amount) on a subscriber of any communications service that has been enabled to contact 911 for the purpose of funding 911 service in the ..... (county or city)?”**

**If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, the fee shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the fee. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, the fee shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.**

**3. Except as modified in this section, all provisions of sections 32.085 and 32.087 and subsection 7 of section 144.190 shall apply to the fee imposed under this section.**

**4. All revenue collected under this section by the director of the department of revenue on behalf of the county or city, except for two percent to be withheld by the provider for the cost of administering the collection and remittance of the fee, and one percent for the cost of collection which**

shall be deposited in the state's general revenue fund, shall be deposited in the Missouri 911 service trust fund created under section 190.420. The director of the department of revenue shall remit such funds to the county or city on a monthly basis. The governing body of any such county or city shall control such funds remitted to the county or city unless the county or city has established an elected board for the purpose of administering such funds. In the event that any county or city has established a board under any other provision of state law for the purpose of administering funds for 911 service, such existing board may continue to perform such functions after the county or city has adopted the monthly fee under this section.

5. Nothing in this section imposes any obligation upon a provider of a communications service to take any legal action to enforce the collection of the tax imposed in this section. The tax shall be collected in compliance, as applicable, with the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.

6. Notwithstanding any other provision of law to the contrary, proprietary information submitted under this section shall only be subject to subpoena or lawful court order. Information collected under this section shall only be released or published in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual communications service provider.

7. Notwithstanding any other provision of law to the contrary, in no event shall any communications service provider, its officers, employees, assigns, agents, vendors, or anyone acting on behalf of such persons, be liable for any form of civil damages or criminal liability that directly or indirectly results from, or is caused by:

(1) An act or omission in the development, design, installation, operation, maintenance, performance, or provision of service to a public safety answering point or to subscribers that use such service, whether providing such service is required by law or is voluntary; or

(2) The release of subscriber information to any governmental entity under this section unless such act, release of subscriber information, or omission constitutes gross negligence, recklessness, or intentional misconduct.

Nothing in this section is intended to void or otherwise override any contractual obligation pertaining to equipment or services sold to a public safety answering point by a communications service provider. No cause of action shall lie in any court of law against any provider of communications service, commercial mobile service, or other communications-related service, or its officers, employees, assignees, agents, vendors, or anyone acting on behalf of such persons, for providing call location information concerning the user of any such service in an emergency situation to a law enforcement official or agency in order to respond to a call for emergency service by a subscriber, customer, or user of such service or for providing caller location information or doing a ping locate in an emergency situation that involves danger of death or serious physical injury to any person where disclosure of communications relating to the emergency is required without delay, whether such provision of information is required by law or voluntary.

8. The fee imposed under this section shall not be imposed on customers who pay for service prospectively, including customers of prepaid wireless telecommunications service.



**9. No county or city shall submit a proposal to the voters under this section for a fee of more than one dollar until the county or city receives approval for the fee amount from the Missouri 911 service board established under section 650.325. Once a fee of more than one dollar has been approved by the Missouri 911 service board and the voters, the county or city shall not subsequently increase the fee until the increased fee amount has been approved by the Missouri 911 service board and the voters under this section. Any county or city seeking to impose or increase a fee of more than one dollar shall submit to the Missouri 911 service board information to justify the fee amount. The information to be provided shall include, but not be limited to, the following:**

- (1) Estimated costs of services to be provided;**
- (2) Estimated revenue from all sources intended to financially support the proposed 911 service;**
- (3) Prior revenue amounts and sources of financial support for the previously funded 911 or emergency dispatch service;**
- (4) Efforts to secure revenue to support the proposed 911 service other than the proposed fee under this section;**
- (5) Current level of 911 service provided and the proposed level of 911 service to be provided;**
- (6) Any previous efforts regarding the consolidation of 911 services and any currently proposed efforts regarding the consolidation of 911 services; and**
- (7) Expected level of training of personnel and expected number of telecommunications per shift.**

**10. The fee imposed under this section shall not be imposed in conjunction with any tax imposed under section 190.292, 190.305, 190.325, or 190.335. No county or city shall simultaneously impose more than one tax authorized in this section or section 190.292, 190.305, 190.325, or 190.335. No fee imposed under this section shall be imposed on more than one hundred exchange access facilities or their equivalent per person per location.**

**11. No county shall submit a proposal to the voters of the county under this section or section 190.335 until either:**

**(1) All providers of emergency telephone service as defined in section 190.300 and public safety answering point operations within the county are consolidated into one public agency as defined in section 190.300 that provides emergency telephone service for the county;**

**(2) The county develops a plan for consolidation of emergency telephone service, as defined in section 190.300, and public safety answering point operations within the county are consolidated into one public agency, as defined in section 190.300, that provides emergency telephone service for the county; or**

**(3) The county develops a plan for consolidation of emergency telephone service, as defined in section 190.300, and public safety answering point operations within the county that includes either consolidation or entering into a shared services agreement for such services, which shall be implemented on approval of the fee by the voters.**

**12. Any plan developed under subdivision (2) or (3) of subsection 11 of this section shall be filed with the Missouri 911 service board under subsection 4 of section 650.330. Any plan that is filed under**

this subsection shall provide for the establishment of a joint emergency communications board as described in section 70.260. The director of the department of revenue shall not remit any funds as provided under this section until the department receives notification from the Missouri 911 service board that the county has filed a plan that is ready for implementation. If, after one year following the enactment of the fee described in subsection 1 of this section, the county has not complied with the plan that the county submitted under subdivision (2) or (3) of subsection 11 of this section, but the county has substantially complied with the plan, the Missouri 911 service board may grant the county an extension of up to six months to comply with its plan. Not more than one extension may be granted to a county. The authority to impose the fee granted to the county in subsection 1 of this section shall be null and void if after one year following the enactment of the fee described in subsection 1 of this section the county has not complied with the plan and has not been granted an extension by the Missouri 911 service board, or if the six-month extension expires and the county has not complied with the plan.

13. Each county that does not have a public agency, as defined in section 190.300, that provides emergency telephone service as defined in section 190.300 for the county shall either:

(1) Enter into a shared services agreement for providing emergency telephone services with a public agency that provides emergency telephone service, if such an agreement is feasible; or

(2) Form with one or more counties an emergency telephone services district in conjunction with any county with a public agency that provides emergency telephone service within the county. If such a district is formed under this subdivision, the governing body of such district shall be the county commissioners of each county within the district, and each county within such district shall submit to the voters of the county a proposal to impose the fee under this section.

14. A county operating joint or shared emergency telephone service, as defined in section 190.300, may submit to the voters of the county a proposal to impose the fee to support joint operations and further consolidation under this section.

15. All 911 fees shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 to 124, as amended.

16. Nothing in subsections 11, 12, 13, and 14 of this section shall apply to a county with a charter form of government where all public safety answering points within the county utilize a common 911 communication service as implemented by the appropriate local and county agencies prior to August 28, 2018.

17. Any home rule city with more than four hundred thousand inhabitants and located in more than one county shall establish an agreement with the counties in which it is located regarding the allocation of anticipated revenue created upon passage of a ballot action submitted to the voters as provided for in 190.292, 190.305, 190.325, 190.335 & 190.455 as well as revenue provided based upon 190.460 and the divided cost related to regional 911 services. The allocation and actual expenses of the regional 911 service shall be determined based upon the percentage of residents of each county who also reside in the home rule city compared with those who reside in the county but who do not reside in the home rule city. The agreement between the counties and the home rule city may either be between the individual counties and the home rule city or jointly between all entities. The agreement to divide cost and revenue as required in this section shall not take effect until passage of

a ballot proposition as defined in 190.292, 190.305, 190.325, 190.335 or 190.455. The population shall be determined based upon the most recent decennial census. This subsection shall not apply to a county of the first classification without a charter form of government with a population of at least ninety-eight thousand but fewer than one hundred five thousand inhabitants.

**190.460. 1. As used in this section, the following terms**

**mean:**

- (1) “Board”, the Missouri 911 service board established under section 650.325;**
- (2) “Consumer”, a person who purchases prepaid wireless telecommunications service in a retail transaction;**
- (3) “Department”, the department of revenue;**
- (4) “Prepaid wireless service provider”, a provider that provides prepaid wireless service to an end user;**
- (5) “Prepaid wireless telecommunications service”, a wireless telecommunications service that allows a caller to dial 911 to access the 911 system and which service shall be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount;**
- (6) “Retail transaction”, the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale. The purchase of more than one item that provides prepaid wireless telecommunication service, when such items are sold separately, constitutes more than one retail transaction;**
- (7) “Seller”, a person who sells prepaid wireless telecommunications service to another person;**
- (8) “Wireless telecommunications service”, commercial mobile radio service as defined by 47 CFR 20.3, as amended.**

**2. (1) Beginning January 1, 2019, there is hereby imposed a prepaid wireless emergency telephone service charge on each retail transaction. The amount of such charge shall be equal to three percent of each retail transaction. However, if a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for a single nonitemized price, the seller may elect not to apply such service charge to such transaction. For purposes of this subdivision, an amount of service denominated as ten or fewer minutes, or five dollars or less, is minimal.**

**(2) The prepaid wireless emergency telephone service charge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless emergency telephone service charge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller or otherwise disclosed to the consumer.**

**(3) For purposes of this subsection, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state under state law.**

**(4) The prepaid wireless emergency telephone service charge is the liability of the consumer and**

not of the seller or of any provider; except that, the seller shall be liable to remit all charges that the seller is deemed to collect if the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

(5) The amount of the prepaid wireless emergency telephone service charge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

3. (1) Prepaid wireless emergency telephone service charges collected by sellers shall be remitted to the department at the times and in the manner provided by state law with respect to sales and use taxes. The department shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply under state law.

(2) Beginning on January 1, 2019, and ending on January 31, 2019, when a consumer purchases prepaid wireless telecommunications service in a retail transaction from a seller under this section, the seller shall be allowed to retain one hundred percent of the prepaid wireless emergency telephone service charges that are collected by the seller from the consumer. Beginning on February 1, 2019, a seller shall be permitted to deduct and retain three percent of prepaid wireless emergency telephone service charges that are collected by the seller from consumers.

(3) The department shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for sales and use purposes under state law.

(4) The department shall deposit all remitted prepaid wireless emergency telephone service charges into the general revenue fund for the department's use until eight hundred thousand one hundred fifty dollars is collected to reimburse its direct costs of administering the collection and remittance of prepaid wireless emergency telephone service charges. From then onward, the department shall deposit all remitted prepaid wireless emergency telephone service charges into the Missouri 911 service trust fund created under section 190.420 within thirty days of receipt for use by the board. After the initial eight hundred thousand one hundred fifty dollars is collected, the department may deduct an amount not to exceed one percent of collected charges to be retained by the department to reimburse its direct costs of administering the collection and remittance of prepaid wireless emergency telephone service charges.

(5) The board shall set a rate between twenty-five and seventy-five percent of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust fund collected in counties without a charter form of government, less the deductions authorized in subdivision (4) of this subsection, that shall be remitted to such counties in direct proportion to the amount of charges collected in each county. The board shall set a rate between sixty-five and seventy-five percent of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust fund collected in counties with a charter form of government and any city not within a county, less the deductions authorized in subdivision (4) of this subsection, that shall be remitted to each such county or city not within a county in direct proportion to the amount of charges collected in each such county or city not within a county. The initial percentage rate set by the board for counties with and without

a charter form of government and any city not within a county may be adjusted after three years, and thereafter the rate may be adjusted every two years; however, at no point shall the board set rates that fall below twenty-five percent for counties without a charter form of government and sixty-five percent for counties with a charter form of government and any city not within a county.

(6) Any amounts received by a county or city under subdivision (5) of this subsection shall be used only for purposes authorized in sections 190.305 and 190.335.

4. (1) A seller that is not a provider shall be entitled to the immunity and liability protections under section 190.455, notwithstanding any requirement in state law regarding compliance with Federal Communications Commission Order 05-116.

(2) A provider shall be entitled to the immunity and liability protections under section 190.455.

(3) In addition to the protection from liability provided in subdivisions (1) and (2) of this subsection, each provider and seller and its officers, employees, assigns, agents, vendors, or anyone acting on behalf of such persons shall be entitled to the further protection from liability, if any, that is provided to providers and sellers of wireless telecommunications service that is not prepaid wireless telecommunications service under section 190.455.

5. The prepaid wireless emergency telephone service charge imposed by this section shall be in addition to any other tax, fee, surcharge, or other charge imposed by this state, any political subdivision of this state, or any intergovernmental agency for 911 funding purposes.

190.465. 1. In order to provide the best possible 911 technology and service to all areas of the state in the most efficient and economical manner possible, it is the public policy of this state to encourage the consolidation of emergency communications operations.

2. Any county, city, or 911 or emergency services board established under chapter 190 or section 321.243 may contract and cooperate with any other county, city, or 911 or emergency services board established under chapter 190 or section 321.243 as provided in sections 70.210 to 70.320. Any contracting counties or boards may seek assistance and advice from the Missouri 911 service board established in section 650.325 regarding the terms of the joint contract and the administration and operation of the contracting counties, cities, and boards.

3. If two or more counties, cities, 911 districts, or existing emergency communications entities desire to consolidate their emergency communications operations, a joint emergency communications entity may be established by the parties through an agreement identifying the conditions and provisions of the consolidation and the operation of the joint entity. This agreement may include the establishment of a joint governing body that may be comprised of the boards of the entities forming the agreement currently authorized by statute or an elected or appointed joint board authorized under section 70.260; provided that, the representation on the joint board of each of the entities forming the agreement shall be equal. If the entities entering into an agreement under this subsection decide that any 911 service center responsible for the answering of 911 calls and the dispatch of assistance shall be physically located in a county other than a county with the lowest average county wage from the set of counties where the entities entering into an agreement under this subsection are located in whole or part, such entities shall provide a written reason for this decision to the Missouri 911 service board and such document shall be considered a public record under chapter 610. The county average wage comparison shall be conducted using the information from the Missouri

department of economic development, which calculates such county average wages under section 135.950.

4. After August 28, 2018, no public safety answering point operation may be established as a result of its separation from an existing public safety answering point operation without a study by, and the approval of, the Missouri 911 service board.

5. No provision of this section shall be construed to prohibit or discourage in any manner the formation of multiagency or multijurisdictional public safety answering point operations.

190.470. 1. As an alternative to the procedure provided in section 190.465, two or more 911 central dispatch centers that are organized under sections 190.327 to 190.329 or section 190.335 and funded by public taxes may consolidate into one 911 central dispatch center by following the procedures set forth in this section.

2. If the consolidation of existing 911 central dispatch centers is desired, a number of voters residing in the existing 911 central dispatch centers' service areas equal to ten percent of the votes cast for governor in those service areas in the preceding gubernatorial election may file with the county clerk in which the territory or greater part of the proposed consolidated 911 central dispatch center service area will be situated a petition requesting consolidation of two or more 911 central dispatch centers.

3. The petition shall be in the following form:

"We, the undersigned voters residing in the service areas for the following 911 central dispatch centers, do hereby petition that the following existing 911 central dispatch centers be consolidated into one 911 central dispatch center."

4. An alternative procedure of consolidation may be followed if each of the boards of directors of the existing 911 central dispatch centers passes a resolution in the following form:

"The board of directors of the ..... 911 central dispatch center resolves that the ..... and ..... 911 central dispatch centers be consolidated into one 911 central dispatch center."

5. Upon the filing of a petition or resolution with the county clerk from each of the service areas of the 911 central dispatch centers to be consolidated, the clerk shall present the petition or resolution to the commissioners of the county commission having jurisdiction, who shall order the submission of the question to voters within the affected 911 central dispatch center service areas. The filing of a petition shall be no later than twelve months after any original voter's signature contained therein.

6. The notice of election shall contain the names of the existing 911 central dispatch centers to be included in the consolidated 911 central dispatch center.

7. The question shall be submitted in substantially the following form:

"Shall the existing ..... 911 central dispatch centers be consolidated into one 911 central dispatch center?"

8. If the question of consolidation of the 911 central dispatch centers receives a majority of the votes cast in each service area, the county commissions having joint jurisdiction shall each enter an order declaring the proposition passed.

**9. Within thirty days after the 911 central dispatch center has been declared consolidated, the respective county commissions having jurisdiction shall jointly meet to appoint a new seven-person board consisting of the agencies and professions listed in subsection 9 of section 190.335, and shall ensure geographic representation by appointing no more than four members from any one county having jurisdiction within the consolidated area for the newly consolidated 911 central dispatch center.**

**10. Within thirty days after the appointment of the initial board of directors of the newly consolidated 911 central dispatch center, the board of directors shall meet at a time and place designated by the county commissions. At the first meeting, the newly appointed board of directors shall choose a name for the consolidated 911 central dispatch center and shall notify the clerks of the county commission of each county within which the newly consolidated 911 central dispatch center's service area now subsumes.**

**11. Starting with the April election in the year after the appointment of the initial board of directors, one member shall be subject to running at large as chair for a four-year term. Four members shall be selected by lot to run for two-year terms, and two members shall be selected by lot to run for four-year terms. Thereafter, all terms shall be four-year terms.**

**12. On the thirtieth day following the appointment of the initial board of directors, the existing 911 central dispatch centers shall cease to exist and the consolidated 911 central dispatch center shall assume all of the powers and duties exercised by the 911 central dispatch centers. All assets and obligations of the existing 911 central dispatch centers shall become the assets and obligations of the newly consolidated 911 central dispatch center.**

**13. In any county that has a single board established under chapter 190 or under section 321.243, if a consolidation under this section only affects existing 911 central dispatch centers located wholly within such county, the existing board shall vote as to whether the existing board shall continue to exist. Upon a majority vote for approval of the existing board continuing to exist, subsections 9 to 12 of this section shall not apply, and the existing board shall continue to exist and have the powers set forth under the applicable section or sections within chapter 190 or under section 321.243. Upon a majority vote in disapproval of the existing board continuing to exist, all applicable subsections of this section shall apply to the consolidation. A tied vote shall be considered a disapproval of the existing board continuing to exist.**

**190.475. The director of the department of revenue shall maintain a centralized database, which shall be made available to the Missouri 911 service board established under section 650.325, specifying the current monthly fee or tax imposed by each county or city under section 190.292, 190.305, 190.325, 190.335, or 190.455. The database shall be updated no less than sixty days prior to the effective date of the establishment or modification of any monthly fee or tax listed in the database.”; and**

Further amend said bill, Page 49, Section 650.277, Line 22, by inserting after all of said section and line the following:

“650.330. 1. The board shall consist of fifteen members, one of which shall be chosen from the department of public safety, and the other members shall be selected as follows:

(1) One member chosen to represent an association domiciled in this state whose primary interest relates

to municipalities;

(2) One member chosen to represent the Missouri 911 Directors Association;

(3) One member chosen to represent emergency medical services and physicians;

(4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;

(5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;

(6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;

(7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;

(8) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;

(9) One member chosen to represent counties of the second, third, and fourth classification;

(10) One member chosen to represent counties of the first classification, counties with a charter form of government, and cities not within a county;

(11) One member chosen to represent telecommunications service providers;

(12) One member chosen to represent wireless telecommunications service providers;

(13) One member chosen to represent voice over internet protocol service providers; and

(14) One member chosen to represent the governor's council on disability established under section 37.735.

2. Each of the members of the board shall be appointed by the governor with the advice and consent of the senate for a term of four years. Members of the committee may serve multiple terms. No corporation or its affiliate shall have more than one officer, employee, assign, agent, or other representative serving as a member of the board. Notwithstanding subsection 1 of this section to the contrary, all members appointed as of August 28, 2017, shall continue to serve the remainder of their terms.

3. The board shall meet at least quarterly at a place and time specified by the chairperson of the board and it shall keep and maintain records of such meetings, as well as the other activities of the board. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the board.

4. The board shall:

(1) Organize and adopt standards governing the board's formal and informal procedures;

(2) Provide recommendations for primary answering points and secondary answering points on technical and operational standards for 911 services;

(3) Provide recommendations to public agencies concerning model systems to be considered in



preparing a 911 service plan;

(4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that the board shall not supersede decision-making authority of local political subdivisions in regard to 911 services;

(5) Provide assistance to the governor and the general assembly regarding 911 services;

(6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;

(7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;

(8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state, including monitoring federal and industry standards being developed for next-generation 911 systems;

(9) Designate a state 911 coordinator who shall be responsible for overseeing statewide 911 operations and ensuring compliance with federal grants for 911 funding;

(10) Elect the chair from its membership;

(11) Apply for and receive grants from federal, private, and other sources;

(12) Report to the governor and the general assembly at least every three years on the status of 911 services statewide, as well as specific efforts to improve efficiency, cost-effectiveness, and levels of service;

(13) Conduct and review an annual survey of public safety answering points in Missouri to evaluate potential for improved services, coordination, and feasibility of consolidation;

(14) Make and execute contracts or any other instruments and agreements necessary or convenient for the exercise of its powers and functions, **including for the development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;** [and]

(15) Develop a plan and timeline of target dates for the testing, implementation, and operation of a next-generation 911 system throughout Missouri. The next-generation 911 system shall allow for the processing of electronic messages including, but not limited to, electronic messages containing text, images, video, or data;

**(16) Administer and authorize grants and loans under section 650.335 to those counties and any home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants that can demonstrate a financial commitment to improving 911 services by providing at least a fifty percent match and demonstrate the ability to operate and maintain ongoing 911 services. The purpose of grants and loans from the 911 service trust fund shall include:**

**(a) Implementation of 911 services in counties of the state where services do not exist or to improve existing 911 systems;**

**(b) Promotion of consolidation where appropriate;**

**(c) Mapping and addressing all county locations;**

**(d) Ensuring primary access and texting abilities to 911 services for disabled residents;**

**(e) Implementation of initial emergency medical dispatch services, including prearrival medical instructions in counties where those services are not offered as of July 1, 2019; and**

**(f) Development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;**

**(17) Develop an application process including reporting and accountability requirements, withholding a portion of the grant until completion of a project, and other measures to ensure funds are used in accordance with the law and purpose of the grant, and conduct audits as deemed necessary;**

**(18) Set the percentage rate of the prepaid wireless emergency telephone service charges to be remitted to a county or city as provided under subdivision (5) of subsection 3 of section 190.460;**

**(19) Approve a proposal of a county or city to impose a fee of more than one dollar under section 190.455;**

**(20) Retain in its records proposed county plans developed under subsection 11 of section 190.455 and notify the department of revenue that the county has filed a plan that is ready for implementation;**

**(21) Notify any communications service provider, as defined in section 190.400, that has voluntarily submitted its contact information when any update is made to the centralized database established under section 190.475 as a result of a county or city establishing or modifying a tax or monthly fee no less than ninety days prior to the effective date of the establishment or modification of the tax or monthly fee;**

**(22) Establish criteria for consolidation prioritization of public safety answering points; and**

**(23) By December 31, 2018, designate regional 911 coordination centers which shall coordinate statewide interoperability among public safety answering points within their region through the use of a statewide 911 emergency services network.**

5. The department of public safety shall provide staff assistance to the board as necessary in order for the board to perform its duties pursuant to sections 650.320 to 650.340. The board shall have the authority to hire consultants to administer the provisions of sections 650.320 to 650.340.

6. The board shall promulgate rules and regulations that are reasonable and necessary to implement and administer the provisions of sections 650.320 to 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

**650.335. 1. Any county or any home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without**

a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants, when the prepaid wireless emergency telephone service charge is collected in the county or city, may submit an application for loan funds or other financial assistance to the board for the purpose of financing all or a portion of the costs incurred in implementing a 911 communications service project. The application shall be accompanied by a technical assistance report. The application and the technical assistance report shall be in such form and contain such information, financial or otherwise, as prescribed by the board. This section shall not preclude any applicant or borrower from joining in a cooperative project with any other political subdivision or with any state or federal agency or entity in a 911 communications service project, provided that all other requirements of this section have been met.

2. Applications may be approved for loans only in those instances where the applicant has furnished the board information satisfactory to assure that the project cost will be recovered during the repayment period of the loan. In no case shall a loan be made to an applicant unless the approval of the governing body of the applicant to the loan agreement is obtained and a written certification of such approval is provided, where applicable. Repayment periods are to be determined by the board.

3. The board shall approve or disapprove all applications for loans which are sent by certified or registered mail or hand delivered and received by the board upon a schedule as determined by the board.

4. Each applicant to whom a loan has been made under this section shall repay such loan, with interest. The rate of interest shall be the rate required by the board. The number, amounts, and timing of the payments shall be as determined by the board.

5. Any applicant who receives a loan under this section shall annually budget an amount which is at least sufficient to make the payments required under this section.

6. Repayment of principal and interest on loans shall be credited to the Missouri 911 service trust fund established under section 190.420.

7. If a loan recipient fails to remit a payment to the board in accordance with this section within sixty days of the due date of such payment, the board shall notify the director of the department of revenue to deduct such payment amount from first, the prepaid wireless emergency telephone service charge remitted to the county or city under section 190.460; and if insufficient to affect repayment of the loan, next, the regular apportionment of local sales tax distributions to that county or city. Such amount shall then immediately be deposited in the Missouri 911 service trust fund and credited to the loan recipient.

8. All applicants having received loans under this section shall remit the payments required by subsection 4 of this section to the board or such other entity as may be directed by the board. The board or such other entity shall immediately deposit such payments in the Missouri 911 service trust fund.

9. Loans made under this section shall be used only for the purposes specified in an approved application or loan agreement. In the event the board determines that loan funds have been expended for purposes other than those specified in an approved application or loan agreement or any event of default of the loan agreement occurs without resolution, the board shall take appropriate actions

to obtain the return of the full amount of the loan and all moneys duly owed or other available remedies.

**10. Upon failure of a borrower to remit repayment to the board within sixty days of the date a payment is due, the board may initiate collection or other appropriate action through the provisions outlined in subsection 7 of this section, if applicable.**

**11. If the borrower is an entity not covered under the collection procedures established in this section, the board, with the advice and consent of the attorney general, may initiate collection procedures or other appropriate action pursuant to applicable law.**

**12. The board may, at its discretion, audit the expenditure of any loan, grant, or expenditure made or the computation of any payments made.**

**13. The board shall not approve any application made under this section if the applicant has failed to return the board's annual survey of public safety answering points as required by the board under section 650.330.**

650.340. 1. The provisions of this section may be cited and shall be known as the "911 Training and Standards Act".

2. Initial training requirements for telecommunicators who answer 911 calls that come to public safety answering points shall be as follows:

- (1) Police telecommunicator, 16 hours;
- (2) Fire telecommunicator, 16 hours;
- (3) Emergency medical services telecommunicator, 16 hours;
- (4) Joint communication center telecommunicator, 40 hours.

3. All persons employed as a telecommunicator in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator. Such persons shall complete at least twenty-four hours of ongoing training every three years by such persons or organizations as provided in subsection 6 of this section. [ The reporting period for the ongoing training under this subsection shall run concurrent with the existing continuing education reporting periods for Missouri peace officers pursuant to chapter 590.]

4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed as a telecommunicator.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the committee that such person has completed training in another state which is at least as stringent as the training requirements of subsection 2 of this section.

6. The board shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. This section shall not apply to an emergency medical dispatcher or agency as defined in section

190.100, or a person trained by an entity accredited or certified under section 190.131, or a person who provides prearrival medical instructions who works for an agency which meets the requirements set forth in section 190.134.”; and

Further amend said bill, Page 50, Section 701.377, Line 17, by inserting after all of said section and line the following:

“[190.307. 1. No public agency or public safety agency, nor any officer, agent or employee of any public agency, shall be liable for any civil damages as a result of any act or omission except willful and wanton misconduct or gross negligence, in connection with developing, adopting, operating or implementing any plan or system required by sections 190.300 to 190.340.

2. No person who gives emergency instructions through a system established pursuant to sections 190.300 to 190.340 to persons rendering services in an emergency at another location, nor any persons following such instructions in rendering such services, shall be liable for any civil damages as a result of issuing or following the instructions, unless issuing or following the instructions constitutes willful and wanton misconduct, or gross negligence.]

[190.410. 1. There is hereby created in the department of public safety the “Wireless Service Provider Enhanced 911 Advisory Board”, consisting of eight members as follows:

(1) The director of the department of public safety or the director’s designee who shall hold a position of authority in such department of at least a division director;

(2) The chairperson of the public service commission or the chairperson’s designee; except that such designee shall be a commissioner of the public service commission or hold a position of authority in the commission of at least a division director;

(3) Three representatives and one alternate from the wireless service providers, elected by a majority vote of wireless service providers licensed to provide service in this state; and

(4) Three representatives from public safety answering point organizations, elected by the members of the state chapter of the associated public safety communications officials and the state chapter of the National Emergency Numbering Association.

2. Immediately after the board is established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.

3. The board shall do the following:

(1) Elect from its membership a chair and other such officers as the board deems necessary for the conduct of its business;

(2) Meet at least one time per year for the purpose of discussing the implementation of

Federal Communications Commission order 94-102;

(3) Advise the office of administration regarding implementation of Federal Communications Commission order 94-102; and

(4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.

4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.]

[190.430. 1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.

2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to July 2, 1998, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 2, 1998, shall be invalid and void.

3. The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:

(1) For the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers in implementing Federal Communications Commission order 94-102; and

(2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:

(a) The volume of wireless 911 calls received by each public safety answering point;

(b) The population of the public safety answering point jurisdiction;

(c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and

(d) Any other criteria found to be valid by the office of administration provided that of the total amount of the funds used to subsidize and assist the public safety answering points, at least ten percent of said funds shall be distributed equally among all said public safety answering points providing said services under said section;

(3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to public safety answering points shall be distributed in equal amounts to each public safety answering point participating in enhanced 911 service;

(4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8. Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct.]

[190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri Office of Administration be authorized to establish a fee of up to fifty cents per month to be charged every wireless telephone number for the purpose of funding wireless enhanced 911 service?

☐ YES

☐ NO

If you are in favor of the question, place an “X” in the box opposite “Yes”. If you are opposed to the question, place an “X” in the box opposite “No”.

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, 1999, or the first day of the month occurring at least thirty days after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 1, Section A, Line 8, by inserting immediately after said section and line the following:

**“44.098. 1. As used in this section, the following terms mean:**

**(1) “Critical incident”, an incident that could result in serious physical injury or loss of life;**

**(2) “Kansas border county”, the county of Cherokee;**

**(3) “Law enforcement mutual aid region”, the counties of Jasper and Newton, including the Joplin metropolitan area, and the Kansas border county and Oklahoma border county as defined in this section;**

**(4) “Oklahoma border counties”, the counties of Ottawa and Delaware;**

**(5) “Missouri border counties”, the counties of Jasper and Newton.**

**2. All law enforcement officers in the law enforcement mutual aid region shall be permitted in critical incidents to respond to lawful requests for aid in any other jurisdiction in the law enforcement mutual aid region.**

**3. The on-scene incident commander, as defined by the National Incident Management System, shall have the authority to make a request for assistance in a critical incident and shall be responsible for on-scene management until command authority is transferred to another person.**

**4. In the event that an officer makes an arrest or apprehension outside his or her home state, the offender shall be delivered to the first officer who is commissioned in the jurisdiction in which the arrest was made.**

**5. For the purposes of liability, all members of any political subdivision or public safety agency responding under operational control of the requesting political subdivision or public safety agency are deemed employees of such responding political subdivision or public safety agency and are subject**



to the liability and workers' compensation provisions provided to them as employees of their respective political subdivision or public safety agency. Qualified immunity, sovereign immunity, official immunity, and the public duty rule shall apply to the provisions of this section as interpreted by the federal and state courts of the responding agency.

6. If the director of the Missouri department of public safety determines that the state of Kansas has enacted legislation or the governor of Kansas has issued an executive order or similar action that permits Kansas border counties to enter into a similar mutual-aid agreement as described under this section, then the director shall execute and deliver to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a written certification of such determination. Upon the execution and delivery of such written certification and the parties receiving such certification providing a unanimous written affirmation, the provisions of this section shall be effective unless otherwise provided by law.

7. If the director of the Missouri department of public safety determines that the state of Oklahoma has enacted legislation or the governor of Oklahoma has issued an executive order or similar action that permits Oklahoma border counties to enter into a similar mutual-aid agreement as described under this section, then the director shall execute and deliver to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a written certification of such determination. Upon the execution and delivery of such written certification and the parties receiving such certification providing a unanimous written affirmation, the provisions of this section shall be effective unless otherwise provided by law.

8. The director of the Missouri department of public safety shall notify the revisor of statutes of any changes that would render the provisions of this section effective.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 49, Section 353.110, Line 88, by inserting after all of said section and line the following:

**“590.1040. 1. For purposes of this section, the following terms mean:**

(1) “Emergency services personnel”, any employee or volunteer of an emergency services provider who is engaged in providing or supporting fire fighting, dispatching services, and emergency medical services;

(2) “Emergency services provider”, any public employer, or ground or air ambulance service as those terms are used in chapter 190, that employs persons to provide fire fighting, dispatching services, and emergency medical services;

(3) “Employee assistance program”, a program established by a law enforcement agency or emergency services provider to provide professional counseling or support services to employees of a law enforcement agency, emergency services provider, or a professional mental health provider associated with a peer support team;

(4) “Law enforcement agency”, any public agency that employs law enforcement personnel;

(5) “Law enforcement personnel”, any person who, by virtue of office or public employment, is

vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Missouri or ordinances of any municipality thereof, or with a duty to maintain or assert custody or supervision over persons accused or convicted of a crime, while acting within the scope of his or her authority as an employee or volunteer of a law enforcement agency;

(6) “Peer support counseling session”, any session conducted by a peer support specialist that is called or requested in response to a critical incident or traumatic event involving the personnel of the law enforcement agency or emergency services provider;

(7) “Peer support specialist”, a person who:

(a) Is designated by a law enforcement agency, emergency services provider, employee assistance program, or peer support team leader to lead, moderate, or assist in a peer support counseling session;

(b) Is a member of a peer support team; and

(c) Has received training in counseling and providing emotional and moral support to law enforcement officers or emergency services personnel who have been involved in emotionally traumatic incidents by reason of his or her employment;

(8) “Peer support team”, a group of peer support specialists serving one or more law enforcement providers or emergency services providers.

2. Any communication made by a participant or peer support specialist in a peer support counseling session, and any oral or written information conveyed in or as the result of a peer support counseling session, are confidential and may not be disclosed by any person participating in the peer support counseling session.

3. Any communication relating to a peer support counseling session that is made between peer support specialists, between peer support specialists and the supervisors or staff of an employee assistance program, or between the supervisors or staff of an employee assistance program is confidential and may not be disclosed.

4. The provisions of this section shall apply only to peer support counseling sessions conducted by a peer support specialist.

5. The provisions of this section shall apply to all oral communications, notes, records, and reports arising out of a peer support counseling session. Any notes, records, or reports arising out of a peer support counseling session shall not be public records and shall not be subject to the provisions of chapter 610. Nothing in this section limits the discovery or introduction into evidence of knowledge acquired by any law enforcement personnel or emergency services personnel from observation made during the course of employment, or material or information acquired during the course of employment, that is otherwise subject to discovery or introduction into evidence.

6. The provisions of this section shall not apply to any:

(1) Threat of suicide or criminal act made by a participant in a peer support counseling session, or any information conveyed in a peer support counseling session relating to a threat of suicide or criminal act;

**(2) Information relating to abuse of spouses, children, or the elderly, or other information that is required to be reported by law;**

**(3) Admission of criminal conduct;**

**(4) Disclosure of testimony by a participant who received peer support counseling services and expressly consented to such disclosure; or**

**(5) Disclosure of testimony by the surviving spouse or executor or administrator of the estate of a deceased participant who received peer support counseling services and such surviving spouse or executor or administrator expressly consented to such disclosure.**

**7. The provisions of this section shall not prohibit any communications between peer support specialists who conduct peer support counseling sessions or any communications between peer support specialists and the supervisors or staff of an employee assistance program.**

**8. The provisions of this section shall not prohibit communications regarding fitness of an employee for duty between an employee assistance program and an employer.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR  
HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 4, Section 100.059, Line 31, by inserting after all of said section and line the following:

“105.666. 1. Each plan shall, in conjunction with its staff and advisors, establish a board member education program, which shall be in effect on or after January 1, 2008. The curriculum shall include, at a minimum, education in the areas of duties and responsibilities of board members as trustees, ethics, governance process and procedures, pension plan design and administration of benefits, investments including but not limited to the fiduciary duties as defined under section 105.688, legal liability and risks associated with the administration of a plan, sunshine law requirements under chapter 610, actuarial principles and methods related to plan administration, and the role of staff and consultants in plan administration. Board members appointed or elected on a board on or after January 1, 2008, shall complete a board member education program **of at least six hours** designated to orient new board members in the areas described in this section within ninety days of becoming a new board member. Board members who have served one or more years shall attend at least a total of [six] **two** hours of continuing education programs each year in the areas described in this section.

2. Routine annual presentation by outside plan service providers shall not be used to satisfy board member education or continuing education program requirements contained in subsection 1 of this section. Such service providers may be utilized to perform education programs with such programs being separate and apart from routine annual presentations.

3. Plan governing body or staff shall maintain a record of board member education including, but not limited to, date, time length, location, education material, and any facilitator utilized. The record shall be signed and attested to by the attending board member or board chairperson or designee. Such information shall be maintained for public record and disclosure for at least three years or until the expiration of such board member’s term, whichever occurs first.

4. A board member who is knowingly not participating in the required education programs under this section may be removed from such board by a majority of the board members which shall result in a vacancy to be filled in accordance with plan provisions except that ex officio board members shall not be removed under this subsection.

5. Each plan shall, upon the request of any individual participant, provide an annual pension benefit statement which shall be written in a manner calculated to be understood by the average plan participant and may be delivered in written, electronic, or other appropriate form to the extent such form is reasonably accessible to each participant or beneficiary. Such pension benefit statement shall include, but not be limited to, accrued participant contributions to the plan, total benefits accrued, date first eligible for a normal retirement benefit, and projected benefit at normal retirement. Any plan failing to do so shall submit in writing to the joint committee on public employee retirement as to why the information may not be provided as requested.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 1, Lines 28 to 36, by deleting said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 46, Section 320.202, Line 33, by inserting after all of said section and line the following:

**“321.315. 1. Notwithstanding any other provision of this chapter or chapter 72, any owner of real property that is alleged to be subject to the levy of taxes and the jurisdiction of two fire protection districts, or alleged to be subject to the levy of taxes and the jurisdiction of one fire protection district and one fire department, may petition the circuit court in the county in which the real property is located requesting a declaratory judgment under sections 527.010 to 527.130 as to which one fire protection district or fire department has jurisdiction over the property regarding the provision of fire protection and emergency services and the levy of taxes. Two or more owners of real property that is alleged to be subject to the levy of taxes and the jurisdiction of two fire protection districts, or alleged to be subject to the levy of taxes and the jurisdiction of one fire protection district and one fire department, may jointly petition the circuit court.**

**2. The fire protection district or fire department that is found not to have jurisdiction over the real property that is the subject of the declaratory judgment shall be liable for the costs of the action, including reasonable attorney fees, to the other parties to the action.**

**3. Any person as defined in section 527.130 that is aggrieved by the judgment and decree of the circuit court may appeal in like manner as appeals are taken in other civil cases.”; and**

Further amend said bill, Page 49, Section 353.110, Line 88, by inserting after all of said section and line the following:

**“527.130. The word “person”, wherever used in sections 527.010 to 527.130, shall be construed to mean**

any person, including a minor represented by next friend or guardian ad litem and any other person under disability lawfully represented, partnership, joint-stock company, corporation, unincorporated association or society, **fire protection district**, or municipal or other corporation of any character whatsoever.”; and

Further amend said bill, Page 50, Section 701.377, Line 17, by inserting after all of said section and line the following:

“Section B. Because immediate action is necessary to prevent citizens of this state from double taxation for fire protection services, the enactment of section 321.315 and the repeal and reenactment of section 527.130 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 321.315 and the repeal and reenactment of section 527.130 of section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 39, Section 190.939, Line 5, by inserting after all of said section and line the following:

“191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called “providers”, shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient’s health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient’s condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient’s health care records to the patient, the patient’s authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) (a) Search and retrieval, in an amount not more than twenty-four dollars and eighty-five cents plus copying in the amount of fifty-seven cents per page for the cost of supplies and labor plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed twenty-three dollars and twenty-six cents, as adjusted annually pursuant to subsection 5 of this section; or

(b) The records shall be furnished electronically upon payment of the search, retrieval, and copying fees set under this section at the time of the request or one hundred eight dollars and eighty-eight cents total, whichever is less, if such person:

- a. Requests health records to be delivered electronically in a format of the health care provider’s choice;
- b. The health care provider stores such records completely in an electronic health record; and
- c. The health care provider is capable of providing the requested records and affidavit, if requested, in an electronic format;

(2) Postage, to include packaging and delivery cost;

(3) Notary fee, not to exceed two dollars, if requested.

**3. For purposes of subsections 1 and 2 of this section, “a copy of his or her record of that patient’s health history and treatment rendered” or “the patient’s health care records” include a statement or record that no such health history or treatment record responsive to the request exists.**

4. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

[4.] 5. The transfer of the patient’s record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient’s record as required by this section.

[5.] 6. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department’s internet website by February first of each year.

[6.] 7. A health care provider may disclose a deceased patient’s health care records or payment records to the executor or administrator of the deceased person’s estate, or pursuant to a valid, unrevoked power of attorney for health care that specifically directs that the deceased person’s health care records be released to the agent after death. If an executor, administrator, or agent has not been appointed, the deceased prior to death did not specifically object to disclosure of his or her records in writing, and such disclosure is not inconsistent with any prior expressed preference of the deceased that is known to the health care provider, a deceased patient’s health care records may be released upon written request of a person who is deemed as the personal representative of the deceased person under this subsection. Priority shall be given to the deceased patient’s spouse and the records shall be released on the affidavit of the surviving spouse that he or she is the surviving spouse. If there is no surviving spouse, the health care records may be released to one of the following persons:

(1) The acting trustee of a trust created by the deceased patient either alone or with the deceased patient’s spouse;

(2) An adult child of the deceased patient on the affidavit of the adult child that he or she is the adult child of the deceased;

(3) A parent of the deceased patient on the affidavit of the parent that he or she is the parent of the deceased;

(4) An adult brother or sister of the deceased patient on the affidavit of the adult brother or sister that he or she is the adult brother or sister of the deceased;

(5) A guardian or conservator of the deceased patient at the time of the patient’s death on the affidavit of the guardian or conservator that he or she is the guardian or conservator of the deceased; or

(6) A guardian ad litem of the deceased's minor child based on the affidavit of the guardian that he or she is the guardian ad litem of the minor child of the deceased."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 11, Section 190.100, Line 181, by inserting after all of said section and line the following:

"190.101. 1. There is hereby established a "State Advisory Council on Emergency Medical Services" which shall consist of sixteen members, one of which shall be a resident of a city not within a county. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.

2. The state EMS medical directors advisory committee and the regional EMS advisory committees will be recognized as subcommittees of the state advisory council on emergency medical services.

3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT's, paramedics, nurses, firefighters, physicians, ambulance service administrators, hospital administrators and other health care providers concerned with emergency medical services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

4. The members of the council and subcommittees shall serve without compensation except that members of the council shall, subject to appropriations, be reimbursed for reasonable travel expenses and meeting expenses related to the functions of the council.

5. The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures and proposed regulations on how to improve the statewide emergency medical services system. The council shall advise the governor, the general assembly, and the department on all aspects of the emergency medical services system.

**6. (1) There is hereby established a standing subcommittee of the State Advisory Council on Emergency Medical Services (SAC) to monitor the implementation of the recognition of the EMS personnel licensure interstate compact (REPLICA), the interstate commission for EMS personnel practice, and the involvement of the state of Missouri. The subcommittee of SAC shall meet at least biannually and receive reports from the Missouri delegate to the interstate commission for EMS personnel practice. The subcommittee shall consist of at least seven members appointed by the chair of SAC, to include at least two members as recommended by the Missouri State Council of Firefighters and one member as recommended by the Missouri Association of Fire Chiefs. The subcommittee may submit, as determined by the subcommittee, reports and recommendations to SAC, the Missouri department of health and senior services, the Missouri general assembly, and the governor regarding the participation of Missouri with the recognition of the EMS personnel licensure interstate compact.**

**(2) The subcommittee of SAC shall formally request a public hearing for any rule proposed by the interstate commission for EMS personnel practice in accordance with subsection 7 of Section**

**334.1530. The hearing request shall include the request that the hearing be presented live via the internet. The Missouri delegate to the interstate commission for EMS personnel practice shall be responsible for ensuring that all hearings, notices of, and related rulemaking communications as required by the compact be communicated to SAC and EMS personnel via the provisions of subsections 4, 5, 6, and 8 of section 334.1530.**

**(3) The Missouri department of health and senior services shall not establish or increase fees for Missouri EMS personnel licensure in accordance with chapter 190 for the purpose of creating the funds necessary for payment of an annual assessment as cited in subdivision (3) of subsection 5 of section 334.1524.”; and**

Further amend said bill, Page 25, Section 190.900, Line 15, by inserting after the number “(3)” the following:

**“”Alternative program”, a voluntary, non-disciplinary substance abuse recovery program approved by the state EMS authority;**

**(4)”; and**

Further amend said bill and section by renumbering all subsequent subdivisions; and

Further amend said bill, Page 33, Section 190.924, Line 137, by inserting after the word “states” the following:

**“but Missouri shall not be assessed more than ten thousand dollars annually calculated and shall not include an annual increase equivalent to the Consumer Price Index for All Urban Consumers (CPI-Urban). Missouri shall not authorize an annual assessment above this level”; and**

Further amend said bill, Page 39, Section 190.939, Line 1, by inserting after the number “190.939.” the number “1.”; and

Further amend said bill, page, and section, Line 5, by inserting after all of said line the following:

**“2. The State Emergency Medical Services Advisory Council (SAC) shall review decisions of the interstate commission for emergency medical services personnel practice established under this compact and, upon approval by the commission of any action that will have the result of increasing the cost to the state of membership in the compact, SAC may recommend to the Missouri general assembly that they withdraw from the compact.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 43, Section 221.520, Line 46, by inserting after all of said section and line the following:

**“320.086. 1. Nothing contained in sections 320.081 to 320.086 shall allow access to records otherwise closed under sections 610.100 to 610.105[, RSMo Supp. 1982].**

**2. Nothing contained in sections 320.081 to 320.086 shall restrict or waive the attorney-client privilege.**

**3. The portion of a record that is individually identifiable health information as defined by the**



**Health Insurance Portability and Accountability Act of 1996 (HIPAA), P.L. 104-191, as amended, may be closed records as provided under sections 610.100 to 610.105 if maintained by fire departments and fire protection districts. Notwithstanding the foregoing, all fire departments and fire protection districts shall produce for every call to the department or district an “incident report” as defined in section 610.100 that shall include the date, time, specific location, and name of the owner of the specific location or any vehicle involved in the incident, if known. All incident reports shall be open records under section 610.100.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 5, Section 135.090, Line 39, by inserting the following after all of said section and line:

“173.260. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) **“Air ambulance pilot”, a person certified as an air ambulance pilot in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by the department of health and senior services;**

(2) **“Air ambulance registered professional nurse”, a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such programs;**

(3) **“Air ambulance registered respiratory therapist”, a person licensed as a registered respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations adopted by the state board for respiratory care, who provides respiratory therapy services in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;**

(4) **“Board”, the coordinating board for higher education;**

[2)] (5) **“Eligible child”, the natural, adopted or stepchild of a public safety officer or employee, as defined in this section, who is less than twenty-four years of age and who is a dependent of a public safety officer or employee or was a dependent at the time of death or permanent and total disability of a public safety officer or employee;**

(6) **“Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by the department of health and senior services under sections 190.001 to 190.245;**

[3)] (7) **“Employee”, any full-time employee of the department of transportation engaged in the construction or maintenance of the state’s highways, roads and bridges;**

(8) **“Flight crew member”, an individual engaged in flight responsibilities with an air ambulance licensed in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;**

[(4)] (9) “Grant”, the public safety officer or employee survivor grant as established by this section;

[(5)] (10) “Institution of postsecondary education”, any approved public or private institution as defined in section 173.205;

[(6)] (11) “Line of duty”, any action of a public safety officer, whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires, is authorized or obligated by law, rule, regulation or condition of employment or service to perform;

[(7)] (12) “Public safety officer”, any firefighter, **uniformed employee of the office of the state fire marshal, emergency medical technician**, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed or permanently and totally disabled in the line of duty **or any emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, air ambulance registered respiratory therapist, or flight crew member who is killed or permanently and totally disabled in the line of duty**;

[(8)] (13) “Permanent and total disability”, a disability which renders a person unable to engage in any gainful work;

[(9)] (14) “Spouse”, the husband, wife, widow or widower of a public safety officer or employee at the time of death or permanent and total disability of such public safety officer;

[(10)] (15) “Tuition”, any tuition or incidental fee or both charged by an institution of postsecondary education, as defined in this section, for attendance at that institution by a student as a resident of this state.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall provide, as defined in this section, a grant for either of the following to attend an institution of postsecondary education:

(1) An eligible child of a public safety officer or employee killed or permanently and totally disabled in the line of duty; or

(2) A spouse of a public safety officer killed or permanently and totally disabled in the line of duty.

3. An eligible child or spouse may receive a grant under this section only so long as the child or spouse is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a child or spouse receive a grant beyond the completion of the first baccalaureate degree or, in the case of a child, age twenty-four years, except that the child may receive a grant through the completion of the semester or similar grading period in which the child reaches his twenty-fourth year. No child or spouse shall receive more than one hundred percent of tuition when combined with similar funds made available to such child or spouse.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section;

(2) Determine minimum standards of performance in order for a child or spouse to remain eligible to receive a grant under this program;

(3) Make available on behalf of an eligible child or spouse an amount toward the child’s or spouse’s tuition which is equal to the grant to which the child or spouse is entitled under the provisions of this

section;

(4) Provide the forms and determine the procedures necessary for an eligible child or spouse to apply for and receive a grant under this program.

5. An eligible child or spouse who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education shall receive a grant in an amount not to exceed the least of the following:

(1) The actual tuition, as defined in this section, charged at an approved institution where the child or spouse is enrolled or accepted for enrollment; or

(2) The amount of tuition charged a Missouri resident at the University of Missouri for attendance as a full-time student, as defined in section 173.205.

6. An eligible child or spouse who is a recipient of a grant may transfer from one approved public or private institution of postsecondary education to another without losing his entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at anytime withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the portion of the refund to which he is entitled attributable to the grant for that semester or similar grading period to the board.

7. If an eligible child or spouse is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible child or spouse.

8. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

9. A public safety officer who is permanently and totally disabled shall be eligible for a grant pursuant to the provisions of this section.

10. An eligible child of a public safety officer or employee, spouse of a public safety officer or public safety officer shall cease to be eligible for a grant pursuant to this section when such public safety officer or employee is no longer permanently and totally disabled.

190.053. 1. All members of the board of directors of an ambulance district first elected on or after January 1, 2008, shall attend and complete an educational seminar or conference or other suitable training on the role and duties of a board member of an ambulance district. The training required under this section shall be offered by a statewide association organized for the benefit of ambulance districts or be approved by the state advisory council on emergency medical services. Such training shall include, at a minimum:

(1) Information relating to the roles and duties of an ambulance district director;

(2) A review of all state statutes and regulations relevant to ambulance districts;

(3) State ethics laws;

(4) State sunshine laws, chapter 610;

- (5) Financial and fiduciary responsibility;
- (6) State laws relating to the setting of tax rates; and
- (7) State laws relating to revenue limitations.

2. If any ambulance district board member fails to attend a training session within twelve months after taking office, the board member shall not be compensated for attendance at meetings thereafter until the board member has completed such training session. **If any ambulance district board member fails to attend a training session within twenty-four months after taking office, the board member shall forfeit his or her position as a board member and the remaining board members shall appoint an interim board member to hold the position for the remainder of the term of the forfeited member; provided, however, the board shall not appoint the forfeited member.**”; and

Further amend said bill, Page 7, Section 190.100, Lines 65-68, by deleting said lines and inserting in lieu thereof the following:

“[(15) “Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

(16) “Emergency medical technician-basic” or “EMT-B”, a person who has]

**(17) “Emergency medical technician” or “EMT”, a person who has”;** and

Further amend said bill, section, Page 8, Line 73, by deleting “(19)”, inserting in lieu thereof “(18)”, and renumbering the remaining subdivisions accordingly; and

Further amend said bill and section, Page 9, Line 128, by deleting all of said line and inserting in lieu thereof the following:

“representing volunteers, labor, management, firefighters, [EMT-B’s,] **EMT’s**, nurses, [EMT-P’s,] physicians,”; and

Further amend said bill, Page 12, Section 190.103, Lines 46-48, by deleting all of said lines and inserting in lieu thereof the following:

“medical direction to [EMT-Bs, EMT-Is, EMT-Ps,] **EMTs, AEMTs**, and community paramedics and provide offline medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including [EMT-Bs, EMT-Is, EMT-Ps,] **EMTs, AEMTs**, and community paramedics,”; and

Further amend said bill and section, Pages 12-13, Lines 66-67, by deleting all of said lines and inserting in lieu thereof the following:

“medical directors are providing either online telecommunication medical direction to [EMT-Bs, EMT-Is, EMT-Ps,] **EMTs, AEMTs**, and community paramedics, or offline medical direction per”; and

Further amend said bill, Page 15, Section 190.131, Line 2, by deleting the word “**and**”; and

Further amend said bill, section, page, Line 4, by inserting the words “**and paramedics**,” after the word “**technicians**,”; and

Further amend said bill, Page 17, Section 190.142, Lines 32-39, by deleting all of said lines and inserting

in lieu thereof the following:

“(3) [Initial licensure testing requirements. Initial EMT-P licensure testing shall be through the national registry of EMTs or examinations developed and administered by the department of health and senior services] **Paramedic accreditation requirements. Paramedic training programs shall be accredited by the Commission on Accreditation of Allied Health Education Program (CAAHEP) or hold a CAAHEP letter of review;**

(4) Continuing education and licensure requirements; and

(5) Ability to speak, read and write the English language.”; and

Further amend said bill, Page 18, Section 190.143, Line 20, by inserting the word “**paramedic**” after the word “**technician**,”; and

Further amend said bill and page, Section 190.147, Line 1, by deleting all of said line and inserting in lieu thereof the following:

“**190.147. 1. Paramedics:**”; and

Further amend said section and page, Line 13, by deleting “**EMT-P**” and inserting in lieu thereof “**paramedic**”; and

Further amend said section, Page 19, Lines 19 and 28, by deleting “**EMT-P**” and “**EMT-Ps**” respectively, and inserting in lieu thereof “**paramedic**” and “**Paramedics**” respectively; and

Further amend said bill, Page 23, Section 190.196, Line 8, by inserting the word “**paramedic**” after the word “**technician**,”; and

Further amend said bill, Page 24, Section 190.246, Line 4, by deleting “technical-basic] or” and inserting in lieu thereof “technical-basic or]”; and

Further amend said bill, section, and page, Line 5, by inserting “, **or a paramedic**” after the word “**technician**”; and

Further amend said bill, Page 40, Section 191.630, Line 27, by inserting the word “**paramedic**” after “190.100,”; and

Further amend said bill, Pages 43, Sections 221.520, Line 46, by inserting the following after all of said section and line:

“287.243. 1. This section shall be known and may be cited as the “Line of Duty Compensation Act”.

2. As used in this section, unless otherwise provided, the following words shall mean:

(1) “Air ambulance pilot”, a person certified as an air ambulance pilot in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by the department of health and senior services[, division of regulation and licensure, 19 CSR 30-40.005, et seq.];

(2) “Air ambulance registered professional nurse”, a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to

190.245 and the corresponding regulations applicable to such programs;

(3) **“Air ambulance registered respiratory therapist”, a person licensed as a registered respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations adopted by the state board for respiratory care, who provides respiratory therapy services in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;**

[(3)] (4) **“Child”, any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] public safety officer** who, at the time of the [law enforcement officer’s, emergency medical technician’s, air ambulance pilot’s, air ambulance registered professional nurse’s, or firefighter’s] **public safety officer’s** fatality is:

(a) Eighteen years of age or under;

(b) Over eighteen years of age and a student, as defined in 5 U.S.C. Section 8101; or

(c) Over eighteen years of age and incapable of self-support because of physical or mental disability;

[(4)] (5) **“Emergency medical technician”, a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by the department of health and senior services under sections 190.001 to 190.245;**

[(5)] (6) **“Firefighter”, any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;**

(7) **“Flight crew member”, an individual engaged in flight responsibilities with an air ambulance licensed in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;**

[(6)] (8) **“Killed in the line of duty”, when any person defined in this section loses his or her life when:**

(a) Death is caused by an accident or the willful act of violence of another;

(b) The [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** is in the active performance of his or her duties in his or her respective profession and there is a relationship between the accident or commission of the act of violence and the performance of the duty, even if the individual is off duty; the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** is traveling to or from employment; or the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** is taking any meal break or other break which takes place while that individual is on duty;

(c) Death is the natural and probable consequence of the injury; and

(d) Death occurs within three hundred weeks from the date the injury was received.

The term excludes death resulting from the willful misconduct or intoxication of the [law enforcement

officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer**. The division of workers' compensation shall have the burden of proving such willful misconduct or intoxication;

[(7)] (9) "Law enforcement officer", any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life;

[(8)] (10) "Local governmental entity", includes counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

(11) "**Public safety officer**", any law enforcement officer, firefighter, uniformed employee of the office of the state fire marshal, emergency medical technician, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty or any emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, air ambulance registered respiratory therapist, or flight crew member who is killed in the line of duty;

[(9)] (12) "State", the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

[(10)] (13) "Volunteer firefighter", a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by survivors of the deceased with the division of workers' compensation not later than one year from the date of death of a [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer**. If a claim is made within one year of the date of death of a [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** killed in the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation under this section.

(2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars, subject to appropriation, for death occurring on or after June 19, 2009.

4. Any compensation awarded under the provisions of this section shall be distributed as follows:

(1) To the surviving spouse of the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** if there is no child who survived the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer**;

(2) Fifty percent to the surviving child, or children, in equal shares, and fifty percent to the surviving

spouse if there is at least one child who survived the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer**, and a surviving spouse of the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer**;

(3) To the surviving child, or children, in equal shares, if there is no surviving spouse of the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer**;

(4) If there is no surviving spouse of the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** and no surviving child:

(a) To the surviving individual, or individuals, in shares per the designation or, otherwise, in equal shares, designated by the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** to receive benefits under this subsection in the most recently executed designation of beneficiary of the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** on file at the time of death with the public safety agency, organization, or unit; or

(b) To the surviving individual, or individuals, in equal shares, designated by the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** to receive benefits under the most recently executed life insurance policy of the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** on file at the time of death with the public safety agency, organization, or unit if there is no individual qualifying under paragraph (a);

(5) To the surviving parent, or parents, in equal shares, of the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** if there is no individual qualifying under subdivision (1), (2), (3), or (4) of this subsection; or

(6) To the surviving individual, or individuals, in equal shares, who would qualify under the definition of the term “child” but for age if there is no individual qualifying under subdivision (1), (2), (3), (4), or (5) of this subsection.

5. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the [law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter] **public safety officer** was serving at the time of his or her death;

(2) The name and address of the claimant;

(3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and

(4) Such other information that is reasonably required by the division.



When a claim is filed, the division of workers' compensation shall make an investigation for substantiation of matters set forth in the application.

6. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

7. Neither employers nor workers' compensation insurers shall have subrogation rights against any compensation awarded for claims under this section. Such compensation shall not be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to setoff or counterclaim, or be in any way liable for any debt, except that the division or commission may allow as lien on the compensation, reasonable attorney's fees for services in connection with the proceedings for compensation if the services are found to be necessary. Such fees are subject to regulation as set forth in section 287.260.

8. Any person seeking compensation under this section who is aggrieved by the decision of the division of workers' compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

9. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after June 19, 2019, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

10. The provisions of this section, unless specified, shall not be subject to other provisions of this chapter.

11. There is hereby created in the state treasury the "Line of Duty Compensation Fund", which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for paying claims under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

12. The division shall promulgate rules to administer this section, including but not limited to the appointment of claims to multiple claimants, record retention, and procedures for information requests. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after June 19, 2009, shall be invalid and void."; and

Further amend said bill, Page 45, Section 320.094, Line 68, by inserting the following after all of said section and line:

“320.097. 1. As used in this section, “fire department” means any agency or organization that provides fire suppression and related activities, including but not limited to fire prevention, rescue, emergency medical services, hazardous material response, dispatching, or special operations to a population within a fixed and legally recorded geographical area.

2. No employee of a fire department who has worked for seven years for such department shall, as a condition of employment, be required to reside within a fixed and legally recorded geographical area of the fire department if the only public school district available to the employee within such fire department’s geographical area is a public school district that is or has been unaccredited or provisionally accredited in the last five years of such employee’s employment. Employees who have satisfied the seven-year requirement in this subsection and who choose to reside outside the geographical boundaries of the department shall reside within a one-hour response time. No charter school shall be deemed a public school for purposes of this section.

3. No employee of a fire department who has not resided in such fire department’s fixed and legally recorded geographical area, or who has changed such employee’s residency because of conditions described in subsection 2 of this section, shall as a condition of employment be required to reside within the fixed and legally recorded geographical area of the fire department if such school district subsequently becomes fully accredited.

**4. No hourly employee of a fire department shall be required to live in a fire department’s fixed and legally recorded geographical area.**

**320.098. No county shall require attendance at a specific training academy by any candidate for a firefighter position but may require a specific certification from any training academy.”; and**

Further amend said bill, Page 46, Section 320.202, Line 33, by inserting the following after all of said section and line:

“321.017. 1. Notwithstanding the provisions of section 321.015, no employee of any fire protection district or ambulance district shall serve as a member of any fire district or ambulance district board while such person is employed by any fire district or ambulance district, except that an employee of a fire protection district or an ambulance district may serve as a member of a voluntary fire protection district board or a voluntary ambulance district board.

2. Notwithstanding any other provision of law to the contrary, individual board members shall not be eligible for employment by the board within twelve months of termination of service as a member of the board unless such employment is on a volunteer basis or without compensation.

**3. Notwithstanding any provision of law to the contrary, no fire protection district or ambulance district shall require an hourly employee to live within the district.**

321.162. 1. All members of the board of directors of a fire protection district first elected on or after January 1, 2008, shall attend and complete an educational seminar or conference or other suitable training on the role and duties of a board member of a fire protection district. The training required under this section shall be conducted by an entity approved by the office of the state fire marshal. The office of the state fire marshal shall determine the content of the training to fulfill the requirements of this section. Such training

shall include, at a minimum:

- (1) Information relating to the roles and duties of a fire protection district director;
- (2) A review of all state statutes and regulations relevant to fire protection districts;
- (3) State ethics laws;
- (4) State sunshine laws, chapter 610;
- (5) Financial and fiduciary responsibility;
- (6) State laws relating to the setting of tax rates; and
- (7) State laws relating to revenue limitations.

2. If any fire protection district board member fails to attend a training session within twelve months after taking office, the board member shall not be compensated for attendance at meetings thereafter until the board member has completed such training session. **If any fire protection district board member fails to attend a training session within twenty-four months after taking office, the board member shall forfeit his or her position as a board member and the remaining board members shall appoint an interim board member to hold the position for the remainder of the term of the forfeited member, provided, however, the board shall not appoint the forfeited member.”;** and

321.200. 1. Except as otherwise provided in subsection 3 **of this section**, the board shall meet regularly, not less than once each month, at a time and at some building in the district to be designated by the board. Notice of the time and place of future regular meetings shall be posted continuously at the firehouse or firehouses of the district. Additional meetings may be held, when the needs of the district so require, at a place regular meetings are held, and notice of the time and place shall be given to each member of the board. Meetings of the board shall be held and conducted in the manner required by the provisions of chapter 610. All minutes of meetings of the board and all other records of the fire protection district shall be available for public inspection at the main firehouse within the district by appointment with the secretary of the board within one week after a written request is made between the hours of 8:00 a.m. and 5:00 p.m. every day except Sunday. A majority of the members of the board shall constitute a quorum at any meeting and no business shall be transacted unless a quorum is present. The board, acting as a board, shall exercise all powers of the board, without delegation thereof to any other governmental or other body or entity or association, and without delegation thereof to less than a quorum of the board. Agents, employees, engineers, auditors, attorneys, firemen and any other member of the staff of the district may be employed or discharged only by a board which includes at least two directors; but any board of directors may suspend from duty any such person or staff member who willfully and deliberately neglects or refuses to perform his or her regular functions.

2. Any vacancy on the board shall be filled by the remaining elected members of the board, except when less than two elected members remain on the board any vacancy shall be filled by the circuit court of the county in which all or a majority of the district lies. The appointee or appointees shall act until the next biennial election at which a director or directors are elected to serve the remainder of the unexpired term.

3. Notwithstanding any provision of sections 610.015 and 610.020 to the contrary, when Missouri Task Force One or any Urban Search and Rescue Task Force is activated for deployment by the federal emergency management agency, state emergency management agency, or statewide mutual aid, a quorum

of the board of directors of the affiliated fire protection district may meet in person, via telephone, facsimile, internet, or any other voice or electronic means, without public notice, in order to authorize by roll call vote the disbursement of funds necessary for the deployment.

4. In the event action is necessary under subsection 3 of this section, the board of directors of the affiliated fire protection district shall keep minutes of the emergency meeting and disclose during the next regularly scheduled meeting of the board that the emergency meeting was held, the action that precipitated calling the emergency meeting without notice, and that the minutes of the emergency meeting are available as a public record of the board.

**5. Members of a fire district or ambulance district board of directors shall only receive compensation for meetings the member attended. If multiple meetings occur on the same day, members shall not receive compensation for more than one meeting.”; and**

Further amend said bill, Page 49, Section 353.110, Line 88, by inserting immediately after said section and line the following:

**“590.025. No law enforcement agency shall require an hourly employee who has been employed by the law enforcement agency for seven years or more to live within a fixed and legally recorded geographical area.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 6, Section 190.094, Line 12, by inserting after all of said section and line the following:

**“190.096. 1. This section shall be known and may be cited as the “Tactical Response to Traumatic Injuries Act”.**

**2. For purposes of this section, “trauma public access kit” or “trauma PAK” means a first aid response kit that contains at least all of the following:**

**(1) Two tourniquets;**

**(2) Two pressure dressings that are inspected for replacement no less than every three years;**

**(3) Four chest seals that are inspected for replacement no less than every three years;**

**(4) Medical materials and equipment similar to those described in subdivisions (1), (2), and (3) of this subsection, and any additional items that are approved by local law enforcement or first responders, that adequately treat a traumatic injury, and can be stored in a readily available kit; and**

**(5) Instructional documents based upon nationally or internationally recognized evidence-based treatment recommendations, guidelines, and programs.**

**3. In order to ensure public safety, a person or entity that supplies a trauma kit may provide the person or entity that acquires the trauma kit with all information governing the use, installation, operation, training, and maintenance of the trauma kit.**

**4. The placement of trauma PAKs in public or private buildings, facilities, or structures is voluntary, but this shall not preclude any state agency or political subdivision from adopting**

mandatory building standards requiring the placement of PAKs in public buildings, facilities, or structures. If any person or entity places or requires the placement of PAKs in private buildings, facilities, or structures, then such persons or entities shall comply with the requirements of subsection 5 of this section in order for such person or entity, or any agents thereof, to claim immunity from civil damages under subsection 6 of this section.

**5. In order to ensure public safety, the entity responsible for managing the building, facility, or tenants of a structure in which a trauma PAK is placed that is an occupied structure shall do all of the following:**

**(1) Comply with all regulations governing the placement of a trauma PAK;**

**(2) Inspect all trauma PAKs acquired and placed on the premises of a building, facility, or structure every three years from the date of installation to ensure that all materials, supplies, and equipment contained in the trauma PAK are not expired, and replace any expired materials, supplies, and equipment as necessary;**

**(3) Restock the trauma PAK after each use and replace any materials, supplies, and equipment as necessary to ensure that all materials, supplies, and equipment required to be contained in the trauma PAK are contained in the trauma PAK;**

**(4) At least once per year, notify tenants of the building, facility, or structure of the location of the trauma PAK and provide information to tenants regarding contact information for training in the use of the trauma PAK; and**

**(5) Provide tenants with instructions in the use of the trauma PAK from the training programs described in subdivision (5) of subsection 2 of this section.**

**6. Notwithstanding any other provision of law, a person or entity that acquires and places a trauma kit for emergency care in a structure shall not be liable for any civil damages resulting from any acts or omissions in the rendering of emergency care by use of the trauma kit if that person or entity has complied with subsection 5 of this section.**

**7. Any person who gratuitously and in good faith renders emergency care or treatment by the use of a trauma PAK at the scene of an emergency shall not be held liable for any civil damages as a result of such care or treatment, unless the person acts in a willful and wanton or reckless manner in providing the care or treatment. The person or entity who provides appropriate training to the person using the trauma PAK, the person or entity responsible for the site where the trauma PAK is located, the person or entity that owns the trauma PAK, the person or entity that provided clinical protocol for trauma PAK sites or programs, and the person or entity that reviews and approves the clinical protocol shall likewise not be held liable for civil damages resulting from the use of a trauma PAK. Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538. The protections specified in this section shall not apply in the case of personal injury or wrongful death that results from the gross negligence or willful or wanton misconduct of the person who renders emergency care or treatment by the use of a trauma PAK.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 49, Section 353.110, Line 88, by inserting after all of said section and line the following:

“577.029. 1. A licensed physician, registered nurse, phlebotomist, or trained medical technician, acting at the request and direction of the law enforcement officer **under section 577.020**, shall, **with the consent of the patient or a warrant issued by a court of competent jurisdiction**, withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical personnel, in his or her good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or her.

**2. No medical personnel employed by or practicing in a hospital or employed as an emergency medical technician shall be arrested or charged with an offense for failure to comply with this section, unless such medical personnel or emergency medical technician has contracted with law enforcement for the purpose of performing the duties required by this section. Notwithstanding the provisions of section 577.031, no hospital or such medical personnel shall be civilly liable for complying with the provisions of this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 840**.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 840, Page 1, In The Title, Line 3, by deleting the word “dietitians” and inserting in lieu thereof the words “professional registration”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 840, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“256.462. 1. The board shall meet within forty-five days after appointment of its initial members. The board shall hold at least four regular meetings each year. Special meetings shall be held at such times as the rules of the board may provide and in accordance with notice requirements thereof.

2. The board shall elect annually from its own membership a chair, vice chair, and secretary-treasurer,

none of whom shall hold that office for more than two consecutive one-year terms, and the director of the division of professional registration shall be the executive secretary to assist the board in carrying out its duties and responsibilities.

3. The board shall promulgate rules pursuant to chapter 536 and section 256.640, necessary for the administration and enforcement of sections 256.450 to 256.483.

4. The board shall prepare, administer, and grade or supervise the preparation, administering, and grading of oral and written examinations as required to administer and enforce sections 256.450 to 256.483. The board may adopt or recognize, in part or in whole, examinations prepared, administered, or graded by other organizations, on a regional or national basis, which the board determines are appropriate to measure the qualifications of an applicant for registration as a geologist in Missouri, provided that the individual's examination records are available to the board.

5. The board shall issue certificates of registration and shall renew and reissue certificates as provided in sections 256.450 to 256.483. The board may upon reissuing and renewal require the applicant to provide evidence of continued competence in the practice of geology.

6. The board shall promulgate, by rule, and issue a code of professional conduct for registered geologists. The board may suspend, revoke or refuse issuance or renewal of registration for any registered geologist who is found in violation of the code of professional conduct.

7. The board may refuse issuance or renewal of or suspend or revoke any certificate, and impose sanctions including restrictions on the practice of any individual geologist registered in Missouri for violations of sections 256.450 to 256.483 or the rules promulgated thereunder.

8. The board shall seek cease and desist orders and injunctions against any person violating sections 256.450 to 256.483 or the rules promulgated thereunder.

9. The board shall recognize and authorize the official use of the designation "registered geologist" for geologists registered under the provisions of sections 256.450 to 256.483.

10. [The board may enter into agreements with licenser organizations of other states having official registration responsibilities for the purposes of developing uniform standards for registration of geologists including education, examinations, and other procedures for the purposes of developing and entering into registration reciprocity agreements. All such agreements shall be in accordance with the provisions of sections 256.450 to 256.483.

11.] The board may recognize and establish, by rule, specialty fields of geologic practice and establish qualifications, conduct examinations, and issue certificates of registration in such specialties to qualified applicants.

256.468. 1. An applicant for certification as a registered geologist shall complete and sign a personal data form, prescribed and furnished by the board, and shall provide the appropriate application fee. The personal data of an individual shall be considered confidential information.

2. The applicant shall have graduated from a course of study satisfactory to the board and which includes at least thirty semester or forty-five quarter hours of credit in geology.

3. The applicant shall provide to the board a detailed summary of actual geologic work, documenting that the applicant meets the minimum requirements for registration as a geologist, including a demonstration

that the applicant has at least three years of postbaccalaureate experience in the practice of geology.

4. Except as provided in this section, no applicant shall be certified unless he or she shall have passed an examination covering the fundamentals, principles and practices of geology prescribed or accepted by the board.

5. Any person, upon application to the board and demonstration that the person meets the requirements of subsections 1 and 2 of this section and has passed that portion of the professional examination covering the fundamentals of geology, shall be awarded the geologist-registrant in-training certificate. The geologist then may use the title “geologist-registrant in-training” subject to the limitations of sections 256.450 to 256.483.

6. The board shall deny registration to an applicant who fails to satisfy the requirements of this section. The board shall not issue a certificate of registration pending the disposition in this or another state of any complaint alleging a violation of this chapter or the laws, rules, regulations and code of professional conduct applicable to registered geologists and regulated geologic work of which violation the board has notice. An applicant who is denied registration shall be notified in writing within thirty days of the board’s decision and the notice shall state the reason for denial of registration. Any person aggrieved by a final decision of the board on an application for registration may appeal that decision to the administrative hearing commission in the manner provided in section 621.120.

7. The board shall issue an appropriate certificate evidencing the issuance of the certificate of registration upon payment of the applicable registration fee to any applicant who has satisfactorily met all the requirements of this section for registration as a geologist. Such certificate shall show the full name of the registrant, shall have a serial number, and shall be dated and signed by an appropriate officer of the board under the seal of the board.

8. The certificate seal shall be prima facie evidence that the person named therein is entitled to all rights and privileges of a registered geologist under sections 256.450 to 256.483 and to practice geology as an individual, firm or corporation while such certificate remains unrevoked or unexpired.

9. The board may issue a certificate of registration to any individual who has made application and provided proof of certification of registration from another [state nongovernmental or governmental organization, or] country, approved by the board, provided that the registration or licensing requirements are substantially similar to the requirements of this section and the necessary fees have been paid. The board may require, by examination or other procedures, demonstration of competency pertaining to geologic conditions in Missouri.

10. The board shall reissue the certificate of registration of any registrant who, before the expiration date of the certificate and within a period of time and procedures established by the board, submits the required renewal application and fee.

11. The board, by rule, may establish conditions and fees for the reissuing of certificates of registration which have lapsed, expired, or have been suspended or revoked.

12. Registered geologists may purchase from the board, or other approved sources, a seal bearing the registered geologist’s name, registration number, and the legend “Registered Geologist”.

**324.009. 1. For purposes of this section, the following terms mean:**



(1) “License”, a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation or profession in a particular jurisdiction; except that “license” shall not include a certificate of license to teach in public schools under section 168.021;

(2) “Oversight body”, any board, department, agency, or office of a jurisdiction that issues licenses; except, for the purposes of this section, oversight body shall not include the state board of registration for the healing arts, the state board of nursing, the board of pharmacy, the state committee of psychologists, the Missouri dental board, the Missouri board for architects, professional engineers, professional land surveyors and professional landscape architects, the state board of optometry, or the Missouri veterinary medical board.

2. Any resident of Missouri who holds a valid current license issued by another state, territory of the United States, or the District of Columbia may submit an application for a license in Missouri in the same occupation or profession for which he or she holds the current license, along with proof of current licensure in the other jurisdiction, to the relevant oversight body in this state.

3. The oversight body in this state shall, within six months of receiving an application described in subsection 2 of this section, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that the licensing requirements in the jurisdiction that issued the applicant’s license are substantially similar to or more stringent than the licensing requirements in Missouri for the same occupation or profession.

4. The oversight body shall not waive any examination, educational, or experience requirements for any applicant who is currently under disciplinary action with an oversight body outside the state or who does not hold a valid current license in the other jurisdiction on the date the oversight body receives his or her application under this section.

5. The oversight body shall not waive any examination, educational, or experience requirements for any applicant if it determines that waiving the requirements for the applicant may endanger the public health, safety, or welfare.

6. Nothing in this section shall prohibit the oversight body from denying a license to an applicant under this section for any reason described in any section associated with the occupation or profession for which the applicant seeks a license.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license the applicant seeks.

8. This section shall not apply to business, professional, or occupational licenses issued or required by political subdivisions.

9. The provisions of this section shall not be construed to alter the authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts adopted by Missouri statute or any reciprocity agreements with other states in effect on August 28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict between it and any compact, or any reciprocity agreements with other states in effect on August 28, 2018.

324.071. 1. The applicant applying for a license to practice occupational therapy shall provide evidence of being initially certified by a certifying entity and has completed an application for licensure and all

applicable fees have been paid.

2. The certification requirement shall be waived for those persons who hold a current registration by the board as an occupational therapist or occupational therapy assistant on August 28, 1997, provided that this application is made on or before October 31, 1997, and all applicable fees have been paid. All other requirements of sections 324.050 to 324.089 must be satisfied.

3. The person shall have no violations, suspensions, revocation or pending complaints for violation of regulations from a certifying entity or any governmental regulatory agency in the past five years.

[4. The board may negotiate reciprocal contracts with other states, the District of Columbia, or territories of the United States which require standards for licensure, registration or certification considered to be equivalent or more stringent than the requirements for licensure pursuant to sections 324.050 to 324.089.]"; and

Further amend said bill, Page 4, Section 324.210, Line 36, by inserting after all of said section and line the following:

"324.215. 1. The committee shall issue a license to each candidate who files an application and pays the fee as required by the provisions of sections 324.200 to 324.225 and who furnishes evidence satisfactory to the committee that the candidate has complied with the provisions of section 324.210 or with the provisions of subsection 2 of this section.

2. The committee may issue a license to any dietitian who has a valid current license to practice dietetics or medical nutrition therapy in [any jurisdiction] **another country**, provided that such person is licensed in a [jurisdiction] **country** whose requirements for licensure are substantially equal to, or greater than, the requirements for licensure of dietitians in Missouri at the time the applicant applies for licensure.

3. The committee may not allow any person to sit for the examination for licensure as a dietitian in this state who has failed the examination as approved by the committee three times, until the applicant submits evidence of satisfactory completion of additional course work or experience and has been approved by the committee for reexamination.

324.421. The council shall register without examination any interior designer certified, licensed or registered in [another state or territory of the United States or] **a foreign country** if the applicant has qualifications which are at least equivalent to the requirements for registration as a registered interior designer in this state and such applicant pays the required fees.

324.487. 1. It is unlawful for any person to practice acupuncture in this state, unless such person:

(1) Possesses a valid license issued by the board pursuant to sections 324.475 to 324.499; or

(2) Is engaged in a supervised course of study that has been authorized by the committee approved by the board, and is designated and identified by a title that clearly indicates status as a trainee, and is under the supervision of a licensed acupuncturist.

2. A person may be licensed to practice acupuncture in this state if the applicant:

(1) Is twenty-one years of age or older and [meets one of the following requirements:

(a)] is actively certified as a Diplomat in Acupuncture by the National Commission for the Certification of Acupuncture and Oriental Medicine[; or

(b) Is actively licensed, certified or registered in a state or jurisdiction of the United States which has eligibility and examination requirements that are at least equivalent to those of the National Commission for the Certification of Acupuncture and Oriental Medicine, as determined by the committee and approved by the board]; and

(2) Submits to the committee an application on a form prescribed by the committee; and

(3) Pays the appropriate fee.

3. The board shall issue a certificate of licensure to each individual who satisfies the requirements of subsection 2 of this section, certifying that the holder is authorized to practice acupuncture in this state. The holder shall have in his or her possession at all times while practicing acupuncture, the license issued pursuant to sections 324.475 to 324.499.

324.920. 1. The applicant for a statewide electrical contractor's license shall satisfy the following requirements:

(1) Be at least twenty-one years of age;

(2) Provide proof of liability insurance in the amount of five hundred thousand dollars, and post a bond with each political subdivision in which he or she will perform work, as required by that political subdivision;

(3) Pass a standardized and nationally accredited electrical assessment examination that has been created and administered by a third party and that meets current national industry standards, as determined by the division;

(4) Pay for the costs of such examination; and

(5) Have completed one of the following:

(a) Twelve thousand verifiable practical hours installing equipment and associated wiring;

(b) Ten thousand verifiable practical hours installing equipment and associated wiring and have received an electrical journeyman certificate from a United States Department of Labor-approved electrical apprenticeship program;

(c) Eight thousand verifiable practical hours installing equipment and associated wiring and have received an associate's degree from a state-accredited program; or

(d) Four thousand verifiable practical hours supervising the installation of equipment and associated wiring and have received a four-year electrical engineering degree.

2. Electrical contractors who hold an electrical contractor license in good standing that was issued by any authority in this state that required prior to January 1, 2018, the passing of a standardized and nationally accredited written electrical assessment examination that is based upon the National Electrical Code and who have completed twelve thousand hours of verifiable practical experience shall be issued a statewide license. The provisions of this subsection shall apply only to electrical contractor licenses issued by a political subdivision with the legal authority to issue such licenses.

3. Each corporation, firm, institution, organization, company, or representative thereof engaging in electrical contracting shall have in its employ, at a supervisory level, at least one electrical contractor who

possesses a statewide license in accordance with sections 324.900 to 324.945. A statewide licensed electrical contractor shall represent only one firm, company, corporation, institution, or organization at one time.

4. Any person operating as an electrical contractor in a political subdivision that does not require the contractor to hold a local license shall not be required to possess a statewide license under sections 324.900 to 324.945 to continue to operate as an electrical contractor in such political subdivision.

[5. The division may negotiate reciprocal agreements with other states, the District of Columbia, or territories of the United States which require standards for licensure, registration, or certification considered to be equivalent or more stringent than the requirements for licensure under sections 324.900 to 324.945.]

324.1110. 1. (1) The board shall require as a condition of licensure as a private investigator that the applicant pass a written examination as evidence of knowledge of investigator rules and regulations.

(2) In the event requirements have been met so that testing has been waived, qualification shall be dependent on a showing of, for the two previous years:

- (a) Registration and good standing as a business in this state; and
- (b) Two hundred fifty thousand dollars in business general liability insurance.

[(3) The board may review applicants seeking reciprocity. An applicant seeking reciprocity shall have undergone a licensing procedure similar to that required by this state and shall meet this state's minimum insurance requirements.]

2. The board shall require as a condition of licensure as a private fire investigator that the applicant:

- (1) Provide evidence of active certification as a fire investigator issued by the division of fire safety; and
- (2) Provide proof of liability insurance with coverage of at least one million dollars.

3. The board shall conduct a complete investigation of the background of each applicant for licensure as a private investigator or private fire investigator to determine whether the applicant is qualified for licensure under sections 324.1100 to 324.1148. The board shall outline basic qualification requirements for licensing as a private investigator, private investigator agency, private fire investigator, and private fire investigator agency.

328.085. 1. The board shall grant without examination a license to practice barbering to any applicant [who holds a current barber's license which is issued by another state or territory whose requirements for licensure were equivalent to the licensing requirements in effect in Missouri at the time the applicant was licensed or] who has practiced the trade in another state for at least two consecutive years. An applicant under this section shall pay the appropriate application and licensure fees at the time of making application. A licensee who is currently under disciplinary action with another board of barbering shall not be licensed by reciprocity under the provisions of [this chapter] **section 324.009**.

2. Any person who has lawfully practiced or received training in another state who does not qualify for licensure without examination may apply to the board for licensure by examination. Upon application to the board, the board shall evaluate the applicant's experience and training to determine the extent to which the applicant's training and experience satisfies current Missouri licensing requirements and shall notify the applicant regarding his **or her** deficiencies and inform the applicant of the action which he **or she** must

take to qualify to take the examination.

3. The applicant for licensure under this section shall pay a fee equivalent to the barber examination fee.

329.085. 1. Any person desiring an instructor license shall submit to the board a written application on a form supplied by the board showing that the applicant has met the requirements set forth in section 329.080 **or 324.009**. An applicant who has met all requirements as determined by the board shall be allowed to take the instructor examination, including any person who has been licensed three or more years as a cosmetologist, manicurist or esthetician. If the applicant passes the examination to the satisfaction of the board, the board shall issue to the applicant an instructor license.

2. The instructor examination fee and the instructor license fee for an instructor license shall be nonrefundable.

3. The instructor license renewal fee shall be in addition to the regular cosmetologist, esthetician or manicurist license renewal fee. For each renewal the instructor shall submit proof of having attended a teacher training seminar or workshop at least once every two years, sponsored by any university, or Missouri vocational association, or bona fide state cosmetology association specifically approved by the board to satisfy the requirement for continued training of this subsection. Renewal fees shall be due and payable on or before the renewal date and, if the fee remains unpaid thereafter in such license period, there shall be a late fee in addition to the regular fee.

4. Instructors duly licensed as physicians or attorneys or lecturers on subjects not directly pertaining to the practice pursuant to this chapter need not be holders of licenses provided for in this chapter.

5. [The board shall grant instructor licensure upon application and payment of a fee equivalent to the sum of the instructor examination fee and the instructor license fee, provided the applicant establishes compliance with the cosmetology instructor requirements of another state, territory of the United States, or District of Columbia wherein the requirements are substantially equal or superior to those in force in Missouri at the time the application for licensure is filed and the applicant holds a current instructor license in the other jurisdiction at the time of making application.

6.] Any person licensed as a cosmetology instructor prior to the training requirements which became effective January 1, 1979, may continue to be licensed as such, provided such license is maintained and the licensee complies with the continued training requirements as provided in subsection 3 of this section. Any person with an expired instructor license that is not restored to current status within two years of the date of expiration shall be required to meet the training and examination requirements as provided in this section and section 329.080.

329.130. 1. The board shall grant without examination a license to practice cosmetology to any applicant [who holds a current license that is issued by another state, territory of the United States, or the District of Columbia whose requirements for licensure are substantially equal to the licensing requirements in Missouri at the time the application is filed or] who has practiced cosmetology for at least two consecutive years in another state, territory of the United States, or the District of Columbia. The applicant under this subsection shall pay the appropriate application and licensure fees at the time of making application. A licensee who is currently under disciplinary action with another board of cosmetology shall not be licensed by reciprocity under the provisions of [this chapter] **section 324.009**.

2. Any person who lawfully practiced or received training in another state who does not qualify for

licensure without examination may apply to the board for licensure by examination. Upon application to the board, the board shall evaluate the applicant's experience and training to determine the extent to which the applicant's training and experience satisfies current Missouri licensing requirements and shall notify the applicant regarding his or her deficiencies and inform the applicant of the action that he or she must take to qualify to take the examination. The applicant for licensure under this subsection shall pay the appropriate examination and licensure fees.

330.030. Any person desiring to practice podiatric medicine in this state shall furnish the board with satisfactory proof, including a statement under oath or affirmation that all representations are true and correct to the best knowledge and belief of the person submitting and signing same, subject to the penalties of making a false affidavit or declaration, that he or she is twenty-one years of age or over, and of good moral character, and that he or she has received at least four years of high school training, or the equivalent thereof, and has received a diploma or certificate of graduation from an approved college of podiatric medicine, recognized and approved by the board, having a minimum requirement of two years in an accredited college and four years in a recognized college of podiatric medicine. Upon payment of the examination fee, and making satisfactory proof as aforesaid, the applicant shall be examined by the board, or a committee thereof, under such rules and regulations as said board may determine, and if found qualified, shall be licensed, upon payment of the license fee, to practice podiatric medicine as licensed; provided, that the board shall, under regulations established by the board, admit without examination legally qualified practitioners of podiatric medicine who hold licenses to practice podiatric medicine in [any state or territory of the United States or the District of Columbia or] any foreign country with equal educational requirements to the state of Missouri upon the applicant paying a fee equivalent to the license and examination fees required above.

331.030. 1. No person shall engage in the practice of chiropractic without having first secured a chiropractic license as provided in this chapter.

2. Any person desiring to procure a license authorizing the person to practice chiropractic in this state shall be at least twenty-one years of age and shall make application on the form prescribed by the board. The application shall contain a statement that it is made under oath or affirmation and that representations contained thereon are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration, and shall give the applicant's name, address, age, sex, name of chiropractic schools or colleges which the person attended or of which the person is a graduate, and such other reasonable information as the board may require. The applicant shall give evidence satisfactory to the board of the successful completion of the educational requirements of this chapter, that the applicant is of good moral character, and that the chiropractic school or college of which the applicant is a graduate is teaching chiropractic in accordance with the requirements of this chapter. The board may make a final determination as to whether or not the school from which the applicant graduated is so teaching.

3. Before an applicant shall be eligible for licensure, the applicant shall furnish evidence satisfactory to the board that the applicant has received the minimum number of semester credit hours, as required by the Council on Chiropractic Education, or its successor, prior to beginning the doctoral course of study in chiropractic. The minimum number of semester credit hours applicable at the time of enrollment in a doctoral course of study must be in those subjects, hours and course content as may be provided for by the Council on Chiropractic Education or, in the absence of the Council on Chiropractic Education or its provision for such subjects, such hours and course content as adopted by rule of the board; however in no

event shall fewer than ninety semester credit hours be accepted as the minimum number of hours required prior to beginning the doctoral course of study in chiropractic. The examination applicant shall also provide evidence satisfactory to the board of having graduated from a chiropractic college having status with the Commission on Accreditation of the Council on Chiropractic Education or its successor. Any senior student in a chiropractic college having status with the Commission on Accreditation on the Council on Chiropractic Education or its successor may take a practical examination administered or approved by the board under such requirements and conditions as are adopted by the board by rule, but no license shall be issued until all of the requirements for licensure have been met.

4. Each applicant shall pay upon application an application or examination fee. All moneys collected pursuant to the provisions of this chapter shall be nonrefundable and shall be collected by the director of the division of professional registration who shall transmit it to the department of revenue for deposit in the state treasury to the credit of the chiropractic board fund. Any person failing to pass a practical examination administered or approved by the board may be reexamined upon fulfilling such requirements, including the payment of a reexamination fee, as the board may by rule prescribe.

5. Every applicant for licensure by examination shall have taken and successfully passed all required and optional parts of the written examination given by the National Board of Chiropractic Examiners, including the written clinical competency examination, under such conditions as established by rule of the board, and all applicants for licensure by examination shall successfully pass a practical examination administered or approved by the board and a written examination testing the applicant's knowledge and understanding of the laws and regulations regarding the practice of chiropractic in this state. The board shall issue to each applicant who meets the standards and successful completion of the examinations, as established by rule of the board, a license to practice chiropractic. The board shall not recognize any correspondence work in any chiropractic school or college as credit for meeting the requirements of this chapter.

6. The board shall issue a license without examination to persons who have been regularly licensed to practice chiropractic in [any other state, territory, or the District of Columbia, or in] any foreign country, provided that the regulations for securing a license in the other [jurisdiction] **country** are equivalent to those required for licensure in the state of Missouri, when the applicant furnishes satisfactory evidence that the applicant has continuously practiced chiropractic for at least one year immediately preceding the applicant's application to the board and that the applicant is of good moral character, and upon the payment of the reciprocity license fee as established by rule of the board. The board may require an applicant to successfully complete the Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of Chiropractic Examiners if the requirements for securing a license in the other [jurisdiction] **country** are not equivalent to those required for licensure in the state of Missouri at the time application is made for licensure under this subsection.

7. Any applicant who has failed any portion of the practical examination administered or approved by the board three times shall be required to return to an accredited chiropractic college for a semester of additional study in the subjects failed, as provided by rule of the board.

8. A chiropractic physician currently licensed in Missouri shall apply to the board for certification prior to engaging in the practice of meridian therapy/acupressure/acupuncture. Each such application shall be accompanied by the required fee. The board shall establish by rule the minimum requirements for the specialty certification under this subsection. "Meridian therapy/acupressure/acupuncture" shall mean

methods of diagnosing and the treatment of a patient by stimulating specific points on or within the body by various methods including but not limited to manipulation, heat, cold, pressure, vibration, ultrasound, light, electrocurrent, and short-needle insertion for the purpose of obtaining a biopositive reflex response by nerve stimulation.

9. The board may through its rulemaking process authorize chiropractic physicians holding a current Missouri license to apply for certification in a specialty as the board may deem appropriate and charge a fee for application for certification, provided that:

(1) The board establishes minimum initial and continuing educational requirements sufficient to ensure the competence of applicants seeking certification in the particular specialty; and

(2) The board shall not establish any provision for certification of licensees in a particular specialty which is not encompassed within the practice of chiropractic as defined in section 331.010.

333.041. 1. Each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he or she is:

(1) At least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board; and

(2) A person of good moral character.

2. Every person desiring to enter the profession of embalming dead human bodies within the state of Missouri and who is enrolled in a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board shall register with the board as a practicum student upon the form provided by the board. After such registration, a student may assist, under the direct supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while serving his or her practicum. The form for registration as a practicum student shall be accompanied by a fee in an amount established by the board.

3. Each applicant for a license to practice embalming shall furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;

(2) Is a person of good moral character;

(3) Has completed a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board. If an applicant does not complete all requirements for licensure within five years from the date of his or her completion of an accredited program, his or her registration as an apprentice embalmer shall be automatically cancelled. The applicant shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application;

(4) Upon due examination administered by the board, is possessed of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof or has passed the national board examination of the Conference of Funeral Service Examining Boards. If any applicant fails to pass the state examination, he or she may retake



the examination at the next regular examination meeting. The applicant shall notify the board office of his or her desire to retake the examination at least thirty days prior to the date of the examination. Each time the examination is retaken, the applicant shall pay a new examination fee in an amount established by the board;

(5) Has been employed full time in funeral service in a licensed funeral establishment and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who holds a current and valid Missouri embalmer's license [or an embalmer who holds a current and valid embalmer's license in a state with which the Missouri board has entered into a reciprocity agreement] during an apprenticeship of not less than twelve consecutive months. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the apprenticeship period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six months of the apprenticeship period. All transcripts and other records filed with the board shall become a part of the board files.

4. If the applicant does not complete the application process within the five years after his or her completion of an approved program, then he or she must file a new application and no fees paid previously shall apply toward the license fee.

5. Examinations required by this section and section 333.042 shall be held at least twice a year at times and places fixed by the board. The board shall by rule and regulation prescribe the standard for successful completion of the examinations.

6. Upon establishment of his or her qualifications as specified by this section or section 333.042, the board shall issue to the applicant a license to practice funeral directing or embalming, as the case may require, and shall register the applicant as a duly licensed funeral director or a duly licensed embalmer. Any person having the qualifications required by this section and section 333.042 may be granted both a license to practice funeral directing and to practice embalming.

7. The board shall, upon request, waive any requirement of this chapter and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury.

333.042. 1. Every person desiring to enter the profession of funeral directing in this state shall make application with the state board of embalmers and funeral directors and pay the current application and examination fees. Except as otherwise provided in section 41.950, applicants not entitled to a license pursuant to section 333.051 **or 324.009** shall serve an apprenticeship for at least twelve consecutive months in a funeral establishment licensed for the care and preparation for burial and transportation of the human dead in this state or in another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirements for admission to practice funeral directing in this state. The applicant shall devote at least fifteen hours per week to his or her duties as an apprentice under the supervision of a Missouri licensed funeral director. Such applicant shall submit proof to the board, on forms provided by the board, that the applicant has arranged and conducted ten funeral services during the applicant's apprenticeship under the supervision of a Missouri licensed funeral director. Upon completion of the apprenticeship, the applicant shall appear before the board to be tested on the applicant's legal and practical knowledge of funeral directing, funeral home licensing, preneed funeral contracts and the care,

custody, shelter, disposition and transportation of dead human bodies. Upon acceptance of the application and fees by the board, an applicant shall have twenty-four months to successfully complete the requirements for licensure found in this section or the application for licensure shall be cancelled.

2. If a person applies for a limited license to work only in a funeral establishment which is licensed only for cremation, including transportation of dead human bodies to and from the funeral establishment, he or she shall make application, pay the current application and examination fee and successfully complete the Missouri law examination. He or she shall be exempt from the twelve-month apprenticeship required by subsection 1 of this section and the practical examination before the board. If a person has a limited license issued pursuant to this subsection, he or she may obtain a full funeral director's license if he or she fulfills the apprenticeship and successfully completes the funeral director practical examination.

3. If an individual is a Missouri licensed embalmer or has completed a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board or has successfully completed a course of study in funeral directing offered by an institution accredited by a recognized national, regional or state accrediting body and approved by the state board of embalmers and funeral directors, and desires to enter the profession of funeral directing in this state, the individual shall comply with all the requirements for licensure as a funeral director pursuant to subsection 1 of section 333.041 and subsection 1 of this section; however, the individual is exempt from the twelve-month apprenticeship required by subsection 1 of this section.

333.051. [1. Any individual holding a valid, unrevoked and unexpired license as a funeral director or embalmer in the state of his or her residence may be granted a license to practice funeral directing or embalming in this state on application to the board and on providing the board with such evidence as to his or her qualifications as is required by the board.

2. Any individual holding a valid, unrevoked and unexpired license as an embalmer or funeral director in another state having requirements substantially similar to those existing in this state may apply for a license to practice in this state by filing with the board a certified statement from the examining board of the state or territory in which the applicant holds his or her license showing the grade rating upon which the license was granted, together with a recommendation, and the board shall grant the applicant a license upon his or her successful completion of an examination over Missouri laws as required in section 333.041 or section 333.042 if the board finds that the applicant's qualifications meet the requirements for funeral directors or embalmers in this state at the time the applicant was originally licensed in the other state.

3.] A person holding a valid, unrevoked and unexpired license to practice funeral directing or embalming in another state or territory with requirements less than those of this state may, after five consecutive years of active experience as a licensed funeral director or embalmer in that state, apply for a license to practice in this state after passing a test to prove his or her proficiency, including but not limited to a knowledge of the laws and regulations of this state as to funeral directing and embalming.

337.510. 1. Each applicant for licensure as a professional counselor shall furnish evidence to the committee that the applicant is at least eighteen years of age, is of good moral character, is a United States citizen or is legally present in the United States; and

(1) The applicant has completed a course of study as defined by the board rule leading to a master's, specialist's, or doctoral degree with a major in counseling; and

(2) The applicant has completed acceptable supervised counseling as defined by board rule. If the

applicant has a master's degree with a major in counseling as defined by board rule, the applicant shall complete at least two years of acceptable supervised counseling experience subsequent to the receipt of the master's degree. The composition and number of hours comprising the acceptable supervised counseling experience shall be defined by board rule. An applicant may substitute thirty semester hours of post master's graduate study for one of the two required years of acceptable supervised counseling experience if such hours are clearly related to counseling;

(3) After August 28, 2007, each applicant shall have completed a minimum of three hours of graduate level coursework in diagnostic systems either in the curriculum leading to a degree or as post master's graduate level course work;

(4) Upon examination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications, research and its interpretation, and professional affairs and ethics.

2. [Any person who previously held a valid unrevoked, unsuspended license as a professional counselor in this state and who held a valid license as a professional counselor in another state at the time of application to the committee shall be granted a license to engage in professional counseling in this state upon application to the committee accompanied by the appropriate fee as established by the committee pursuant to section 337.507.

3.] Any person holding a current license, certificate of registration, or permit from another state or territory of the United States to practice as a professional counselor who **does not meet the requirements in section 324.009 and who** is at least eighteen years of age, is of good moral character, and is a United States citizen or is legally present in the United States may be granted a license without examination to engage in the practice of professional counseling in this state upon the application to the board, payment of the required fee as established by the board, and satisfying one of the following requirements:

(1) Approval by the American Association of State Counseling Boards (AASCB) or its successor organization according to the eligibility criteria established by AASCB. The successor organization shall be defined by board rule; or

(2) In good standing and currently certified by the National Board for Certified Counselors or its successor organization and has completed acceptable supervised counseling experience as defined by board rule. The successor organization shall be defined by board rule[; or

(3) Determination by the board that the requirements of the other state or territory are substantially the same as Missouri and certified by the applicant's current licensing entity that the applicant has a current license. The applicant shall also consent to examination of any disciplinary history].

[4.] 3. The committee shall issue a license to each person who files an application and fee and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of this act and has taken and passed a written, open-book examination on Missouri laws and regulations governing the practice of professional counseling as defined in section 337.500. The division shall issue a provisional professional counselor license to any applicant who meets all requirements of this section, but who has not completed the required acceptable supervised counseling experience and such applicant may reapply for licensure as a professional counselor upon completion of such acceptable supervised counseling experience.

[5.] 4. All persons licensed to practice professional counseling in this state shall pay on or before the license renewal date a renewal license fee and shall furnish to the committee satisfactory evidence of the

completion of the requisite number of hours of continuing education as required by rule, which shall be no more than forty hours biennially. The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of the illness of the licensee or for other good cause.

337.520. 1. The division shall promulgate rules and regulations pertaining to:

(1) The form and content of license applications required by the provisions of sections 337.500 to 337.540 **and section 324.009** and the procedures for filing an application for an initial or renewal license in this state;

(2) Fees required by the provisions of sections 337.500 to 337.540 **and section 324.009**;

(3) The content, conduct and administration of the licensing examination required by section 337.510;

(4) The characteristics of “acceptable supervised counseling experience” as that term is used in section 337.510;

(5) The equivalent of the basic educational requirements set forth in section 337.510;

(6) The standards and methods to be used in assessing competency as a professional counselor;

(7) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring under the provisions of sections 337.500 to 337.540;

(8) Development of an appeal procedure for the review of decisions and rules of administrative agencies existing under the constitution or laws of this state;

(9) Establishment of a policy and procedure for reciprocity with [other states, including] states which do not have counselor licensing laws [or] **and** states whose licensing laws are not substantially [the same as] **similar to** those of this state;

(10) The characteristics of “an acceptable educational institution” as that term is used in section 337.510;

(11) The characteristics of an acceptable agent for the certification of an exempted occupation as listed in subdivisions (11) and (13) of section 337.505; and

(12) The form and content of “ethical standards for counselors” as that term is used in subdivision (15) of subsection 2 of section 337.525.

2. No rule or portion of a rule promulgated under the authority of sections 337.500 to [337.545] **337.540** shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

337.615. 1. Each applicant for licensure as a clinical social worker shall furnish evidence to the committee that:

(1) The applicant has a master’s degree from a college or university program of social work accredited by the council of social work education or a doctorate degree from a school of social work acceptable to the committee;

(2) The applicant has completed at least three thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, in no less than twenty-four months and no more than forty-eight consecutive calendar months. For any applicant who has successfully completed at least

four thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible for application of licensure at three thousand hours and shall be furnished a certificate by the state committee for social workers acknowledging the completion of said additional hours;

(3) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be promulgated by rule of the committee;

(4) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure.

2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of Columbia to practice clinical social work **who does not meet the requirements of section 324.009** and who has had no disciplinary action taken against the license, certificate of registration, or permit for the preceding five years may be granted a license to practice clinical social work in this state if the person [meets one of the following criteria:

(1)] has received a masters or doctoral degree from a college or university program of social work accredited by the council of social work education and has been licensed to practice clinical social work for the preceding five years[; or

(2) Is currently licensed or certified as a clinical social worker in another state, territory of the United States, or the District of Columbia having substantially the same requirements as this state for clinical social workers].

3. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.

337.627. 1. The committee shall promulgate rules and regulations pertaining to:

(1) The form and content of license applications required by the provisions of sections 337.600 to 337.689 **and section 324.009** and the procedures for filing an application for an initial or renewal license in this state;

(2) Fees required by the provisions of sections 337.600 to 337.689 **and section 324.009**;

(3) The characteristics of supervised clinical experience, supervised master experience, supervised advanced macro experience, and supervised baccalaureate experience;

(4) The standards and methods to be used in assessing competency as a licensed clinical social worker, licensed master social worker, licensed advanced macro social worker, and licensed baccalaureate social worker, including the requirement for continuing education hours;

(5) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring pursuant to the provisions of sections 337.600 to 337.689;

(6) Development of an appeal procedure for the review of decisions and rules of administrative agencies

existing pursuant to the constitution or laws of this state;

(7) Establishment of a policy and procedure for reciprocity with [other states, including] states which do not have clinical, master, advanced macro, or baccalaureate social worker licensing laws [or] **and** states whose licensing laws are not substantially [the same as] **similar to** those of this state; and

(8) Any other policies or procedures necessary to the fulfillment of the requirements of sections 337.600 to 337.689.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

337.644. 1. Each applicant for licensure as a master social worker shall furnish evidence to the committee that:

(1) The applicant has a master's or doctorate degree in social work from an accredited social work degree program approved by the council of social work education;

(2) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be determined by the state committee for social workers;

(3) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure;

(4) The applicant has submitted a written application on forms prescribed by the state board;

(5) The applicant has submitted the required licensing fee, as determined by the committee.

2. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure under section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.

3. [Any person holding a valid unrevoked and unexpired license, certificate, or registration from another state or territory of the United States having substantially the same requirements as this state for master social workers may be granted a license to engage in the person's occupation in this state upon application to the committee accompanied by the appropriate fee as established by the committee under section 337.612.

4.] The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection 1 of this section [or with the provisions of subsection 3 of this section]. The license shall refer to the individual as a licensed master social worker and shall recognize that individual's right to practice licensed master social work as defined in section 337.600.

337.665. 1. Each applicant for licensure as a baccalaureate social worker shall furnish evidence to the

committee that:

(1) The applicant has a baccalaureate degree in social work from an accredited social work degree program approved by the council of social work education;

(2) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be determined by the state committee for social work;

(3) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure;

(4) The applicant has submitted a written application on forms prescribed by the state board;

(5) The applicant has submitted the required licensing fee, as determined by the committee.

2. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure pursuant to section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.

3. [Any person holding a valid unrevoked and unexpired license, certificate or registration from another state or territory of the United States having substantially the same requirements as this state for baccalaureate social workers may be granted a license to engage in the person's occupation in this state upon application to the committee accompanied by the appropriate fee as established by the committee pursuant to section 337.612.

4.] The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection 1 of this section [or with the provisions of subsection 2 of this section].

[5.] 4. The committee shall issue a certificate to practice independently under subsection 3 of section 337.653 to any licensed baccalaureate social worker who has satisfactorily completed three thousand hours of supervised experience with a qualified baccalaureate supervisor in no less than twenty-four months and no more than forty-eight consecutive calendar months.

337.727. The committee shall promulgate rules and regulations pertaining to:

(1) The form and content of license applications required by the provisions of sections 337.700 to 337.739 **and section 324.009** and the procedures for filing an application for an initial or renewal license in this state;

(2) Fees required by the provisions of sections 337.700 to 337.739 **and section 324.009**;

(3) The content, conduct and administration of the licensing examination required by section 337.715;

(4) The characteristics of supervised clinical experience as that term is used in section 337.715;

(5) The equivalent of the basic educational requirements set forth in section 337.715;

(6) The standards and methods to be used in assessing competency as a marital and family therapist;

(7) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring under the provisions of sections 337.700 to 337.739;

(8) Development of an appeal procedure for the review of decisions and rules of administrative agencies existing under the constitution or laws of this state;

(9) Establishment of a policy and procedure for reciprocity with [other states, including] states which do not have marital and family therapist licensing laws [or] **and** states whose licensing laws are not substantially [the same as] **similar to** those of this state; and

(10) Any other policies or procedures necessary to the fulfillment of the requirements of sections 337.700 to 337.739.

339.523. 1. A nonresident of this state who has complied with the provisions of sections 339.511, 339.513, 339.515, and 339.517 [or section 339.521] may obtain certification as a state-certified real estate appraiser or licensure as a state-licensed real estate appraiser by conforming to all of the provisions of sections 339.500 to 339.549 relating to state-certified real estate appraisers or state-licensed real estate appraisers.

2. Every applicant for certification or licensure pursuant to sections 339.500 to 339.545 who is not a resident of this state shall submit, with the application for certification, an irrevocable consent that service of process in any action against the applicant arising out of the applicant's activities as a state-certified real estate appraiser or state-licensed real estate appraiser may be made by delivery of the process to the executive director of the commission, if the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant. The executive director shall immediately mail a copy of the materials served on the executive director by ordinary mail to the state-certified real estate appraiser or state-licensed real estate appraiser at both his or her principal place of business and his or her residence address.

344.030. 1. An applicant for an initial license shall file a completed application with the board on a form provided by the board, accompanied by an application fee as provided by rule payable to the department of health and senior services. Information provided in the application **shall be** attested by signature to be true and correct to the best of the applicant's knowledge and belief.

2. No initial license shall be issued to a person as a nursing home administrator unless:

(1) The applicant provides the board satisfactory proof that the applicant is twenty-one years of age or over, of good moral character and a high school graduate or equivalent;

(2) The applicant provides the board satisfactory proof that the applicant has had a minimum of three years' experience in health care administration or two years of postsecondary education in health care administration or has satisfactorily completed a course of instruction and training prescribed by the board, which includes instruction in the needs properly to be served by nursing homes, the protection of the interests of residents therein, and the elements of good nursing home administration, or has presented evidence satisfactory to the board of sufficient education, training, or experience in the foregoing fields to administer, supervise and manage a nursing home; and

(3) The applicant passes the examinations administered by the board. If an applicant fails to make a passing grade on either of the examinations such applicant may make application for reexamination on a form furnished by the board and may be retested. If an applicant fails either of the examinations a third time, the applicant shall be required to complete a course of instruction prescribed and approved by the board.



After completion of the board-prescribed course of instruction, the applicant may reapply for examination. With regard to the national examination required for licensure, no examination scores from other states shall be recognized by the board after the applicant has failed his or her third attempt at the national examination. There shall be a separate, nonrefundable fee for each examination. The board shall set the amount of the fee for examination by rules and regulations promulgated pursuant to section 536.021. The fee shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the examination.

3. [The board may issue a license through reciprocity to any person who is regularly licensed as a nursing home administrator in any other state, territory, or the District of Columbia, if the regulations for securing such license are equivalent to those required in the state of Missouri. However, no license by reciprocity shall be issued until the applicant passes a special examination approved by the board, which will examine the applicant's knowledge of specific provisions of Missouri statutes and regulations pertaining to nursing homes. The applicant shall furnish satisfactory evidence that such applicant is of good moral character and has acted in the capacity of a nursing home administrator in such state, territory, or the District of Columbia at least one year after the securing of the license. The board, in its discretion, may enter into written reciprocal agreements pursuant to this section with other states which have equivalent laws and regulations.

4.] Nothing in sections 344.010 to 344.108, or the rules or regulations thereunder shall be construed to require an applicant for a license as a nursing home administrator, who is employed by an institution listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., to administer institutions certified by such commission for the care and treatment of the sick in accordance with the creed or tenets of a recognized church or religious denomination, to demonstrate proficiency in any techniques or to meet any educational qualifications or standards not in accord with the remedial care and treatment provided in such institutions. The applicant's license shall be endorsed to confine the applicant's practice to such institutions.

[5.] 4. The board may issue a temporary emergency license for a period not to exceed ninety days to a person twenty-one years of age or over, of good moral character and a high school graduate or equivalent to serve as an acting nursing home administrator, provided such person is replacing a licensed nursing home administrator who has died, has been removed or has vacated the nursing home administrator's position. No temporary emergency license may be issued to a person who has had a nursing home administrator's license denied, suspended or revoked. A temporary emergency license may be renewed for one additional ninety-day period upon a showing that the person seeking the renewal of a temporary emergency license meets the qualifications for licensure and has filed an application for a regular license, accompanied by the application fee, and the applicant has taken the examination or examinations but the results have not been received by the board. No temporary emergency license may be renewed more than one time.

345.050. 1. To be eligible for licensure by the board by examination, each applicant shall submit the application fee and shall furnish evidence of such person's good moral and ethical character, current competence and shall:

(1) Hold a master's or a doctoral degree from a program accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board in the area in which licensure is sought;

(2) Submit official transcripts from one or more accredited colleges or universities presenting evidence

of the completion of course work and clinical practicum requirements equivalent to that required by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board; and

(3) Pass an examination promulgated or approved by the board. The board shall determine the subject and scope of the examinations.

2. To be eligible for licensure by the board without examination, each applicant shall make application on forms prescribed by the board, submit the application fee and shall be of good moral and ethical character, submit an activity statement and meet one of the following requirements:

(1) The board shall issue a license to any speech-language pathologist or audiologist who is licensed in another [jurisdiction] **country** and who has had no violations, suspension or revocations of a license to practice speech-language pathology or audiology in any jurisdiction; provided that, such person is licensed in a [jurisdiction] **country** whose requirements are substantially equal to, or greater than, Missouri at the time the applicant applies for licensure; or

(2) Hold the certificate of clinical competence issued by the American Speech-Language-Hearing Association in the area in which licensure is sought.

346.055. 1. An applicant may obtain a license provided the applicant:

(1) Is at least eighteen years of age; and

(2) Is of good moral character; and

(3) Successfully passes a qualifying examination as described under sections 346.010 to 346.250; and

(4) (a) Holds an associate's degree or higher, from a state or regionally accredited institution of higher education, in hearing instrument sciences; or

(b) Holds an associate's level degree or higher, from a state or regionally accredited institution of higher education and submits proof of completion of the International Hearing Society's Distance Learning for Professionals in Hearing Health Sciences Course; or

(c) Holds a master's or doctoral degree in audiology from a state or regionally accredited institution; or

(d) Holds a current, unsuspended, unrevoked license from another [jurisdiction] **country** if the standards for licensing in such [other jurisdiction] **country**, as determined by the board, are substantially equivalent to or exceed those required in paragraph (a) or (b) of this subdivision; or

(e) Holds a current, unsuspended, unrevoked license from another [jurisdiction] **country**, has been actively practicing as a licensed hearing aid fitter or dispenser in another [jurisdiction] **country** for no less than forty-eight of the last seventy-two months, and submits proof of completion of advance certification from either the International Hearing Society or the National Board for Certification in Hearing Instrument Sciences.

2. The provisions of subsection 1 of this section shall not apply to any person holding a valid Missouri hearing instrument specialist license under this chapter when applying for the renewal of that license. These provisions shall apply to any person holding a hearing instrument specialist-in-training permit at the time of their application for licensure or renewal of said permit.

3. (1) The board shall promulgate reasonable standards and rules for the evaluation of applicants for purposes of determining the course of instruction and training required of each applicant for a hearing instrument specialist license under the requirement of subdivision (4) of subsection 1 of this section.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

374.785. [1. The director shall issue a license for a period of two years to any surety recovery agent who is licensed in another jurisdiction and who:

(1) Has no violations, suspensions, or revocations of a license to engage in fugitive recovery in any jurisdiction; and

(2) Is licensed in a jurisdiction whose requirements are substantially equal to or greater than the requirements for a surety recovery agent license in Missouri at the time the applicant applies for a license.

2. Any surety recovery agent who is licensed in another state shall also be subject to the same training requirements as in-state surety recovery agents prescribe to under section 374.784.

3.] For the purpose of surrender of the defendant, a surety recovery agent may apprehend the defendant anywhere within the state of Missouri before or after the forfeiture of the undertaking without personal liability for false imprisonment or may empower any surety recovery agent to make apprehension by providing written authority endorsed on a certified copy of the undertaking and paying the lawful fees.

[4. Every applicant for a license pursuant to this section, upon making application and showing the necessary qualifications as provided in this section, shall be required to pay the same fee as required of resident applicants. Within the limits provided in this section, the director may negotiate reciprocal compacts with licensing entities of other states for the admission of licensed surety recovery agents from Missouri in other states.]

643.228. 1. Required training courses for certification under section 643.225 shall first be accredited by the state. To be accredited, training programs shall meet the training certification and recertification requirements for each specialty area outlined in the United States EPA's model accreditation plan, 40 CFR Part 763, including passage of a course examination for these courses, and the certification requirements for air sampling professionals outlined in section 643.225. Such accreditation shall be obtained biennially. A representative of the department or the department of health and senior services shall be permitted to attend, monitor and evaluate any training program without charge to the state. Such evaluations may be conducted without prior notice. Refusal to allow such an evaluation is sufficient grounds for loss of certificate of accreditation.

2. An accreditation fee of one thousand dollars per course category shall be paid prior to issuance or renewal of a certificate of accreditation, however, no individual, group, agency or organization shall pay more than three thousand dollars for all course categories for which accreditation is requested at the same time.

[3. The director may engage in reciprocity agreements with other states that have established accreditation criteria for certification training programs that meet or exceed Missouri's accreditation criteria.]

701.312. 1. The director of the department of health and senior services shall develop a program to license lead inspectors, risk assessors, lead abatement supervisors, lead abatement workers, project designers and lead abatement contractors. The director shall promulgate rules and regulations including, but not limited to:

- (1) The power to issue, restrict, suspend, revoke, deny and reissue licenses;
- (2) The power to issue notices of violation, written notices and letters of warning;
- (3) [The ability to enter into reciprocity agreements with other states that have similar licensing provisions;
- (4)] Fees for any such licenses;
- [(5)] (4) Training, education and experience requirements; and
- [(6)] (5) The implementation of work practice standards, reporting requirements and licensing standards.

2. The director shall require, as a condition of licensure, lead abatement contractors to purchase and maintain liability and errors and omissions insurance. The director shall require a licensee or an applicant for licensure to provide evidence of their ability to indemnify any person that may suffer damage from lead-based paint activities of which the licensee or applicant may be liable.

701.314. The director of the department of health and senior services shall develop a program to accredit training providers to train lead inspectors, risk assessors, lead abatement supervisors, lead abatement workers and project designers. The director shall promulgate rules and regulations including, but not limited to:

- (1) The power to grant, restrict, suspend, revoke, deny or renew accreditation;
- (2) The power to issue notices of violation, written notices and letters of warning;
- (3) [The ability to enter into reciprocity agreements with other states that have similar accreditation provisions;
- (4)] Fees for any such accreditation;
- [(5)] (4) The curriculum for training;
- [(6)] (5) The development of standards for accreditation; and
- [(7)] (6) Procedures for monitoring, training, record keeping and reporting requirements for training providers.

[339.521. An applicant who is certified or licensed under the laws of another state may obtain certification as a state certified real estate appraiser or licensure as a state licensed real estate appraiser in this state upon such terms and conditions as may be determined by the board, provided that such terms and conditions shall comply with the minimum criteria for certification or licensure issued by the appraiser qualifications board of the appraisal foundation.]

[374.735. 1. The department may, in its discretion, grant a license without requiring an examination to a bail bond agent who has been licensed in another state immediately preceding his or her applying to the department, if the department is satisfied by proof adduced by the applicant that:

(1) The qualifications of the other state are at least equivalent to the requirements for initial licensure as a bail bond agent in this state pursuant to the provisions of sections 374.695 to 374.775, provided that the other state licenses Missouri residents in the same manner; and

(2) The applicant has no suspensions or revocations of a license to engage in the bail bond or fugitive recovery business in any jurisdiction.

2. Every applicant for a license pursuant to this section, upon showing the necessary qualifications as provided in this section, shall be required to pay the same fee as the fee required to be paid by resident applicants.

3. Within the limits provided in this section, the department may negotiate reciprocal compacts with licensing entities of other states for the admission of licensed bail bond agents from Missouri in other states.

4. All applicants applying for licenses in this state after the enactment of said act shall complete the education requirement as stated in section 374.710. If the bail bond agent or general bail bond agent has been licensed in another state and has a license in Missouri at the time said act becomes law, said individual shall not be required to complete the twenty-four hours of initial basic training.]

[700.662. 1. The commission may waive the training and examination requirements of subsection 1 of section 700.659 and grant an installer license to an applicant who pays the applicable fee and demonstrates to the commission's satisfaction that his or her current license, registration, or certification requirements as an installer in another state, the District of Columbia, or territories of the United States substantially meets or exceeds the requirements in sections 700.650 to 700.680.

2. The commission may negotiate reciprocal agreements that allow licensed installers in Missouri to become licensed in other states, the District of Columbia, or territories of the United States.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Titling change adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 1879**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HCS** for **HB 2116** and has taken up and passed **SCS** for **HCS** for **HB 2116**.

## **RESOLUTIONS**

Senator Libla offered Senate Resolution No. 1952, regarding Earl Pennington, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 1953, regarding Calvin Williams, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 1954, regarding John Holland, Poplar Bluff, which was adopted.

Senator Libla offered Senate Resolution No. 1955, regarding Rawland Thompson, Ellsinore, which was adopted.

Senator Libla offered Senate Resolution No. 1956, regarding James Geohagen, Kennett, which was adopted.

Senator Wasson offered Senate Resolution No. 1957, regarding Eagle Scout Cooper Alexander Terry, Nixa, which was adopted.

Senator Wasson offered Senate Resolution No. 1958, regarding Rosemary Reed, Springfield, which was adopted.

Senator Wasson offered Senate Resolution No. 1959, regarding G. Marie Day, Chadwick, which was adopted.

## **INTRODUCTION OF GUESTS**

Senator Brown introduced to the Senate, third-grade students from Mark Twain Elementary School, Rolla.

Senator Libla introduced to the Senate, Alberta Cooper, Jody Webb, Xavier Jamerson, Tasha Abbott, John Agnew, Sabrina Stelzer, Asia Burden, Quameria Johnson, Ricquandra Murray and Darreon Johnson, Hayti High School.

Senator Chappelle-Nadal introduced to the Senate, Justin McPherson, University of Central Missouri; Sierra Baxter, University of Missouri; and Tori Jones, Siki McCowan and Malik Henry, Lincoln University.

Senator Crawford introduced to the Senate, her husband, John, Buffalo; Don Ball, Lebanon; and pastors from around the state.

Senator Koenig introduced to the Senate, the Physician of the Day, Dr. Chris Swingle, St. Louis.

Senator Brown introduced to the Senate, his wife, Kathy, his daughter, Danette, and Megan and Ross Zika, Rolla.

Senator Riddle introduced to the Senate, Tim Asbridge, Lincoln County; and Nick Roberts, Callaway County.

Senator Kehoe introduced to the Senate, Mrs. Yoder, Grey Gresham, and fourth-grade students from River Oak Christian School.

On motion of Senator Kehoe, the Senate adjourned under the rules.

## SENATE CALENDAR

---

SIXTY-THIRD DAY—WEDNESDAY, MAY 2, 2018

---

## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HCB 11-Neely	HB 2499-Hansen
HCB 16-Houghton	HB 2438-Remole
HCB 14-Reiboldt	HCS for HB 2407
HB 2179-Richardson	HCS for HB 1739
HB 2538-Pietzman	HCS for HB 1554

## THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)	SS for SB 699-Sifton (In Fiscal Oversight)
---	--

## SENATE BILLS FOR PERFECTION

1. SJR 36-Schatz, with SCS	9. SB 864-Hoskins
2. SB 678-Eigel	10. SB 998-Schatz, with SCS
3. SB 1102-Kehoe, with SCS	11. SB 703-Hegeman
4. SB 1015-Wieland, with SCS	12. SB 915-Crawford
5. SB 709-Schatz, with SCS	13. SB 934-Hegeman
6. SB 640-Sater	14. SB 988-Rowden, with SCS
7. SB 963-Wieland, with SCS	15. SB 790-Cierpiot, with SCS
8. SB 952-Rowden	

## HOUSE BILLS ON THIRD READING

1. HB 1428-Muntzel (Munzlinger)	9. HB 1797-Fitzwater, with SCS (Riddle)
2. HCS for HB 2034, with SCS (Munzlinger)	10. HB 2026-Wilson, with SCS (Rowden)
3. HCS for HB 1796 (Rowden)	11. HB 2101-Beard (Hoskins)
4. HB 2122-Engler, with SCS (Schatz)	12. HB 1267-Lichtenegger (Munzlinger)
5. HCS for HB 1443, with SCS (Sater)	(In Fiscal Oversight)
6. HCS for HB 1645 (Rowden)	13. HB 1415-Lauer (Wasson)
7. HB 1953-Neely (Onder)	14. HB 1968-Grier (Schatz)
8. HB 1409-Fitzpatrick (Kehoe)	15. HB 2330-Beck (Sifton)
(In Fiscal Oversight)	16. HB 1887-Bahr (Onder)

- |   |  |
|---|--|
| 17. HB 1247-Pike (Onder)  | 27. HCS for HB 1614 (Hegeman)                                  |
| 18. HB 1831-Ruth (Wieland)  | 28. HCS for HB 1264 (Hegeman)                                  |
| 19. HCS for HB 1635, with SCS (Wallingford)                         | 29. HCS for HB 1611 (Riddle)                                   |
| 20. HCS for HB 2171 (Sater)<br>(In Fiscal Oversight)                | 30. HCS for HB 2119 (Rowden)                                   |
| 21. HCS for HB 1364, with SCS (Munzlinger)<br>(In Fiscal Oversight) | 31. HCS for HB 2079, with SCS (Crawford)                       |
| 22. HB 1646-Eggleston (Hegeman)                                     | 32. HCS for HB 1710, with SCS (Eigel)<br>(In Fiscal Oversight) |
| 23. HB 1809-Tate (Schatz)   | 33. HB 1484-Brown (57) (Romine)                                |
| 24. HB 1252-Plocher (Riddle)  | 34. HJR 59-Brown (57) (Romine)<br>(In Fiscal Oversight)        |
| 25. HCS for HB 1251, with SCS (Crawford)                            |  |
| 26. HCS#2 for HB 1503, with SCS (Hoskins)<br>(In Fiscal Oversight)  |  |

### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 &  
667-Eigel (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 546-Munzlinger, with SS#4 (pending)   | SB 774-Munzlinger   |
| SB 550-Wasson, with SCS  | SB 813-Riddle, with SCS & SA 1 (pending)                            |
| SBs 555 & 609-Brown, with SCS  | SB 822-Hegeman, with SCS & SS for SCS<br>(pending)                  |
| SB 556-Brown, with SA 1 (pending)  | SB 832-Rowden, with SCS, SS#2 for SCS &<br>point of order (pending) |
| SB 561-Sater, with SA 1 (pending)  | SB 837-Rowden   |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                            | SB 848-Riddle   |
| SB 578-Romine  | SB 849-Kehoe and Schupp, with SCS, SA 1<br>& SA 1 to SA 1 (pending) |
| SB 591-Hegeman, with SCS   | SB 859-Koenig, with SCS & SS for SCS<br>(pending)                   |
| SB 596-Riddle, with SCS  | SB 860-Koenig, with SCS, SS for SCS & SA 1<br>(pending)             |
| SB 599-Schatz  | SB 861-Hegeman, with SCS  |
| SB 602-Onder, with SCS   | SB 865-Kehoe  |
| SB 612-Koenig, with SCS, SS#2 for SCS,<br>SA 2, SSA 1 for SA 2 & SA 1 to SSA 1<br>for SA 2 (pending) | SB 893-Sater, with SCS, SS for SCS & SA 1<br>(pending)              |
| SB 663-Schatz, with SCS, SS for SCS & SA 1<br>(pending)  | SB 912-Rowden, with SCS & SS#3 for SCS<br>(pending)                 |
| SB 730-Wallingford, with SCS & SA 1 (pending)  | SB 920-Riddle, with SS & SA 2 (pending)                             |
| SB 751-Schatz  |   |
| SB 767-Hoskins, with SCS, SS for SCS &<br>SA 2 (pending)   |   |



SB 928-Onder, with SCS  
 SB 949-Emery, with SCS, SS for SCS & SA 2  
 (pending)

SB 1003-Wasson, with SS & SA 1 (pending)  
 SB 1021-Dixon and Wallingford, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HBs 1288, 1377 & 2050, with SCS  
 (Dixon)  
 HB 1303-Alferman, with SCS (Rowden)  
 HB 1329-Remole, with SCS, SS for SCS &  
 SA 5 (pending) (Munzlinger)  
 SS for SCS for HB 1350-Smith (163) (Rowden)  
 SS for SCS for HB 1355-Phillips (Schatz)  
 (In Fiscal Oversight)  
 HB 1413-Taylor, with SCS, SS for SCS &  
 SA 1 (pending) (Onder)  
 HB 1442-Alferman, with SCS, SS for SCS &  
 SA 1 (pending) (Schatz)  
 HCS for HB 1461 (Rowden)  
 HB 1578-Kolkmeyer (Munzlinger)

HCS for HB 1597, with SCS (Dixon)  
 HCS for HB 1605, with SCS (Kehoe)  
 SS for HCS for HB 1606 (Romine)  
 (In Fiscal Oversight)  
 HCS for HB 1617, with SCS, SS#2 for SCS  
 & SA 1 (pending) (Onder)  
 HB 1630-Evans (Rowden)  
 HB 1691-Miller, with SCS (Emery)  
 HCS for HBs 1729, 1621 & 1436 (Brown)  
 HB 1769-Mathews, with SCS (Schatz)  
 HB 1880-Trent, with SCS & SS for SCS  
 (pending) (Cunningham)  
 HCS for HB 1991, with SCS (Rowden)  
 HB 2044-Taylor, with SCS (pending) (Dixon)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 660-Riddle, with HCS, as amended  
 SS for SCS for SB 775-Brown, with HCS,  
 as amended  
 SB 840-Rowden, with HA 1 & HA 2

SS for SB 870-Hegeman, with HCS, as  
 amended  
 SCS for SB 917-Crawford, with HCS

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 569-Cunningham, with HCS, as amended  
 HB 1291-Henderson, with SS for SCS, as  
 amended (Romine) (House adopted CCR  
 and passed CCS)  
 SS for HB 1858-Christofanelli (Eigel)  
 HCS for HB 2002, with SCS (Brown)  
 HCS for HB 2003, with SCS (Brown)  
 HCS for HB 2004, with SCS (Brown)  
 HCS for HB 2005, with SCS (Brown)  
 HCS for HB 2006, with SCS, as amended  
 (Brown)

HCS for HB 2007, with SCS, as amended  
 (Brown)  
 HCS for HB 2008, with SCS (Brown)  
 HCS for HB 2009, with SCS (Brown)  
 HCS for HB 2010, with SS for SCS (Brown)  
 HCS for HB 2011, with SCS (Brown)  
 HCS for HB 2012, with SCS (Brown)  
 HCS for HB 2013, with SCS (Brown)

Requests to Recede or Grant Conference

SS for SB 608-Hoskins, with HCS  
(Senate requests House recede or  
grant conference)

SS for SCS for SB 826-Sater, with HCS,  
as amended  
(Senate requests House recede or  
grant conference)

HCS for HB 1879, with SS for SCS, as amended  
(Cunningham)

(House requests Senate recede or grant  
conference)

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 37-Eigel and Onder

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTY-THIRD DAY—WEDNESDAY, MAY 2, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“All the paths of the Lord are steadfast love and faithfulness, for those who keep his covenant and his decrees.” (Psalm 25:10)

Almighty God, we continue to learn that You love us so that we might love and care for others with the love we experience from You. We have seen that the word “Unloved” is the most tragic of words in our society and brings much pain. We seem to learn more each day that love has a power to heal and cure those who especially have not known such a love in their life. So we pray we might be faithful in expressing love to those who need it most. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Libla offered Senate Resolution No. 1960, regarding the Sixty-fifth Wedding Anniversary of Fred C. and Barbara J. Dirickson, Puxico, which was adopted.

Senator Kehoe offered Senate Resolution No. 1961, regarding Corrections Officer II Randy Witt, Versailles, which was adopted.

Senator Kehoe offered Senate Resolution No. 1962, regarding Corrections Officer I Justin Mathis, Versailles, which was adopted.

Senator Kehoe offered Senate Resolution No. 1963, regarding Corrections Officer I Gregory Kreutzer, Versailles, which was adopted.

Senator Kehoe offered Senate Resolution No. 1964, regarding Corrections Officer I Joshua R. Harkins, Tipton, which was adopted.

Senator Kehoe offered Senate Resolution No. 1965, regarding Corrections Officer II Earl Roach, Versailles, which was adopted.

Senator Schaaf offered Senate Resolution No. 1966, regarding the Thirtieth Anniversary of the Platte County Economic Development Council, which was adopted.

**HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCB 11**—Seniors, Families and Children.

**HCB 16**—Agriculture, Food Production and Outdoor Resources.

**HCB 14**—Transportation, Infrastructure and Public Safety.

**HB 2179**—Government Reform.

President Pro Tem Richard assumed the Chair.

**CONCURRENT RESOLUTIONS**

Senator Eigel moved that **SCR 37** be taken up for adoption, which motion prevailed.

Senator Eigel offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Concurrent Resolution No. 37, as it appears on Page 173 of the Senate Journal for Monday, January 22, 2018, Line 8, by inserting after the word “Blunt,” the following: “United States Senator Claire McCaskill,”.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Eigel, **SCR 37**, as amended, was adopted by the following vote:

YEAS—Senators

Brown

Chappelle-Nadal

Cierpiot

Crawford

Cunningham

Curls

Dixon

Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senator Walsh—1

Absent with leave—Senator Nasheed—1

Vacancies—1

### HOUSE BILLS ON THIRD READING

**HB 1428**, introduced by Representative Muntzel, entitled:

An Act to repeal sections 49.060 and 105.030, RSMo, and to enact in lieu thereof two new sections relating to vacancies in county elected offices.

Was taken up by Senator Munzlinger.

Senator Munzlinger offered **SS** for **HB 1428**, entitled:

#### SENATE SUBSTITUTE FOR HOUSE BILL NO. 1428

An Act to repeal sections 49.060 and 105.030, RSMo, and to enact in lieu thereof two new sections relating to vacancies in elected offices.

Senator Munzlinger moved that **SS** for **HB 1428** be adopted.

Senator Schaaf offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1428, Page 1, Section A, Line 3 of said page, by inserting after all of said line the following:

**“26.235. Whenever a vacancy exists in the office of lieutenant governor, the governor shall immediately appoint, with the advice and consent of the senate, a person to fill such vacancy for the remainder of the term in which the vacancy occurred, who shall continue in office until a successor shall have been duly elected and qualified pursuant to article IV of the Missouri constitution.”; and**

Further amend said bill, page 2, section 105.030, line 11 of said page, by striking “lieutenant governor,”; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted.

Senator Sifton offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1428, Page 1, Section A, Line 3, by inserting after all of said line the following:

**“26.018. 1. In case of death, resignation, removal from office, conviction after impeachment, or vacancy from any cause in the office of lieutenant governor at any time prior to one hundred twenty days before the general election after the lieutenant governor’s term begins, the governor shall, within thirty days, issue a writ of election to fill the vacancy for the remainder of the term in which such vacancy occurred and until the successor is elected, commissioned, and qualified. Such special election shall be held at the next general election.**

**2. The candidates for the special election shall be nominated at a special primary election to be held on a Tuesday at least forty-nine days prior to the date of the special election. Filing for the office shall be as provided for in sections 115.306 to 115.359, provided that section 115.349 to the contrary notwithstanding, the secretary of state shall accept filing for the primary special election until forty-nine days prior to primary election. If at the end of forty-nine days there is only one candidate there shall be no primary election.**

**3. In the case of impeachment, the office shall remain vacant until such impeachment is determined. If acquitted, the lieutenant governor shall be reinstated in office. If any vacancy from any cause occurs in the office of lieutenant governor after one hundred twenty days before the first general election after the lieutenant governor’s term begins, the office shall remain vacant for the remainder of the term in which such vacancy occurred and until a successor is elected, commissioned, and qualified.”; and**

Further amend said bill, page 3, section 105.030, line 27, by inserting after all of said line the following:

**“115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday prior to any election, except a special election to decide an election contest, tie vote or an election to elect seven members to serve on a school board of a district pursuant to section 162.241, or a delay in notification pursuant to subsection 2 of this section, or pursuant to the provisions of section 115.399, the officer or agency calling the election shall notify the election authorities responsible for conducting the election. The notice shall be in writing, shall specify the name of the officer or agency calling the election and shall include a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127. The notice and any other information required by this section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 p.m. on the tenth Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three business days from the date of the facsimile transmission. In lieu of a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127, each notice of a special election to fill a vacancy shall include the name of the office to be filled, the date of the **primary election for the special election, if applicable, the date of the special election**, and the date by which candidates must be selected or filed for the office. Not later than the fourth Tuesday prior to any special election to fill a vacancy called by a political subdivision or special district, **or any special election called pursuant to section 26.018 or any preceding primary election for such special election**, the officer or agency calling the election shall certify a sample ballot to the election authorities responsible for**

conducting the election.

2. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the political subdivision or special district calling for the election agrees to pay any printing or reprinting costs, a political subdivision or special district may, at any time after certification required in subsection 1 of this section, but no later than 5:00 p.m. on the sixth Tuesday before the election, be permitted to make late notification to the election authority pursuant to court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the political subdivision or special district to the circuit court of the area of such subdivision or district. No court shall have the authority to order an individual or issue be placed on the ballot less than six weeks before the date of the election, except as provided in sections 115.361 and 115.379.

115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of a special election to fill a vacancy submitted pursuant to section 115.125, the election authority shall cause legal notice of the special election **and, if applicable, the primary election for a special election** to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the **special election and, if applicable, the primary election for such special election**, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each **primary election for a special election and each** special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified pursuant to chapter 493 which are published within the bounds of the area holding the election. If there is only one so qualified newspaper, then notice shall be published in only one newspaper. If there is no newspaper published within the bounds of the election area, then the notice shall be published in two qualified newspapers of different political faith serving the area. Notice shall be published twice, the first publication occurring in the second week prior to the election, and the second publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot; and, unless notice has been given as provided by section 115.129, the second publication of notice of the election shall include the location of polling places. The election authority may provide any additional notice of the election it deems desirable.

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate or by court order.

4. In lieu of causing legal notice to be published in accordance with any of the provisions of this chapter, the election authority in jurisdictions which have less than seven hundred fifty registered voters and in which no newspaper qualified pursuant to chapter 493 is published, may cause legal notice to be mailed

during the second week prior to the election, by first class mail, to each registered voter at the voter's voting address. All such legal notices shall include the date and time of the election, the location of the polling place, the name of the officer or agency calling the election and a sample ballot.

5. If the opening date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the opening filing date shall be 8:00 a.m., the sixteenth Tuesday prior to the election, except that for any home rule city with more than four hundred thousand inhabitants and located in more than one county and any political subdivision or special district located in such city, the opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election. If the closing date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The political subdivision or special district calling an election shall, before the sixteenth Tuesday, or the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants and located in more than one county or any political subdivision or special district located in such city, prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the political subdivision or special district.

6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed for an office or who has been duly nominated for an office may, at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court of the area of such candidate's residence.”; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above substitute amendment be adopted.

Senator Chappelle-Nadal requested a roll call vote be taken on the adoption of **SSA 1** for **SA 1**. She was joined in her request by Senators Eigel, Schupp, Sifton and Walsh.

At the request of Senator Munzlinger, **HB 1428**, with **SS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCB 23**, entitled:

An Act to repeal sections 49.060, 56.363, 59.800, 67.1360, 71.012, 71.015, 84.510, 88.770, 89.020, 92.820, 94.900, 94.902, 105.030, 105.470, 108.120, 137.010, 137.016, 137.017, 137.555, 137.556, 263.245, 304.060, 320.086, 321.246, 321.320, 527.130, and 640.648, RSMo, and section 105.473 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 105.473 as enacted by house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof thirty-three new sections relating to political subdivisions, with penalty provisions and an emergency clause for certain sections.



Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SBs 894 and 921**, entitled:

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to education curriculum involving science and technology.

With House Amendment Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 894 & 921, Page 1, Section 161.261, Line 12, by inserting immediately after the word “**meet**” the following:

“**a majority of**”; and

Further amend said bill and section, Page 3, Line 71, by inserting immediately after said line the following:

**“167.910. 1. There is hereby established the “Career Readiness Course Task Force” to explore the possibility of a course covering the topics described in this section being offered in the public schools to students in eighth grade or ninth grade. Task force members shall be chosen to represent the geographic diversity of the state. All task force members shall be appointed before October 31, 2018. The task force members shall be appointed as follows:**

**(1) A parent of a student attending elementary school, appointed by a statewide association of parents and teachers;**

**(2) A parent of a student attending a grade not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of parents and teachers;**

**(3) A parent of a student attending high school, appointed by a statewide association of parents and teachers;**

**(4) An elementary education professional from an accredited school district, appointed by agreement among the Missouri State Teachers Association, the Missouri National Education Association, and the American Federation of Teachers of Missouri;**

**(5) An education professional giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade in an accredited school district, appointed by agreement among the Missouri State Teachers Association, the Missouri National Education Association, and the American Federation of Teachers of Missouri;**

**(6) A secondary education professional from an accredited school district, appointed by agreement**

**among the Missouri State Teachers Association, the Missouri National Education Association, and the American Federation of Teachers of Missouri;**

**(7) A career and technical education professional who has experience serving as an advisor to a statewide career and technical education organization, appointed by a statewide career and technical education organization;**

**(8) An education professional from an accredited technical high school, appointed by a statewide career and technical education organization;**

**(9) A public school board member, appointed by a statewide association of school boards;**

**(10) A secondary school principal, appointed by a statewide association of secondary school principals;**

**(11) A principal of a school giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of secondary school principals;**

**(12) An elementary school counselor, appointed by a statewide association of school counselors;**

**(13) A school counselor from a school giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of school counselors;**

**(14) A secondary school counselor, appointed by a statewide association of school counselors;**

**(15) A secondary school career and college counselor, appointed by a statewide association of school counselors;**

**(16) An apprenticeship professional, appointed by the division of workforce development of the department of economic development;**

**(17) A representative of Missouri Project Lead the Way, appointed by the statewide Project Lead the Way organization;**

**(18) A representative of the State Technical College of Missouri, appointed by the State Technical College of Missouri;**

**(19) A representative of a public community college, appointed by a statewide organization of community colleges; and**

**(20) A representative of a public four-year institution of higher education, appointed by the commissioner of higher education.**

**2. The members of the task force established under subsection 1 of this section shall elect a chair from among the membership of the task force. The task force shall meet as needed to complete its consideration of the course described in subsection 5 of this section and provide its findings and recommendations as described in subsection 6 of this section. Members of the task force shall serve without compensation. No school district policy or administrative action shall require any education employee member to use personal leave or incur a reduction in pay for participating on the task force.**

**3. The task force shall hold at least three public hearings to provide an opportunity to receive public testimony including, but not limited to, testimony from educators, local school boards, parents,**

representatives from business and industry, labor and community leaders, members of the general assembly, and the general public.

4. The department of elementary and secondary education shall provide such legal, research, clerical, and technical services as the task force may require in the performance of its duties.

5. The task force established under subsection 1 of this section shall consider a course that:

(1) Gives students an opportunity to explore various career and educational opportunities by:

(a) Administering career surveys to students and helping students use Missouri Connections to determine their career interests and develop plans to meet their career goals;

(b) Explaining the differences between types of colleges, including two-year and four-year colleges, and noting the availability of registered apprenticeship programs as alternatives to college for students;

(c) Describing technical degrees offered by colleges;

(d) Explaining the courses and educational experiences offered at community colleges;

(e) Describing the various certificates and credentials available to earn at the school or other schools including, but not limited to, career and technical education certificates described under section 170.029 and industry-recognized certificates and credentials;

(f) Advising students of any advanced placement courses that they may take at the school;

(g) Describing any opportunities at the school for dual enrollment;

(h) Advising students of any Project Lead the Way courses offered at the school and explaining how Project Lead the Way courses help students learn valuable skills;

(i) Informing students of the availability of funding for postsecondary education through the A+ schools program described under section 160.545;

(j) Describing the availability of virtual courses;

(k) Describing the types of skills and occupations most in demand in the current job market and those skills and occupations likely to be in high demand in future years;

(l) Describing the typical salaries for occupations, salary trends, and opportunities for advancement in various occupations;

(m) Emphasizing the opportunities available in careers involving science, technology, engineering, and math;

(n) Advising students of the resources offered by workforce or job centers;

(o) Preparing students for the ACT assessment or the ACT WorkKeys assessments required for the National Career Readiness Certificate;

(p) Administering a practice ACT assessment or practice ACT WorkKeys assessments required for the National Career Readiness Certificate to students;

**(q) Advising students of opportunities to take the SAT and the Armed Services Vocational Aptitude Battery;**

**(r) Administering a basic math test to students so that they can assess their math skills;**

**(s) Administering a basic writing test to students so that they can assess their writing skills;**

**(t) Helping each student prepare a personal plan of study that outlines a sequence of courses and experiences that concludes with the student reaching his or her postsecondary goals; and**

**(u) Explaining how to complete college applications and the Free Application for Federal Student Aid;**

**(2) Focuses on career readiness and emphasizes the importance of work ethic, communication, collaboration, critical thinking, and creativity;**

**(3) Demonstrates that graduation from a four-year college is not the only pathway to success by describing to students at least sixteen pathways to success in detail and including guest visitors who represent each pathway described. In exploring how these pathways could be covered in the course, the task force shall consider how instructors for the course may be able to rely on assistance from Missouri Career Pathways within the department of elementary and secondary education;**

**(4) Provides student loan counseling; and**

**(5) May include parent-student meetings.**

**6. Before December 1, 2019, the task force established under subsection 1 of this section shall present its findings and recommendations to the speaker of the house of representatives, the president pro tempore of the senate, the joint committee on education, and the state board of education. Upon presenting the findings and recommendations as described in this subsection, the task force shall dissolve.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 894 & 921, Page 5, Section 170.018, Line 84, by inserting immediately after said section and line the following:

“173.670. 1. There is hereby established within the department of higher education the “Missouri Science, Technology, Engineering and Mathematics Initiative”. The department of higher education may award matching funds through this initiative to public institutions of higher education as part of the annual appropriations process.

2. The purpose of the initiative shall be to provide support to increase interest among elementary, secondary, and university students in fields of study related to science, technology, engineering, and mathematics and to increase the number of Missouri graduates in these fields at Missouri’s public two- and four-year institutions of higher education.

3. As used in this section, the following terms mean:

(1) “Educational benefits”, the funds provided by an employer to a qualified individual or to an accredited educational institution for a period of up to five years to pay any portion of the tuition or fees for a qualified individual pursuing an advanced certificate, associate’s degree, bachelor’s degree, master’s degree, or doctorate degree in a field of study related to health care, science, engineering, mathematics, or information technology related programs;

(2) “Full-time position”, an occupation lasting at least one year that consists of at least thirty hours of work per week;

(3) “Internship”, a program lasting at least eight weeks that consists of at least fifteen hours of work per week;

(4) “State tax liability”, any liability incurred by a taxpayer under the provisions of chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 147, 148, or 153;

(5) “STEM field”, a field involving science, technology, engineering, or mathematics.

4. There is hereby created a “Science, Technology, Engineering and Mathematics Fund”, which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this section. Any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

[4.] 5. As part of the initiative, the department of higher education shall develop a process to award grants to Missouri public two- and four-year institutions of higher education and school districts that have entered into articulation agreements to offer information technology certification through technical course work leading to postsecondary academic credit through the program established in section 173.675.

[5.] 6. The general assembly may appropriate funds to the science, technology, engineering[,] and mathematics fund to match institution funds to support the following programs, **as recommended by the department of higher education:**

(1) [Endowed teaching professor programs, which provide funds to support faculty who teach undergraduate courses in science, technology, engineering, or mathematics fields at public institutions of higher education;

(2)] Scholarship programs, which provide financial aid or loan forgiveness awards to Missouri students who study in the science, technology, engineering, or mathematics fields or who plan to enter the teaching field in Missouri with an emphasis on science, technology, engineering, and mathematics areas; **and**

[(3)] (2) Experiential youth programs [at public colleges or universities,] designed to provide Missouri middle school, junior high, and high school students with the opportunity to experience science, technology, engineering, and mathematics fields through camps or other educational offerings[;

(4) Career enhancement programs for current elementary and secondary teachers and professors at Missouri public and private colleges and universities in the science, technology, engineering, or

mathematics fields to improve the quality of teaching].

**7. Any taxpayer in the state of Missouri who provides educational benefits or selects a student majoring in a STEM field who is attending a two-year or four-year public or private Missouri college or university for an internship located in the state of Missouri, or who selects a student who recently graduated with a degree in a STEM field from any two-year or four-year public or private Missouri college or university for a full-time position in a STEM field located in the state of Missouri, may apply to have up to ten thousand dollars of the taxpayer's state tax liability transferred from the general revenue fund and placed in the science, technology, engineering and mathematics fund established in subsection 4 of this section, upon approval by the department of higher education and appropriation by the general assembly. The department of higher education shall establish a procedure for approving applications under this section. For purposes of this subsection, the taxpayer's state tax liability shall be paid before a transfer under this subsection occurs. The cumulative amount of taxes transferred to the science, technology, engineering and mathematics fund under this subsection shall not exceed an annual total of two-hundred thousand dollars from all participating taxpayers in tax year 2019, with such amount adjusted annually for inflation as determined by the Consumer Price Index for all Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index. In the event a donation is made to the fund from a third party, that donation shall not count towards such annual limit.**

**8. The department of higher education may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 894 & 921, Page 3, Section 161.261, Line 71, by inserting immediately after all of said section and line the following:

“162.1115. 1. Notwithstanding any provision of law to the contrary, no district shall be penalized for any reason under the Missouri school improvement program if students who graduate from the district complete career and technical education programs approved by the department of elementary and secondary education but are not placed in occupations directly related to their training within six months of graduating.

2. The department of elementary and secondary education shall revise its scoring guide under the Missouri school improvement program to provide additional points to districts that create and enter into a partnership with area career centers, comprehensive high schools, industry, and business to develop and implement a pathway for students to:

- (1) Enroll in a program of career and technical education while in high school;

(2) Participate and complete an internship or apprenticeship during their final year of high school; and

(3) Obtain the industry certification or credentials applicable to their program or career and technical education and internship or apprenticeship.

3. Each school district shall be authorized to create and enter into a partnership with area career centers, comprehensive high schools, industry, and business to develop and implement a pathway for students to:

(1) Enroll in a program of career and technical education while in high school;

(2) Participate and complete an internship or apprenticeship during their final year of high school; and

(3) Obtain the industry certification or credentials applicable to their program or career and technical education and internship or apprenticeship.

**4. In complying with the provisions of subsection 3 of this section, each school district may rely on technical coursework and skills assessments developed for industry-recognized certificates and credentials.**

**5. The department of elementary and secondary education shall permit student scores, that are from a nationally recognized examination that demonstrates achievement of workplace employability skills, to count towards credit for college and career readiness standards on the Missouri school improvement program or any subsequent school accreditation or improvement program.”; and**

Further amend said bill, Page 5, Section 170.018, Line 84, by inserting immediately after all of said section and line the following:

**“170.028. 1. For purposes of this section, the following terms mean:**

**(1) “Council”, the career and technical education advisory council established under section 178.550;**

**(2) “Industry certification”, a full certification from a recognized industry, trade, or professional association validating essential skills of a particular occupation, which may include, but shall not be limited to:**

**(a) Any certification related to a high-demand occupation as described by the Missouri economic research and information center (MERIC); and**

**(b) Perkins Technical Skills Assessment;**

**(3) “Occupational competency assessment”, a national standardized assessment of skills and knowledge in a specific career or technical area, which may include, but shall not be limited to, assessments offered by the National Occupational Competency Testing Institute (NOCTI).**

**2. The council shall annually review, update, approve, and recommend a list of industry certifications, state-issued professional licenses, and occupational competency assessments.**

**3. A school district may use the list described under subsection 2 of this section as a resource in establishing programs of study that meet their regional workforce needs under section 170.029.**

**4. The department of elementary and secondary education shall identify any provider of a course**

that:

**(1) Includes a Perkins Technical Skills Assessment that leads to an industry-recognized credential that meets requirements related to college and career readiness under the Missouri school improvement program; and**

**(2) Is recommended for college credit by a nationally recognized body that provides course equivalency information to facilitate decisions on the awarding of course credit.**

**5. (1) At least annually, the department of elementary and secondary education shall provide the council with a list of all course providers identified under subsection 4 of this section. The council may recommend to the department of elementary and secondary education that agreements described under subdivision (2) of this subsection be entered into with one or more course providers identified in the list.**

**(2) The department of elementary and secondary education may enter into an agreement with a course provider recommended by the council that governs the conditions under which school districts and local educational agencies contract with the course provider.**

**(3) Any school district or local educational agency may contract with the course provider to design or deliver career and technical education programs described under section 170.029.**

178.550. 1. This section shall be known and may be cited as the “Career and Technical Education Student Protection Act”. There is hereby established the “Career and Technical Education Advisory Council” within the department of elementary and secondary education.

2. The advisory council shall be composed of [fifteen] **sixteen** members who shall be Missouri residents. **The director of the department of economic development, or his or her designee, shall be a member.** The commissioner of education shall appoint the following members:

(1) A director or administrator of a career and technical education center;

(2) An individual from the business community with a background in commerce;

(3) A representative from State Technical College of Missouri;

(4) Three current or retired career and technical education teachers who also serve or served as an advisor to any of the nationally recognized career and technical education student organizations of:

(a) DECA;

(b) Future Business Leaders of America (FBLA);

(c) FFA;

(d) Family, Career and Community Leaders of America (FCCLA);

(e) Health Occupations Students of America (HOSA);

(f) SkillsUSA; or

(g) Technology Student Association (TSA);



- (5) A representative from a business organization, association of businesses, or a business coalition;
- (6) A representative from a Missouri community college;
- (7) A representative from Southeast Missouri State University or the University of Central Missouri;
- (8) An individual participating in an apprenticeship recognized by the department of labor and industrial relations or approved by the United States Department of Labor's Office of Apprenticeship;
- (9) A school administrator or school superintendent of a school that offers career and technical education.

3. Members **appointed by the commissioner of education** shall serve a term of five years except for the initial appointments, which shall be for the following lengths:

- (1) One member shall be appointed for a term of one year;
- (2) Two members shall be appointed for a term of two years;
- (3) Two members shall be appointed for a term of three years;
- (4) Three members shall be appointed for a term of four years;
- (5) Three members shall be appointed for a term of five years.

4. Four members shall be from the general assembly. The president pro tempore of the senate shall appoint two members of the senate of whom not more than one shall be of the same party. The speaker of the house of representatives shall appoint two members of the house of representatives of whom not more than one shall be of the same party. The legislative members shall serve on the advisory council until such time as they resign, are no longer members of the general assembly, or are replaced by new appointments.

5. The advisory council shall have three nonvoting ex officio members:

- (1) A director of guidance and counseling services at the department of elementary and secondary education, or a similar position if such position ceases to exist;
- (2) The director of the division of workforce development; and
- (3) A member of the coordinating board for higher education, as selected by the coordinating board.

6. The assistant commissioner for the office of college and career readiness of the department of elementary and secondary education shall provide staff assistance to the advisory council.

7. The advisory council shall meet at least four times annually. The advisory council may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The advisory council shall elect from among its members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems necessary. Members of the advisory council shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the advisory council.

8. Any business to come before the advisory council shall be available on the advisory council's internet website at least seven business days prior to the start of each meeting. All records of any decisions, votes, exhibits, or outcomes shall be available on the advisory council's internet website within forty-eight hours

following the conclusion of every meeting. Any materials prepared for the members shall be delivered to the members at least five days before the meeting, and to the extent such materials are public records as defined in section 610.010 and are not permitted to be closed under section 610.021, shall be made available on the advisory council's internet website at least five business days in advance of the meeting.

9. The advisory council shall make an annual written report to the state board of education and the commissioner of education regarding the development, implementation, and administration of the state budget for career and technical education.

10. The advisory council shall annually submit written recommendations to the state board of education and the commissioner of education regarding the oversight and procedures for the handling of funds for student career and technical education organizations.

11. The advisory council shall:

(1) Develop a comprehensive statewide short- and long-range strategic plan for career and technical education;

(2) Identify service gaps and provide advice on methods to close such gaps as they relate to youth and adult employees, workforce development, and employers on training needs;

(3) Confer with public and private entities for the purpose of promoting and improving career and technical education;

(4) Identify legislative recommendations to improve career and technical education;

(5) Promote coordination of existing career and technical education programs;

(6) Adopt, alter, or repeal by its own bylaws, rules and regulations governing the manner in which its business may be transacted.

12. For purposes of this section, the department of elementary and secondary education shall provide such documentation and information as to allow the advisory council to be effective.

13. For purposes of this section, "advisory council" shall mean the career and technical education advisory council."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 894 & 921, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"161.106. 1. The department of elementary and secondary education shall provide staffing support including but not limited to statewide coordination for career and technical student organizations' activities that are an integral part of the instructional educational curriculum for career and technical education programs approved by the department. Such career and technical organizations shall include, but not be limited to, the nationally recognized organizations of DECA, FBLA, FFA, FCCLA, HOSA, SkillsUSA, and TSA.

2. The department of elementary and secondary education shall [continue to] handle the funds from the **career and technical student** organizations [in the same manner as it did during school year 2011-12], with department personnel maintaining responsibility for the receipt and disbursement of funds. The department may ensure accountability and transparency by requiring the career and technical student organizations to provide sworn affidavits annually by personnel in the organization who are responsible for such funds as to the proper receipt and disbursement of such funds.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 892**.

With House Amendment Nos. 1, 2, 3, 4 and 5.

#### HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 892, Page 1, In the Title, Line 4, by deleting the words “system for prosecuting and circuit attorneys” and inserting in lieu thereof the word “systems”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 892, Page 9, Section 56.840, Line 38, by inserting after all of said line the following:

“169.291. 1. The general administration and the responsibility for the proper operation of the retirement system are hereby vested in a board of trustees of twelve persons who shall be resident taxpayers of the school district, as follows:

(1) Four trustees to be appointed for terms of four years by the board of education; provided, however, that the terms of office of the first four trustees so appointed shall begin immediately upon their appointment and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(2) Four trustees to be elected for terms of four years by and from the members of the retirement system; provided, however, that the terms of office of the first four trustees so elected shall begin immediately upon their election and shall expire one, two, three and four years from the date the retirement system becomes operative, respectively;

(3) The ninth trustee shall be the superintendent of schools of the school district;

(4) The tenth trustee shall be one retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 13, 1986, by the retirants of the retirement system;

(5) The eleventh trustee shall be appointed for a term of four years beginning the first day of January immediately following August 13, 1990, by the board of trustees described in subdivision (3) of section 182.701;

(6) The twelfth trustee shall be a retirant of the retirement system elected for a term of four years beginning the first day of January immediately following August 28, 1992, by the retirants of the retirement system.

2. If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled, except that the board of trustees may appoint a qualified person to fill the vacancy in the office of an elected member until the next regular election at which time a member shall be elected for the unexpired term. No vacancy or vacancies on the board of trustees shall impair the power of the remaining trustees to administer the retirement system pending the filling of such vacancy or vacancies.

3. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, the general administration and responsibility for the proper operation of the retirement system shall continue to be vested in a twelve-person board of trustees, all of whom shall be resident taxpayers of a city, other than a city not within a county, of four hundred thousand or more. In such event, if vacancies occur in the offices of the four trustees appointed, prior to the lapse, by the board of education, or in the offices of the four trustees elected, prior to the lapse, by the members of the retirement system, or in the office of trustee held, prior to the lapse, by the superintendent of schools in the school district, as provided in subdivisions (1), (2) and (3) of subsection 1 of this section, the board of trustees shall appoint a qualified person to fill each vacancy and subsequent vacancies in the office of trustee for terms of up to four years, as determined by the board of trustees.

4. Each trustee shall, before assuming the duties of a trustee, take the oath of office before the court of the judicial circuit or one of the courts of the judicial circuit in which the school district is located that so far as it devolves upon the trustee, such trustee shall diligently and honestly administer the affairs of the board of trustees and that the trustee will not knowingly violate or willingly permit to be violated any of the provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the trustee making it and filed in the office of the clerk of the circuit court.

5. Each trustee shall be entitled to one vote in the board of trustees. Seven trustees shall constitute a quorum at any meeting of the board of trustees. At any meeting of the board of trustees where a quorum is present, the vote of at least seven of the trustees in support of a motion, resolution or other matter is necessary to be the decision of the board; provided, however, that in the event of a lapse in the school district's corporate organization as described in subsections 1 and 4 of section 162.081, a majority of the trustees then in office shall constitute a quorum at any meeting of the board of trustees, and the vote of a majority of the trustees then in office in support of a motion, resolution or other matter shall be necessary to be the decision of the board.

6. The board of trustees shall have exclusive original jurisdiction in all matters relating to or affecting the funds herein provided for, including, in addition to all other matters, all claims for benefits or refunds, and its action, decision or determination in any matter shall be reviewable in accordance with chapter 536 or chapter 621. Subject to the limitations of sections 169.270 to 169.400, the board of trustees shall, from time to time, establish rules and regulations for the administration of funds of the retirement system, for the

transaction of its business, and for the limitation of the time within which claims may be filed.

7. The trustees shall serve without compensation. The board of trustees shall elect from its membership a chairman and a vice chairman. The board of trustees shall appoint an executive director who shall serve as the administrative officer of the retirement system and as secretary to the board of trustees. It shall employ one or more persons, firms or corporations experienced in the investment of moneys to serve as investment counsel to the board of trustees. The compensation of all persons engaged by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve, and shall be paid from the investment income.

8. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the retirement system and for checking the experience of the system.

9. The board of trustees shall keep a record of all its proceedings which shall be open to public inspection. It shall prepare annually and furnish to the board of education and to each member of the retirement system who so requests a report showing the fiscal transactions of the retirement system for the preceding fiscal year, the amount of accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system.

10. The board of trustees shall have, in its own name, power to sue and to be sued, to enter into contracts, to own property, real and personal, and to convey the same; but the members of such board of trustees shall not be personally liable for obligations or liabilities of the board of trustees or of the retirement system.

11. The board of trustees shall arrange for necessary legal advice for the operation of the retirement system.

12. The board of trustees shall designate a medical board to be composed of three or more physicians who shall not be eligible for membership in the system and who shall pass upon all medical examinations required under the provisions of sections 169.270 to 169.400, shall investigate all essential statements and certificates made by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it.

13. The board of trustees shall designate an actuary who shall be the technical advisor of the board of trustees on matters regarding the operation of the retirement system and shall perform such other duties as are required in connection therewith. Such person shall be qualified as an actuary by membership as a Fellow of the Society of Actuaries or by similar objective standards.

14. At least once in each five-year period the actuary shall make an investigation into the actuarial experience of the members, retirants and beneficiaries of the retirement system and, taking into account the results of such investigation, the board of trustees shall adopt for the retirement system such actuarial assumptions as the board of trustees deems necessary for the financial soundness of the retirement system.

15. On the basis of such actuarial assumptions as the board of trustees adopts, the actuary shall make annual valuations of the assets and liabilities of the funds of the retirement system.

16. The rate of contribution payable by the employers shall equal one and ninety-nine one-hundredths percent, effective July 1, 1993; three and ninety-nine one-hundredths percent, effective July 1, 1995; five and ninety-nine one-hundredths percent, effective July 1, 1996; seven and one-half percent effective January 1, 1999, and for subsequent calendar years through 2013. For calendar year 2014 and each subsequent year, the rate of contribution payable by the employers for each year shall be determined [by the actuary for the retirement system in the manner] **as** provided in [subsection] **subsections 4 and 6** of section 169.350 and shall be certified by the board of trustees to the employers at least six months prior to the date such rate is to be effective.

17. In the event of a lapse of a school district's corporate organization as described in subsections 1 and 4 of section 162.081, no retirement system, nor any of the assets of any retirement system, shall be transferred to or merged with another retirement system without prior approval of such transfer or merge by the board of trustees of the retirement system.

169.324. 1. The annual service retirement allowance payable pursuant to section 169.320 shall be the retirant's number of years of creditable service multiplied by a percentage of the retirant's average final compensation, determined as follows:

(1) A retirant whose last employment as a regular employee ended prior to June 30, 1999, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(2) A retirant whose number of years of creditable service is greater than thirty-four and one-quarter on August 28, 1993, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service as of August 28, 1993, multiplied by one and three-fourths percent of the person's average final compensation but shall not receive a greater annual service retirement allowance based on additional years of creditable service after August 28, 1993;

(3) A retirant who was an active member of the retirement system at any time on or after June 30, 1999, and who either retires before January 1, 2014, or is a member of the retirement system on December 31, 2013, and remains a member continuously to retirement shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by two percent of the person's average final compensation, subject to a maximum of sixty percent of the person's final compensation;

(4) A retirant who becomes a member of the retirement system on or after January 1, 2014, including any retirant who was a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, shall receive an annual service retirement allowance payable pursuant to section 169.320 in equal monthly installments for life equal to the retirant's number of years of creditable service multiplied by one and three-fourths percent of the person's average final compensation, subject to a maximum of sixty percent of the person's average final compensation;

(5) Notwithstanding the provisions of subdivisions (1) to (4) of this subsection, effective January 1, 1996, any retirant who retired on, before or after January 1, 1996, with at least twenty years of creditable service shall receive at least three hundred dollars each month as a retirement allowance, or the actuarial

equivalent thereof if the retirant elected any of the options available under section 169.326. Any retirant who retired with at least ten years of creditable service shall receive at least one hundred fifty dollars each month as a retirement allowance, plus fifteen dollars for each additional full year of creditable service greater than ten years but less than twenty years (or the actuarial equivalent thereof if the retirant elected any of the options available under section 169.326). Any beneficiary of a deceased retirant who retired with at least ten years of creditable service and elected one of the options available under section 169.326 shall also be entitled to the actuarial equivalent of the minimum benefit provided by this subsection, determined from the option chosen.

2. Except as otherwise provided in sections 169.331 and 169.585, payment of a retirant's retirement allowance will be suspended for any month for which such person receives remuneration from the person's employer or from any other employer in the retirement system established by section 169.280 for the performance of services except any such person other than a person receiving a disability retirement allowance under section 169.322 may serve as a nonregular substitute, part-time or temporary employee for not more than six hundred hours in any school year without becoming a member and without having the person's retirement allowance discontinued, provided that through such substitute, part-time, or temporary employment, the person may earn no more than fifty percent of the annual salary or wages the person was last paid by the employer before the person retired and commenced receiving a retirement allowance, adjusted for inflation. If a person exceeds such hours limit or such compensation limit, payment of the person's retirement allowance shall be suspended for the month in which such limit was exceeded and each subsequent month in the school year for which the person receives remuneration from any employer in the retirement system. In addition to the conditions set forth above, the restrictions of this subsection shall also apply to any person retired and currently receiving a retirement allowance under sections 169.270 to 169.400, other than for disability, who is employed by a third party or is performing work as an independent contractor if the services performed by such person are provided to or for the benefit of any employer in the retirement system established under section 169.280. The retirement system may require the employer receiving such services, the third-party employer, the independent contractor, and the retirant subject to this subsection to provide documentation showing compliance with this subsection. If such documentation is not provided, the retirement system may deem the retirant to have exceeded the limitations provided for in this subsection. If a retirant is reemployed by any employer in any capacity, whether pursuant to this section, or section 169.331 or 169.585, or as a regular employee, the amount of such person's retirement allowance attributable to service prior to the person's first retirement date shall not be changed by the reemployment. If the person again becomes an active member and earns additional creditable service, upon the person's second retirement the person's retirement allowance shall be the sum of:

(1) The retirement allowance the person was receiving at the time the person's retirement allowance was suspended, pursuant to the payment option elected as of the first retirement date, plus the amount of any increase in such retirement allowance the person would have received pursuant to subsection 3 of this section had payments not been suspended during the person's reemployment; and

(2) An additional retirement allowance computed using the benefit formula in effect on the person's second retirement date, the person's creditable service following reemployment, and the person's average final annual compensation as of the second retirement date.

The sum calculated pursuant to this subsection shall not exceed the greater of sixty percent of the person's average final compensation as of the second retirement date or the amount determined pursuant to

subdivision (1) of this subsection. Compensation earned prior to the person's first retirement date shall be considered in determining the person's average final compensation as of the second retirement date if such compensation would otherwise be included in determining the person's average final compensation.

3. The board of trustees shall determine annually whether the investment return on funds of the system can provide for an increase in benefits for retirants eligible for such increase. A retirant shall and will be eligible for an increase awarded pursuant to this section as of the second January following the date the retirant commenced receiving retirement benefits. Any such increase shall also apply to any monthly joint and survivor retirement allowance payable to such retirant's beneficiaries, regardless of age. The board shall make such determination as follows:

(1) After determination by the actuary of the investment return for the preceding year as of December thirty-first (the "valuation year"), the actuary shall recommend to the board of trustees what portion of the investment return is available to provide such benefits increase, if any, and shall recommend the amount of such benefits increase, if any, to be implemented as of the first day of the thirteenth month following the end of the valuation year, and first payable on or about the first day of the fourteenth month following the end of the valuation year. The actuary shall make such recommendations so as not to affect the financial soundness of the retirement system, recognizing the following safeguards:

(a) The retirement system's funded ratio as of January first of the year preceding the year of a proposed increase shall be at least one hundred percent [after] **before** adjusting for the effect of the proposed increase. The funded ratio is the ratio of assets to the pension benefit obligation;

(b) The actuarially required contribution rate, [after] **before** adjusting for the effect of the proposed increase, may not exceed the then applicable employer and member contribution rate as determined under [subsection] **subsections 4, 5, and 6** of section 169.350;

(c) The actuary shall certify to the board of trustees that the proposed increase will not impair the actuarial soundness of the retirement system;

(d) A benefit increase, under this section, once awarded, cannot be reduced in succeeding years;

(2) The board of trustees shall review the actuary's recommendation and report and shall, in their discretion, determine if any increase is prudent and, if so, shall determine the amount of increase to be awarded.

4. This section does not guarantee an annual increase to any retirant.

5. If an inactive member becomes an active member after June 30, 2001, and after a break in service, unless the person earns at least four additional years of creditable service without another break in service, upon retirement the person's retirement allowance shall be calculated separately for each separate period of service ending in a break in service. The retirement allowance shall be the sum of the separate retirement allowances computed for each such period of service using the benefit formula in effect, the person's average final compensation as of the last day of such period of service and the creditable service the person earned during such period of service; provided, however, if the person earns at least four additional years of creditable service without another break in service, all of the person's creditable service prior to and including such service shall be aggregated and, upon retirement, the retirement allowance shall be computed using the benefit formula in effect and the person's average final compensation as of the last day of such period of four or more years and all of the creditable service the person earned prior to and during such



period.

6. Notwithstanding anything contained in this section to the contrary, the amount of the annual service retirement allowance payable to any retirant pursuant to the provisions of sections 169.270 to 169.400, including any adjustments made pursuant to subsection 3 of this section, shall at all times comply with the provisions and limitations of Section 415 of the Internal Revenue Code of 1986, as amended, and the regulations thereunder, the terms of which are specifically incorporated herein by reference.

7. All retirement systems established by the laws of the state of Missouri shall develop a procurement action plan for utilization of minority and women money managers, brokers and investment counselors. Such retirement systems shall report their progress annually to the joint committee on public employee retirement and the governor's minority advocacy commission.

169.350. 1. All of the assets of the retirement system (other than tangible real or personal property owned by the retirement system for use in carrying out its duties, such as office supplies and furniture) shall be credited, according to the purpose for which they are held, in either the employees' contribution fund or the general reserve fund.

(1) The employees' contribution fund shall be the fund in which shall be accumulated the contributions of the members. The employer shall, except as provided in subdivision (5) of this subsection, cause to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, the pro rata portion of five and nine-tenths percent of his annualized compensation. Effective January 1, 1999, through December 31, 2013, the employer shall deduct an additional one and six-tenths percent of the member's annualized compensation. For 2014 and for each subsequent year, the employer shall deduct from each member's annualized compensation the rate of contribution determined for such year [by the actuary for the retirement system in the manner] **as provided in [subsection] subsections 4, 5, and 6 of this section.**

(2) The employer shall pay all such deductions and any amount it may elect to pay pursuant to subdivision (5) of this subsection to the retirement system at once. The retirement system shall credit such deductions and such amounts to the individual account of each member from whose compensation the deduction was made or with respect to whose compensation the amount was paid pursuant to subdivision (5) of this subsection. In determining the deduction for a member in any payroll period, the board of trustees may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such period.

(3) The deductions provided for herein are declared to be a part of the compensation of the member and the making of such deductions shall constitute payments by the member out of the person's compensation and such deductions shall be made notwithstanding that the amount actually paid to the member after such deductions is less than the minimum compensation provided by law for any member. Every member shall be deemed to consent to the deductions made and provided for herein, and shall receipt for the person's full compensation, and the making of the deduction and the payment of compensation less the deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered during the period covered by the payment except as to benefits provided by sections 169.270 to 169.400.

(4) The accumulated contributions with interest of a member withdrawn by the person or paid to the person's estate or designated beneficiary in the event of the person's death before retirement shall be paid

from the employees' contribution fund. Upon retirement of a member the member's accumulated contributions with interest shall be transferred from the employees' contribution fund to the general reserve fund.

(5) The employer may elect to pay on behalf of all members all or part of the amount that the members would otherwise be required to contribute to the employees' contribution fund pursuant to subdivision (1) of this subsection. Such amounts paid by the employer shall be in lieu of members' contributions and shall be treated for all purposes of sections 169.270 to 169.400 as contributions made by members. Notwithstanding any other provision of this chapter to the contrary, no member shall be entitled to receive such amounts directly. The election shall be made by a duly adopted resolution of the employer's board and shall remain in effect for at least one year from the effective date thereof. The election may be thereafter terminated only by an affirmative act of the employer's board notwithstanding any limitation in the term thereof in the adopting resolution. Any such termination resolution shall be adopted at least sixty days prior to the effective date thereof, and the effective date thereof shall coincide with a fiscal year-end of the employer. In the absence of such a termination resolution, the election shall remain in effect from fiscal year to fiscal year.

2. The general reserve fund shall be the fund in which shall be accumulated all reserves for the payment of all benefit expenses and other demands whatsoever upon the retirement system except those items heretofore allocated to the employees' contribution fund.

(1) All contributions by the employer, except those the employer elects to make on behalf of the members pursuant to subdivision (5) of subsection 1 of this section, shall be credited to the general reserve fund.

(2) Should a retirant be restored to active service and again become a member of the retirement system, the excess, if any, of the person's accumulated contributions over benefits received by the retirant shall be transferred from the general reserve fund to the employees' contribution fund and credited to the person's account.

3. Gifts, devises, bequests and legacies may be accepted by the board of trustees and deposited in the general reserve fund to be held, invested and used at its discretion for the benefit of the retirement system except where specific direction for the use of a gift is made by a donor.

4. Beginning in 2013, the actuary for the retirement system shall annually calculate the rate of employer contributions and member contributions for 2014 and for each subsequent calendar year **through 2018**, expressed as a level percentage of the annualized compensation of the members, subject to the following:

(1) The rate of contribution for any calendar year shall be determined based on an actuarial valuation of the retirement system as of the first day of the prior calendar year. Such actuarial valuation shall be performed using the actuarial cost method and actuarial assumptions adopted by the board of trustees and in accordance with accepted actuarial standards of practice in effect at the time the valuation is performed, as promulgated by the actuarial standards board or its successor;

(2) The target combined employer and member contribution rate shall be the amount actuarially required to cover the normal cost and amortize any unfunded accrued actuarial liability over a period that shall not exceed thirty years from the date of the valuation;

(3) The target combined rate as so determined shall be allocated equally between the employer

contribution rate and the member contribution rate, provided, however, that the level rate of contributions to be paid by the employers and the level rate of contributions to be deducted from the compensation of members for any calendar year shall each be limited as follows:

(a) The contribution rate shall not be less than seven and one-half percent;

(b) The contribution rate shall not exceed nine percent; and

(c) Changes in the contribution rate from year to year shall be in increments of one-half percent such that the contribution rate for any year shall not be greater than or less than the rate in effect for the prior year by more than one-half percent;

(4) The board of trustees shall certify to the employers the contribution rate for the following calendar year no later than six months prior to the date such rate is to be effective.

**5. The member contribution rate for 2019 and subsequent periods shall be nine percent of compensation unless a lower member contribution rate applies for any period beginning on or after July 1, 2021, in accordance with the provisions of subdivision (4) of subsection 6 of this section.**

**6. The employer contribution rate for calendar year 2019 shall be ten and one-half percent. The employer contribution rate for the eighteen-month period beginning January 1, 2020, through June 30, 2021, shall be twelve percent. For the twelve-month period beginning July 1, 2021, and for each subsequent twelve-month period beginning July first each year, the employer contribution rate shall be determined as follows:**

**(1) The actuary shall determine the total actuarially required contribution based on an actuarial valuation of the retirement system as of the first day of the preceding calendar year. Such actuarial valuation shall be performed using the actuarial cost method and actuarial assumptions adopted by the board of trustees and in accordance with actuarial standards of practice applicable as of the valuation date. The total actuarially required contribution rate, including both employer and member contributions, shall be an amount determined in accordance with the board's current funding policy, expressed as a level percentage of the annualized compensation of the members;**

**(2) If the retirement system's funded ratio as of the first day of the preceding calendar year is below one hundred percent, the employer contribution rate shall be the greater of twelve percent or the difference between the total actuarially required contribution rate and the nine percent member contribution rate, subject to the limits on annual adjustments stated in subdivision (6) of this subsection;**

**(3) If the retirement system's funded ratio as of the first day of the preceding calendar year equals or exceeds one hundred percent and the total actuarially required contribution rate exceeds eighteen percent, the employer contribution rate shall be the difference between the total actuarially required contribution rate and the nine percent member contribution rate, subject to the limits on annual adjustments stated in subdivision (6) of this subsection;**

**(4) If the retirement system's funded ratio as of the first day of the preceding calendar year equals or exceeds one hundred percent and the total actuarially required contribution rate does not exceed eighteen percent, the total actuarially required contribution rate shall be allocated equally between the employer contribution rate and the member contribution rate. If the total actuarially required**

contribution rate falls below eighteen percent after being above eighteen percent for the preceding twelve-month period, the member contribution rate and the employer contribution rate shall be adjusted to one-half of the total actuarially required contribution rate for such period, regardless of the magnitude of the decrease from the rate in effect for the prior period, in order to equalize the employer and member contribution rates. Otherwise, adjustments in the contribution rates shall be limited by the annual adjustment limits stated in subdivision (6) of this subsection;

(5) If the retirement system's funded ratio as of the first day of the preceding calendar year again falls below one hundred percent, or if the total actuarially required contribution rate rises above eighteen percent, the provisions of subdivision (2) or (3) of this subsection shall apply, as applicable, subject to the limits on annual adjustments stated in subdivision (6) of this subsection;

(6) Except as stated in subdivision (4) of this subsection, in transitioning to the contribution rates prescribed in this subsection for periods beginning on or after July 1, 2021, the employer contribution rate and the member contribution rate, respectively, shall not increase by more than one percent or decrease by more than one-half percent for any period from the corresponding rate in effect immediately before such increase or decrease; and

(7) The board of trustees shall certify to the employers the contribution rate to be effective for July 1, 2021, and for each following July first, no later than six months prior to the date such rate is to be effective.

169.360. 1. Before the first of July of each year, the board of trustees shall certify to each employer the amounts which will become due and payable from each during the school year next following to the general reserve fund. The amount so certified shall be appropriated by each employer's board by a resolution explicitly directing the appropriate officials to pay the same, not later than July twenty-fifth of each year and transferred to the retirement system on or before December thirty-first of the same year.

2. Effective January 1, 2019, each employer shall transfer its employer contributions to the retirement system promptly following the end of each payroll period at the time the employer transfers member contributions.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 892, Page 9, Section 56.840, Line 38, by inserting after all of said section and line the following:

“70.227. 1. For purposes of this section, the following terms mean:

(1) “Local units”, the same meaning given to the term under section 251.160;

(2) “Transportation planning boundary”, the same meaning given to the term under section 251.160.

2. Notwithstanding the provisions of sections 70.600 to 70.755 to the contrary, a metropolitan planning organization organized under 23 U.S.C. Section 134 and designated by the governor shall be considered a political subdivision for the purposes of sections 70.600 to 70.755, and employees of such metropolitan planning organization shall be eligible for membership in the Missouri local

government employees' retirement system upon the metropolitan planning organization becoming an employer, as defined in subdivision (11) of section 70.600.

3. Upon receipt of certified copies of resolutions recommending the dissolution of a metropolitan planning organization adopted by the governing bodies of a majority of the local units within the transportation planning boundary served by the metropolitan planning organization, and upon a finding that all outstanding indebtedness of the metropolitan planning organization has been paid, including moneys owed to any retirement plan or system in which the organization participates and has pledged to pay for the unfunded accrued liability of its past and current employees, and all unexpended funds returned to the local units that supplied them or adequate provision made for the funds, the governor shall issue a certificate of dissolution of the organization, which shall thereupon cease to exist. If such organization was formally incorporated as a Missouri nonprofit corporation, the secretary of state shall issue such certificate of dissolution.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 892, Page 9, Section 56.840, Line 38, by inserting after all of said section and line the following:

“278.157. 1. Notwithstanding the provisions of section 70.600 to the contrary, a soil and water conservation district organized under sections 278.060 to 278.155 shall be considered a political subdivision for the purposes of sections 70.600 to 70.755, and employees of such a soil and water conservation district shall be eligible for membership in the Missouri local government employees' retirement system upon the soil and water district becoming an “employer” as defined in subdivision (11) of section 70.600.

2. Prior to the soil and water commission declaring a soil and water conservation district disestablished under section 278.150, the soil and water commission shall make a determination that all outstanding indebtedness of the soil and water conservation district has been paid, including moneys owed to any retirement plan or system in which the soil and water conservation district participates and has pledged to pay for the unfunded accrued liability of past and current employees.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 892, Page 9, Section 56.840, Line 38, by inserting after all of said section and line the following:

“169.560. 1. Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity [in a district] **for an employer** included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the [district's] **employer's** salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the [school

district] **employer** does not utilize a salary schedule, or if the position in question is not subject to the [district's] **employer's** salary schedule, a retiree employed in accordance with the provisions of this [section] **subsection** may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position [in the school district] **by the employer** that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment. If such a person is employed in any capacity by such [a district] **an employer** in excess of the limitations set forth in this [section] **subsection**, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall contribute to the retirement system if the person satisfies the retirement system's membership eligibility requirements. In addition to the conditions set forth above, this [section] **subsection** shall apply to any person retired and currently receiving a retirement allowance under sections 169.010 to 169.141, other than for disability, who is employed by a third party or is performing work as an independent contractor, if such person is performing work [in a district] **for an employer** included in the retirement system as a temporary or long-term substitute teacher or in any other position that would normally require that person to be duly certificated under the laws governing the certification of teachers in Missouri if such person was employed by the district. The retirement system may require the [district] **employer**, the third-party employer, the independent contractor, and the retiree subject to this [section] **subsection** to provide documentation showing compliance with this [section] **subsection**. If such documentation is not provided, the retirement system may deem the retiree to have exceeded the limitations provided in this [section] **subsection**.

**2. Notwithstanding any other provision of this section, any person retired and currently receiving a retirement allowance in accordance with sections 169.010 to 169.141, other than for disability, may be employed by an employer included in the retirement system created by those sections in a position that does not normally require a person employed in that position to be duly certificated under the laws governing the certification of teachers in Missouri, and through such employment may earn up to sixty percent of the minimum teacher's salary as set forth in section 163.172, without a discontinuance of the person's retirement allowance. Such person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment, and such person shall not earn membership service for such employment. The employer's contribution rate shall be paid by the hiring employer into the public education employee retirement system established by sections 169.600 to 169.715. If such a person is employed in any capacity by an employer in excess of the limitations set forth in this subsection, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall become a member of and contribute to any retirement system described in this subsection if the person satisfies the retirement system's membership eligibility requirements.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Titling change adopted.

In which the concurrence of the Senate is respectfully requested.

### **RESOLUTIONS**

Senator Munzlinger offered Senate Resolution No. 1967, regarding Heartland Community Church, Bethel, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1968, regarding the One Hundredth Birthday of Burrell Smith, Monticello, which was adopted.

Senator Koenig offered Senate Resolution No. 1969, regarding the death of Chief Warrant Officer 3 Ryan M. Connolly, which was adopted.

Senator Nasheed offered Senate Resolution No. 1970, regarding Lois Yatzeck, St. Louis, which was adopted.

Senator Nasheed offered Senate Resolution No. 1971, regarding Delores Smith, St. Louis, which was adopted.

Senator Nasheed offered Senate Resolution No. 1972, regarding Amber Cole, St. Louis, which was adopted.

On motion of Senator Kehoe, the Senate recessed until 3:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

President Pro Tem Richard assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

On behalf of Senator Brown, Chairman of the Committee on Appropriations, Senator Kehoe submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 2015**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2017**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2018**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

May 2, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Reid K. Forrester, Republican, 205 Rose Park, Jefferson City, Cole County, Missouri 63901, as a member of the Labor and Industrial Relations Commission, for a term ending June 27, 2022, and until his successor is duly appointed and qualified; vice, James Avery Jr., term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
May 2, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael B. Frazier, 596 North Buffalo Street, Marshfield, Webster County, Missouri 65706, as a member of the Missouri Developmental Disabilities Council, for a term ending June 30, 2020, and until his successor is duly appointed and qualified; vice, Vicki McCarrell, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
May 2, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Matthew Hearne, Republican, 1 Price Court, Saint Louis, Saint Louis County, Missouri 63132, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2022, and until his successor is duly appointed and qualified; vice, David C. Zimmerman, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
May 2, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sherry Jones, Republican, 20841 LIV 431, Dawn, Livingston County, Missouri 64638, as a member of the State Fair Commission, for a term ending December 29, 2021, and until her successor is duly appointed and qualified; vice, Lowell F. Mohler, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
May 2, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:



Crissy L. Mayberry, 13026 State Highway 72, Millersville, Cape Girardeau County, Missouri 63766, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2018, and until her successor is duly appointed and qualified; vice, Dean Aye, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
May 2, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Melanie McDole, 320 West Southside Boulevard, Independence, Jackson County, Missouri 64055, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2022, and until her successor is duly appointed and qualified; vice, Janet E. Richardson, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
May 2, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeffrey Miyake, Republican, 679 Cherry Ridge Boulevard, Springfield, Greene County, Missouri 65809, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2021, and until his successor is duly appointed and qualified; vice, Jenifer Placzek, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
May 2, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Patricia N. Thomas, Republican, 3444 Hobbs Lane, Jefferson City, Cole County, Missouri 65109, as a member of the State Fair Commission, for a term ending December 29, 2018, and until her successor is duly appointed and qualified; vice, Sherry Jones, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
May 2, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James R. Wilson, Independent, 36981 State Highway AA, Anabel, Macon County, Missouri 63431, as a member of the State Fair Commission, for a term ending December 29, 2020, and until his successor is duly appointed and qualified; vice, Willis Jackson Magruder, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

President Pro Tem Richard referred the above appointments to the Committee on Gubernatorial Appointments.

### **HOUSE BILLS ON THIRD READING**

**HB 1691**, introduced by Representative Miller, with **SCS**, entitled:

An Act to repeal sections 386.510 and 386.515, RSMo, and to enact in lieu thereof two new sections relating to the public service commission.

Was taken up by Senator Emery.

**SCS** for **HB 1691**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1691**

An Act to repeal sections 386.135, 386.510, and 386.515, RSMo, and to enact in lieu thereof three new sections relating to the public service commission.

Was taken up.

Senator Emery moved that **SCS** for **HB 1691** be adopted.

Senator Emery offered **SS** for **SCS** for **HB 1691**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1691**

An Act to repeal sections 386.135, 386.390, 386.510, 386.515, and 393.1012, RSMo, and to enact in lieu thereof sixteen new sections relating to the public service commission.

Senator Emery moved that **SS** for **SCS** for **HB 1691** be adopted.

At the request of Senator Emery, **HB 1691**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

**HCS** for **HB 2034**, with **SCS**, entitled:

An Act to repeal sections 195.010, 195.017, and 196.070, RSMo, and to enact in lieu thereof fifteen new sections relating to industrial hemp, with penalty provisions.

Was taken up by Senator Munzlinger.

**SCS** for **HCS** for **HB 2034**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2034**

An Act to repeal sections 195.010, 195.017, and 196.070, RSMo, and to enact in lieu thereof sixteen new sections relating to industrial hemp, with penalty provisions.

Was taken up.

Senator Munzlinger moved that **SCS** for **HCS** for **HB 2034** be adopted.

Senator Hegeman assumed the Chair.

Senator Munzlinger offered **SS** for **SCS** for **HCS** for **HB 2034**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2034

An Act to repeal sections 195.010, 195.017, and 196.070, RSMo, and to enact in lieu thereof sixteen new sections relating to industrial hemp, with penalty provisions.

Senator Munzlinger moved that **SS** for **SCS** for **HCS** for **HB 2034** be adopted.

Senator Munzlinger offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2034, Page 10, Section 195.010, Line 8 of said page, by inserting immediately after said line the following:

**“(20) “Illegal industrial hemp”:**

**(a) All nonseed parts and varieties of the Cannabis sativa L. plant, growing or not, that contain an average delta-9 tetrahydrocannabinol (THC) concentration exceeding three-tenths of one percent on a dry weight basis;**

**(b) “Illegal industrial hemp” shall be destroyed in the most effective manner possible, and such destruction shall be verified by the Missouri state highway patrol;”; and**

Further amend said bill and section, page 11, lines 22-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 12, line 1 of said page, by striking all of said line; and further amend said section by renumbering the subdivisions accordingly; and

Further amend said bill and section, page 12, line 3 of said page, by inserting at the end of said line the following: **“L.”**; and

Further amend said bill, page 57, section 195.764, line 6 of said page, by striking “195.746” and inserting in lieu thereof the following: **“195.740”**.

Senator Munzlinger moved that the above amendment be adopted, which motion prevailed.

President Parson assumed the Chair.

Senator Munzlinger moved that **SS** for **SCS** for **HCS** for **HB 2034**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS** for **SCS** for **HCS** for **HB 2034**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Chappelle-Nadal	Cierpiot	Cunningham	Curls	Dixon	Eigel	Emery
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford	Walsh

Wasson—29

## NAYS—Senators

Brown	Crawford	Wieland—3
-------	----------	-----------

Absent—Senator Onder—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS for HB 1796**, entitled:

An Act to amend chapters 143 and 443, RSMo, by adding thereto seven new sections relating to the first-time home buyer savings account act.

Was taken up by Senator Rowden.

Senator Rowden offered **SS for HCS for HB 1796**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1796

An Act to repeal sections 135.090, 135.341, 135.562, 135.600, 135.630, and 135.647, RSMo, and to enact in lieu thereof fourteen new sections relating to the reduction of certain tax liabilities.

Senator Rowden moved that **SS for HCS for HB 1796** be adopted.

At the request of Senator Rowden, **HCS for HB 1796**, with **SS** (pending), was placed on the Informal Calendar.

**PRIVILEGED MOTIONS**

Senator Hegeman moved that the Senate refuse to concur in **HCS for SS for SB 870**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Cunningham moved that the Senate refuse to recede from its position on **SS for SCS for HCS for HB 1879**, as amended, and grant the House a conference thereon, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SS for SB 608**, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SS for SCS for SB 826**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SB 707**, entitled:

An Act to repeal sections 301.213, 301.550, 301.553, 301.557, 301.559, 301.560, 301.562, 301.563, 301.564, 301.566, 301.568, 301.570, and 307.350, RSMo, and to enact in lieu thereof thirteen new sections relating to vehicle sales.

With House Amendment Nos. 1 and 2.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 707, Page 1, Section A, Line 5, by inserting after all of said section and line the following:

“301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant’s identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the odometer information provided [in the vehicle inspection report] **by the owner of the vehicle**, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle’s certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer’s statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor vehicle licensed for over twelve

thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall retain the odometer information provided [in the vehicle inspection report] **by the owner of the vehicle**, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This subsection shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund

shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the director of revenue shall establish a system of registration of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The director of revenue shall prescribe the forms for such fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of ten or more motor vehicles which must be registered in accordance with this chapter may register as a fleet owner. All registered fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar year or biennial basis pursuant to this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of fleet vehicles.

2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered during April of the corresponding year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of the corresponding year, with two years' fees due for biennially-registered vehicles. [Notwithstanding the provisions of section 307.355, an application for registration of a fleet vehicle must be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application.] The fees for vehicles added to the fleet which must be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee and when licensed on or after January first the fee shall be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet, an additional year's annual fee will be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a fleet purchases or otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant to this subsection.

4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant to this section shall be issued a special license plate which shall have the words "Fleet Vehicle" in place of the words

“Show-Me State” in the manner prescribed by the advisory committee established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee beyond the regular registration fee, a fleet owner of at least fifty fleet vehicles may apply for fleet license plates bearing a company name or logo, the size and design thereof subject to approval by the director. All fleet license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear license plates as provided in this section which shall not require issuance of a renewal tab. Upon payment of appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued. The director of revenue shall promulgate rules and regulations establishing the procedure for application and issuance of fleet vehicle license plates.

[5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390 if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of Missouri.]

301.074. License plates issued under sections 301.071 to 301.075 shall be valid for the duration of the veteran’s disability. Each such applicant issued license plates under these provisions shall annually furnish [proof of vehicle inspection and] proof of disability to the director, except that an applicant whose service connected disability qualifying him for special license plates consists in whole or in part of loss of an eye or a limb or an applicant with a one hundred percent permanent disability, as established by a physician’s signed statement to that effect, need only furnish proof of disability to the director when initially applying for the special license plates and not thereafter, but in such case proof that the veteran is alive shall be required annually. Each person qualifying under sections 301.071 to 301.075 may license only one motor vehicle under these provisions. No commercial motor vehicle in excess of twenty-four thousand pounds gross weight may be licensed under the provisions of sections 301.071 to 301.075.

301.132. 1. For purposes of this section, “street rod” is a vehicle older than 1949 or a vehicle manufactured after 1948 to resemble a vehicle manufactured before 1949; and has been altered from the manufacturer’s original design or has a body constructed from nonoriginal materials.

2. The model year and the year of manufacture that are listed on the certificate of title of a street rod vehicle shall be the model year and year of manufacture that the body of such vehicle resembles. The current and all subsequent certificates of ownership shall be designated with the word “REPLICA”.

3. For each street rod, there shall be an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees.

4. In applying for registration of a street rod pursuant to this section, the owner of the street rod shall submit with the application a certification that the vehicle for which the application is made:

(1) Will be maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses;

(2) Will not be used for general daily transportation.

5. [In addition to the certification required pursuant to subsection 4 of this section, when applying for registration of a street rod, the new owner of the street rod shall provide proof that the street rod passed a



safety inspection in accordance with section 307.350 that shall be approved by the department of public safety in consultation with the street rod community in this state.

6.] On registration of a vehicle pursuant to this section, the director of the department of revenue shall issue to the owner two license plates containing the number assigned to the registration certificate issued by the director of revenue, and the following words: "STREET ROD", "STATE OF MISSOURI". Such license plates shall be kept securely attached to the motor vehicle registered pursuant to this section. The director of revenue shall determine the characteristic features of such license plates for vehicles registered pursuant to the provisions of this section so that they may be recognized as such, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

[7.] 6. Unless the presence of the equipment was specifically required by a statute of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered pursuant to this section.

[8.] 7. [Except as provided in subsection 5 of this section,] A vehicle registered pursuant to this section is exempt from any statute of this state that requires [periodic vehicle inspections and from any statute of this state that requires] the use and inspection of emission controls.

[9.] 8. A "custom vehicle" means any motor vehicle that:

(1) Is at least twenty-five years old and of a model year after 1948, or was manufactured to resemble a vehicle twenty-five years old or older and of a model year after 1948; and

(2) Has been altered from the manufacturer's original design, or has an entire body constructed from nonoriginal materials.

[10.] 9. The model year and the year of manufacture that are listed on the certificate of title of a custom vehicle shall be the model year and year of manufacture that the body of such vehicle resembles. The current and all subsequent certificates of ownership shall be designated with the word "REPLICA".

[11.] 10. For each custom vehicle, there shall be an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees.

[12.] 11. In applying for registration of a custom vehicle pursuant to this section, the owner of the custom vehicle shall submit with the application a certification that the vehicle for which the application is made:

(1) Will be maintained for occasional transportation, exhibits, club activities, parades, tours, and similar uses; and

(2) Will not be used for general daily transportation.

[13.] In addition to the certification required pursuant to subsection 12 of this section, when applying for registration of a custom vehicle, the new owner of the custom vehicle shall provide proof that the custom vehicle passed a safety inspection in accordance with section 307.350 that shall be approved by the department of public safety in consultation with the street rod community in this state.

14.] 12. On registration of a vehicle pursuant to this section, the director of the department of revenue shall issue to the owner two license plates containing the number assigned to the registration certificate

issued by the director of revenue, and the following words: “CUSTOM VEHICLE”, “STATE OF MISSOURI”. Such license plates shall be kept securely attached to the motor vehicle registered hereunder. The director of revenue shall determine the characteristic features of such license plates for vehicles registered pursuant to the provisions of this section so that they may be recognized as such, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

[15.] **13.** Unless the presence of the equipment was specifically required by a statute of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered pursuant to this section.

[16.] **14.** [Except as provided in subsection 13 of this section,] A vehicle registered pursuant to this section is exempt from any statute of this state that requires [periodic vehicle inspections and from any statute of this state that requires] the use and inspection of emission controls.

[17.] **15.** For purposes of this section, “blue dot tail light” is a red lamp installed in the rear of a motor vehicle containing a blue or purple insert that is not more than one inch in diameter.

[18.] **16.** A street rod or custom vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors.

301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of fifty-four thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements:

(1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration;

(2) Presentation of all documentation otherwise required by law for vehicle registration including, but not limited to, a personal property tax receipt or certified statement for the preceding year that no such taxes were due as set forth in section 301.025, proof of [a motor vehicle safety inspection and] any applicable emission inspection conducted within sixty days prior to the date of application and proof of insurance as required by section 303.026.

2. The director of revenue may prescribe rules and regulations for the effective administration of this section. The director is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and void.

3. The director of revenue shall have the authority to stagger the registration period of motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight. Once the

owner of a motor vehicle chooses the option of biennial registration, such registration must be maintained for the full twenty-four month period.

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer, unless the motor vehicle was acquired under section 301.213 in which case the applicant shall make application within thirty days after receiving title from the dealer, upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application. When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of ownership.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536 indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or

(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, or where the motor vehicle was acquired under section 301.213 and the applicant fails to make application within thirty days after receiving title from the dealer, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of two hundred dollars, but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer, or where the motor vehicle was acquired under section 301.213 and the applicant fails to make application within thirty days after receiving title from the dealer, or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which the person should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and shall not have to be renewed annually.

6. Any applicant for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been applied for as provided in this section.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-

USA-std motor vehicle, or other vehicle as required by the director of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. Notwithstanding any provision of the law to the contrary, an owner presenting a motor vehicle which has been issued a salvage title and which is ten years of age or older to a vehicle examination described in this subsection in order to obtain a certificate of ownership with the designation prior salvage motor vehicle shall not be required to repair or restore the vehicle to its original appearance in order to pass or complete the vehicle examination. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, [the safety inspection required in chapter 307 and] the emissions inspection required under chapter 643 shall be completed and the fees required by section 307.365 and section 643.315 shall be charged to the owner.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri [or as required by section 301.020], it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall collect the same fee as authorized in section 307.365 for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365. If the vehicle is also to be registered in Missouri, [the safety inspection required in chapter 307 and] the emissions inspection required under chapter 643 shall be completed and only the fees required by section 307.365 and section 643.315 shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or

should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation.

13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words “Non-USA-Std Motor Vehicle”.

14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section.

15. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the current model year, and which has a value of three thousand dollars or less shall be accompanied by:

(1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

(2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source of all major component parts used to rebuild the vehicle;

(3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways and transportation department fund; and

(4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles.

The department of revenue shall issue the owner a certificate of ownership designated with the words “Reconstructed Motor Vehicle” and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol.

301.191. 1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer [sixteen feet or more in length] which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented.

2. As used in this section, “homemade” means made by a person who is not a manufacturer using readily distinguishable manufacturers’ identifying numbers or a statement of origin.

3. Every person constructing a homemade trailer [sixteen feet or more in length] shall obtain an inspection from the sheriff of his or her county of residence or from the Missouri state highway patrol prior to applying for a certificate of ownership. If the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff’s or the Missouri state highway patrol’s certificate of inspection shall be transferred with the trailer.

4. A fee of [ten] **twenty-five** dollars shall be paid for the inspection. If the inspection is completed by the sheriff, the proceeds from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one exists; otherwise into the county general revenue fund. If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the [ten] **twenty-five** dollar inspection fee to the director of revenue at the time of application for a certificate of ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund.

5. The sheriff or Missouri state highway patrol shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff or Missouri state highway patrol may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified by the sheriff, the sheriff may stamp a permanent identifying number in the tongue of the frame. The certificate of inspection shall be on a form designed and provided by the director of revenue.

6. Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame.

7. The sheriff or Missouri state highway patrol may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff or Missouri state highway patrol may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted.”; and

Further amend said bill, Page 5, Section 301.213, Line 122, by inserting immediately after said section and line the following:

“301.380. 1. Whenever the original, manufacturer's, or other distinguishing number on any motor vehicle, trailer or motor vehicle tire has been destroyed, removed, covered, altered, defaced or is otherwise nonexistent, the director of revenue, upon application, payment of a fee of seven dollars and fifty cents, and satisfactory proof of ownership by the owner, shall issue a certificate authorizing the owner to place a special number designated by the director of revenue upon the vehicle, trailer or tire.

2. In order to properly calculate the sales tax due, in the case of a trailer which is alleged to have been made by someone who is not a manufacturer using readily distinguishable manufacturers' identifying numbers or a certificate of origin, the person seeking the special number authorized by the provisions of this section shall secure a [written statement from a motor vehicle inspection station] **vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue**, that the trailer has been examined and that it is not one made by a regular manufacturer. **The person seeking the special number authorized by the provisions of this section shall pay a fee of twenty-five dollars for such examination certificate, payable to the director of revenue, which shall be deposited into the state treasury to the credit of the state highways and transportation department fund.** The superintendent of the state highway patrol shall provide such forms for [inspection stations, and the person, firm, or corporation seeking the examination shall pay a regular inspection fee for the examination. The proceeds of the fee shall be distributed in the same manner as regular inspection fees are distributed] **law enforcement agencies performing such inspections.** This subsection shall not apply to trailers inspected under section 301.191.

3. The director of revenue shall designate the special numbers consecutively beginning with the number one preceded by the letters “DR” and followed by the letters “Mo” for each make of motor vehicle, trailer or motor vehicle tire, or if the make be unknown, the number shall also be preceded by the letter “X”.

4. When such number has been placed upon the motor vehicle or motor or engine thereof, or trailer or motor vehicle tire, it shall be the lawful number of the same for the purpose of identification, registration, and all other purposes of this chapter, and the owner may sell and transfer such property under the special number. No person shall destroy, remove, cover, alter or deface any such special number.

301.443. 1. Any legal resident of the state of Missouri who is a veteran of service in the Armed Forces of the United States and has been honorably discharged from such service and who is a former prisoner of war and any legal resident of the state of Missouri who is a former prisoner of war and who was a United States citizen not in the Armed Forces of the United States during such time is, upon filing an application for registration together with such information and proof in the form of a statement from the United States Veterans Administration or the Department of Defense or any other form of proof as the director may require, entitled to receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 for a motor vehicle other than a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. There shall be no fee charged for license plates issued under the provisions of this section.

2. Not more than one certificate of registration and one corresponding set of motor vehicle license plates or other evidence of registration as provided in section 301.130 shall be issued each year to a qualified former prisoner of war under this section.

3. Proof of ownership [and vehicle inspection] of the particular motor vehicle for which a registration certificate and set of license plates is requested must be shown at the time of application. Proof of status as a former prisoner of war as required in subsection 1 of this section shall only be required on the initial application.

4. As used in this section, “former prisoner of war” means any person who was taken as an enemy prisoner during World War I, World War II, the Korean Conflict, or the Vietnam Conflict.

5. The director shall furnish each former prisoner of war obtaining a set of license plates under the provisions of subsections 1 to 4 of this section special plates which shall have the words “FORMER P.O.W.” on the license plates in preference to the words “SHOW-ME STATE” as provided in section 301.130 in a form prescribed by the advisory committee established in section 301.129. Such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration at the discretion of the advisory committee established in section 301.129, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

6. Registration certificates and license plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle will be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified former prisoner of war.

7. (1) Notwithstanding the provisions of subsection 6 of this section to the contrary, the surviving spouse of a former prisoner of war who has not remarried and who has been issued license plates described in subsection 5 of this section shall be entitled to transfer such license plates to the motor vehicle of the surviving spouse and receive annually one certificate of registration and one set of license plates or other



evidence of registration as provided in section 301.130 as if a former prisoner of war until remarriage. There shall be no fee charged for the transfer of such license plates.

(2) The department of revenue shall promulgate rules for the obtaining of a set of license plates described in subsection 5 of this section by the surviving spouse of the former prisoner of war when such license plates are not issued prior to the death of the former prisoner of war. The surviving spouse shall be entitled to receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 as if a former prisoner of war until remarriage. There shall be no fee charged for the license plates issued pursuant to this subdivision.”; and

Further amend said bill, Page 26, Section 301.570, Line 28, by inserting immediately after said section and line the following:

“301.800. 1. Any motor vehicle assembled by a two- or four-year institution of higher education exclusively utilizing solar power and built to compete in a national competition organized to foster interest in solar energy shall be registered and titled by the director of revenue, other laws regulating licensing of motor vehicles to the contrary notwithstanding.

2. Such institution shall file an application in a form prescribed by the director, verified by affidavit, that such vehicle meets the requirements of subsection 1 of this section.

3. The plate issued by the director shall be the collegiate plate of the institution and shall display the term “solar” in a manner prescribed by the director.

4. The institution shall pay the applicable fees as determined by the director.

5. Such motor vehicle shall be exempt from the [inspections required by section 307.350 and] **inspection required under** section 643.315 and shall only be operated on the streets and highways with the approval of the institution of higher education.”; and

Further amend said bill, Page 28, Section 307.350, Line 49, by inserting immediately after said section and line the following:

“307.360. 1. The superintendent of the Missouri state highway patrol shall issue permits and written instructions to official inspection stations and shall furnish forms and certificates for the [inspection of brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system, and any other safety equipment required by the state. In no instance will road testing of a vehicle be considered a part of the inspection procedure] **certification of manufacturer’s identification numbers and odometer readings for vehicles presented for inspection.**

2. The superintendent of the Missouri state highway patrol shall prescribe the standards and equipment necessary for an official inspection station and the qualifications for persons who conduct the inspections, and no applicant may be approved to operate an official inspection station until the applicant meets the standards and has the required equipment and qualified inspectors as prescribed. The superintendent of the Missouri state highway patrol shall establish standards and procedures to be followed in the making of inspections required by sections [307.350] **307.360** to 307.390 and shall prescribe rules and regulations for the operation of the stations.

3. (1) The application for permit as an official inspection station shall be made to the superintendent of the Missouri state highway patrol on a form furnished by the superintendent. The fee for a permit to operate an official inspection station shall be ten dollars per year and each permit shall be renewed annually on the date of issue. All fees shall be payable to the director of revenue and shall be deposited by him in the state treasury to the credit of the state highway fund.

(2) The application shall set forth the name under which applicant transacts or intends to transact business, the location of the applicant's place of business and such other information as the superintendent of the Missouri state highway patrol may require. If the applicant has or intends to have more than one place of business within the state, a separate application shall be made for each place of business. If the applicant is a partnership, the application shall set forth the names of the partners; if a corporation, the names of the officers shall be shown. The application shall be signed and verified by oath or affirmation of the owner or an authorized officer or partner.

(3) Each location which fulfills the superintendent of the Missouri state highway patrol's requirements and whose owners, proprietors and employees comply with the superintendent's regulations and qualifications shall be designated as an official inspection station and the applicant issued a certificate. The superintendent of the Missouri state highway patrol shall investigate all applicants for inspection station permits to determine whether or not the premises, equipment and personnel meet the requirements prescribed by him.

(4) Any automobile mechanic who has had at least one year of practical experience as an automotive mechanic or any person who has successfully completed a course of vocational instruction in automotive mechanics from a generally recognized educational institution, either public or private, and who has demonstrated the knowledge and ability to conduct an inspection in compliance with the regulations established by the superintendent of the Missouri state highway patrol may be issued a permit to conduct inspections at any official inspection station. No person without a valid permit shall conduct any part of an inspection[, except a person without a valid permit may assist in the inspection of a vehicle by operating the vehicle's lighting equipment and signaling devices. The superintendent of the Missouri state highway patrol may require a mechanic to be reexamined at any time to determine the mechanic's knowledge and ability to conduct an inspection. If the mechanic fails the reexamination or refuses to be reexamined, the permit issued to the mechanic shall be suspended until the mechanic passes the examination but under no circumstances can the mechanic again be tested until a period of thirty days has elapsed]. No fee shall be charged for the permit and the permit shall remain valid for a period of three years from the date of issue or until suspended or revoked by the superintendent of the Missouri state highway patrol.

[(5) The superintendent of the Missouri state highway patrol may issue a private official inspection station permit to any association, person, partnership, corporation and/or subsidiary corporation, and governmental entity having registered or titled in his, her or its name in this state one or more vehicles of the type required to be inspected by section 307.350, or who maintains such vehicles under a written maintenance agreement of at least one year's duration and who maintains approved inspection facilities and has qualified personnel; but separate permits must be obtained for separate facilities of the same association, person, partnership, corporation and/or subsidiary corporation, or governmental entity. Such private stations shall inspect only vehicles registered or to be registered, titled or to be titled or maintained in the name of the person or organization described on the application for permit. No fee shall be charged for a permit issued to a governmental entity.]

4. (1) The superintendent of the Missouri state highway patrol shall supervise and cause inspections to be made of the official inspection stations and inspecting personnel and if the superintendent finds that the provisions of sections [307.350] **307.360** to 307.390 or the regulations issued pursuant to sections [307.350] **307.360** to 307.390 are not being complied with, or that the business of an official inspection station[, in connection with corrections, adjustments, repairs or inspection of vehicles] is being improperly conducted, the superintendent shall suspend or revoke the permit of the station for a period of not less than thirty days or more than one year and require the immediate surrender and return of the permit, together with all official forms and certificates of inspection and approval. If the superintendent finds that an inspector has violated any of the provisions of sections [307.350] **307.360** to 307.390 or the regulations issued pursuant to sections [307.350] **307.360** to 307.390, the superintendent shall suspend or revoke the inspector's permit for a period of not less than thirty days nor more than one year. If a station operator or if an inspector violates any of the provisions of sections [307.350] **307.360** to 307.390, he or she is subject to prosecution as provided in section 307.390.

(2) The suspension or revocation of a station permit or of an inspector's permit shall be in writing to the operator, inspector, or the person in charge of the station. Before suspending or revoking either of the permits, the superintendent shall serve notice in writing by certified mail or by personal service to the permittee at the permittee's address of record giving the permittee the opportunity to appear in the office of the superintendent on a stated date, not less than ten nor more than thirty days after the mailing or service of the notice, for a hearing to show cause why the permittee's permit should not be suspended or revoked. An inspection station owner or an inspector may appear in person or by counsel in the office of the superintendent to show cause why the proposed suspension or revocation is in error, or to present any other facts or testimony that would bear on the final decision of the superintendent. If the permittee or the permittee's agent does not appear on the stated day after receipt of notice, it shall be presumed that the permittee admits the allegations of fact contained in the hearing notification letter. The decision of the superintendent may in such case be based upon the written reports submitted by the superintendent's officers. The order of the superintendent, specifying his findings of fact and conclusions of law, shall be considered final immediately after receipt of notice thereof by the permittee.

(3) Any person whose permit is suspended or revoked or whose application for a permit is denied may within ten days appeal the action as provided in chapter 536.

307.365. 1. No permit for an official inspection station shall be assigned or transferred or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated. The superintendent of the Missouri state highway patrol shall design and furnish each official inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station.

2. No person operating an official inspection station pursuant to the provisions of sections [307.350] **307.360** to 307.390 may issue a certificate of inspection and approval for any vehicle except upon an official form furnished by the superintendent of the Missouri state highway patrol for that purpose [and only after inspecting the vehicle and determining that its brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control

devices, fuel system and any other safety equipment as required by the state are in proper condition and adjustment to be operated upon the public highways of this state with safety to the driver or operator, other occupants therein, as well as other persons and property upon the highways, as provided by sections 307.350 to 307.390 and the regulations prescribed by the superintendent of the Missouri state highway patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake testing]. No person operating an official inspection station shall furnish, loan, give or sell a certificate of inspection and approval to any other person except those entitled to receive it under provisions of sections [307.350] **307.360** to 307.390. [No person shall have in such person's possession any certificate of inspection and approval and/or inspection sticker with knowledge that the certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.]

3. The superintendent of the Missouri state highway patrol may require officially designated stations to furnish reports upon forms furnished by the superintendent for that purpose as the superintendent considers reasonably necessary for the proper and efficient administration of sections [307.350] **307.360** to 307.390.

4. [If, upon inspection, defects or unsafe conditions are found, the owner may correct them or shall have them corrected at any place the owner chooses within twenty days after the defect or unsafe condition is found, and shall have the right to remove the vehicle to such place for correction, but before the vehicle is operated thereafter upon the public highways of this state, a certificate of inspection and approval must be obtained. The inspecting personnel of the official inspection station must inform the owner that the corrections need not be made at the inspection station.

5.] A fee, not to exceed twelve dollars, as determined by each official inspection station, may be charged by an official inspection station for each official inspection including the issuance of the certificate of inspection [and approval, sticker, seal or other device and a total fee, not to exceed ten dollars, as determined by each official inspection station, may be charged for an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate of inspection and approval, sticker, seal or other device]. Such fee shall be conspicuously posted on the premises of each such official inspection station. [No owner shall be charged an additional inspection fee upon having corrected defects or unsafe conditions found in an inspection completed within the previous twenty consecutive days, excluding Saturdays, Sundays and holidays, if such follow-up inspection is made by the station making the initial inspection. Every inspection for which a fee is charged shall be a complete inspection, and upon completion of the inspection, if any defects are found the owner of the vehicle shall be furnished a list of the defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have any necessary repairs or corrections made at the official inspection station, the owner shall be furnished a written estimate of the cost of such repairs before such repairs or corrections are made by the official inspection station. The written estimate shall have plainly written upon it that the owner understands that the corrections need not be made by the official inspection station and shall have a signature line for the owner. The owner must sign below the statement on the signature line before any repairs are made.

6. Certificates of inspection and approval, sticker, seal or other device shall be purchased by the official inspection stations from the superintendent of the Missouri state highway patrol. The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty cents for each certificate of inspection, sticker, seal or other device issued to the official inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal or other device issued to official inspection stations operated by governmental entities. All fees collected shall be deposited in the state treasury with one dollar

of each fee collected credited to the state highway fund and, for the purpose of administering and enforcing the state motor vehicle laws and traffic regulations, fifty cents credited to the "Highway Patrol Inspection Fund" which is hereby created. The moneys collected and deposited in the highway patrol inspection fund shall be expended subject to appropriations by the general assembly for the administration and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The unexpended balance in the fund at the end of each biennium exceeding the amount of the appropriations from the fund for the first two fiscal years shall be transferred to the state road fund, and the provisions of section 33.080, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to the fund.

7.] 5. The owner or operator of any inspection station who discontinues operation during the period that a station permit is valid or whose station permit is suspended or revoked shall return all official signs and posters [and any current unused inspection stickers, seals or other devices] to the superintendent of the Missouri state highway patrol and shall receive a full refund on request except for official signs and posters, provided the request is made during the calendar year or within sixty days thereafter in the manner prescribed by the superintendent of the Missouri state highway patrol. [Stations which have a valid permit shall exchange unused previous year issue inspection stickers and/or decals for an identical number of current year issue, provided the unused stickers and/or decals are submitted for exchange not later than April thirtieth of the current calendar year, in the manner prescribed by the superintendent of the Missouri state highway patrol.]

[8.] 6. Notwithstanding the provisions of section 307.390 to the contrary, a violation of this section shall be a class C misdemeanor.

[9.] 7. The owner or operator of any inspection station shall maintain liability insurance at all times to cover possible damage to vehicles during the inspection process.

307.370. 1. No person shall represent in any manner any place as an official inspection station unless the station is operated under a valid permit issued by the superintendent of the Missouri state highway patrol.

2. No person unless then holding a valid permit shall issue a certificate of inspection [and approval, sticker, seal or other device].

3. No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection[, sticker, seal or other device].

4. No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval[, sticker, seal or other device] knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.

307.375. 1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an official **school bus** inspection station, and obtain a certificate of inspection, sticker, seal or other device annually, but the inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle during the school year. The inspection shall[, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390,] include **a determination that the brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, and fuel system of the bus are in proper condition and,**

**in addition, include** an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

- (1) All mirrors, including crossview, inside, and outside;
- (2) The front and rear warning flashers;
- (3) The stop signal arm;
- (4) The crossing control arm on public school buses required to have them pursuant to section 304.050;
- (5) The rear bumper to determine that it is flush with the bus so that hitching of rides cannot occur;
- (6) The exhaust tailpipe shall be flush with or may extend not more than two inches beyond the perimeter of the body or bumper;
- (7) The emergency doors and exits to determine them to be unlocked and easily opened as required;
- (8) The lettering and signing on the front, side and rear of the bus;
- (9) The service door;
- (10) The step treads;
- (11) The aisle mats or aisle runners;
- (12) The emergency equipment which shall include as a minimum a first aid kit, flares or fuses, and a fire extinguisher;
- (13) The seats, including a determination that they are securely fastened to the floor;
- (14) The emergency door buzzer;
- (15) All hand hold grips;
- (16) The interior glazing of the bus.

2. In addition to the inspection required by subsection 1 of this section, the Missouri state highway patrol shall conduct an inspection after February first of each school year of all vehicles required to be marked as school buses under section 304.050. This inspection shall be conducted by the Missouri highway patrol in cooperation with the department of elementary and secondary education and shall include, as a minimum, items in subsection 1 of this section and the following:

- (1) The driver seat belts;
- (2) The heating and defrosting systems;
- (3) The reflectors;
- (4) The bus steps;
- (5) The aisles;
- (6) The frame.

3. If, upon inspection, conditions which violate the standards in subsection 2 of this section are found, the owner or operator shall have them corrected in ten days and notify the superintendent of the Missouri

state highway patrol or those persons authorized by the superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus shall not be used until corrections are made and the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent are notified.

4. The Missouri highway patrol may inspect any school bus at any time and if such inspection reveals a deficiency affecting the safe operation of the bus, the provisions of subsection 3 of this section shall be applicable.

5. [Notwithstanding the provisions of section 307.390 to the contrary,] A violation of this section shall be a class C misdemeanor.

**6. The superintendent of the Missouri state highway patrol shall prescribe the standards and equipment necessary for an official school bus inspection station and the qualifications for persons who conduct the inspections. The Missouri state highway patrol shall establish standards and procedures to be followed when conducting the inspections required under this section and shall prescribe rules and regulations for the operation of the school bus inspection stations.**

307.385. The superintendent of the Missouri state highway patrol may notify the director of revenue and the director of revenue shall suspend the registration of any vehicle which the superintendent of the Missouri state highway patrol determines, after a written notice, is not equipped as required by law or for which a certificate required by sections [307.350] **307.360** to 307.390 has not been obtained.

307.390. 1. Any person who violates any provision of sections [307.350] **307.360** to 307.390 is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

2. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers to investigate and enforce motor vehicle safety inspection laws and regulations pursuant to sections [307.350] **307.360** to 307.390 and sections 643.300 to 643.355. A person assigned by the superintendent pursuant to the authority granted by this subsection shall be designated a motor vehicle inspector and shall have limited powers to issue a uniform complaint and summons for a violation of the motor vehicle inspection laws and regulations. A motor vehicle inspector shall not have authority to exercise the power granted in this subsection until such inspector successfully completes training provided by, and to the satisfaction of, the superintendent.

643.303. 1. Beginning September 1, 2007, emissions inspections required by sections 643.300 to 643.355 shall be conducted through a decentralized emissions program that meets the requirements of this section. Prior to September 1, 2007, the air conservation commission shall develop a decentralized emissions inspection program that allows official inspection stations to conduct on-board diagnostic emission inspections of 1996 model year and newer motor vehicles equipped with on-board diagnostic systems meeting the federal Environmental Protection Agency On-Board Diagnostics II (OBDII) standards. The decentralized emissions inspection program shall, at a minimum, provide for the following:

- (1) The periodic inspection of certain motor vehicles as required under section 643.315;
- (2) The certification and operation of official emissions inspection stations and the licensing of emission inspectors;
- (3) The testing of motor vehicles through on-board diagnostic testing technologies;

- (4) The training, certification, and supervision of emission inspectors and other personnel; and
- (5) Procedures for certifying test results and for reporting and maintaining relevant data records.

2. In addition to any other criteria established by the commission under section 643.320 or by rule, the decentralized emissions inspection program shall allow any official inspection station located in an area described in subsection 1 of section 643.305 otherwise qualified by the Missouri state highway patrol to conduct motor vehicle [safety] inspections under section 307.360 to conduct on-board diagnostic emission inspections. Any motor vehicle [safety] inspection station that desires to conduct emissions inspections shall submit an application for a certificate of authorization to the commission as provided for under section 643.320. Other individuals, corporations, or entities [that do not conduct motor vehicle safety inspections] may conduct emission inspections provided they meet the qualifications set forth in sections 643.300 to 643.355 and [the] rules promulgated by the commission. Applications shall be made upon a form designated by the commission and shall contain such information as may be required by the commission. A certificate of authorization issued under section 643.320 to conduct emission inspections shall be issued only after the commission has made a determination that the applicant's proposed inspection station will be properly equipped, has the necessary licensed emission inspectors to conduct inspections, and meets all other requirements of sections 643.300 to 643.355 or rules promulgated to carry out the provisions of those sections.

3. The decentralized emissions inspection program shall allow any official **emissions** inspection station that is certified to conduct an on-board diagnostic emission inspection under sections 643.300 to 643.355 to repair motor vehicles in order to bring such vehicles into compliance with sections 643.300 to 643.355, if such station and personnel meet the qualifications to conduct emission repairs as set forth in sections 643.300 to 643.355. An official emission inspection station may elect to be an emissions test-only station or may elect to conduct both emission inspections and repairs.

4. The commission is authorized to begin certification of official **emissions** inspection stations prior to September 1, 2007, in order to implement the decentralized emissions inspection program. Prior to January 1, 2007, the department of natural resources shall issue a report to the general assembly and the governor regarding the progress of implementing the decentralized emissions inspection program. The report shall include, but not be limited to, a summary describing how many inspection stations or individuals the department expects to participate in the program and how many inspection stations or individuals will be qualified by September 1, 2007, to conduct such emissions inspections.

5. The commission may, as a part of implementing the decentralized emissions inspection program, use remote sensing devices to collect information regarding the vehicle fleet emissions characteristics and registration compliance within the area described in subsection 1 of section 643.305. The decentralized emissions inspection program established by the commission may also include a clean screen program that utilizes remote sensing devices. Owners of eligible vehicles who comply with clean screen/remote sensing procedures shall be deemed to have complied with the mandatory inspection requirements for the next inspection cycle. As used in this subsection, the term "clean screen program" shall mean a procedure or system that utilizes remote sensing technologies to determine whether a motor vehicle has acceptable emission levels and then allows the motor vehicle owner to bypass the emissions inspection test required under section 643.315.



6. The decentralized emissions inspection program may include a gas cap pressure test and a visual inspection component[, and such tests may be included as part of the motor vehicle safety inspection test under section 307.350].

7. As used in sections 643.300 to 643.355, “decentralized emissions inspection program” means an emissions inspection program under which a certified emissions inspector conducts emissions inspection testing at an official inspection station.

8. The decentralized emission inspection program shall satisfy the requirements established by regulation of the United States Environmental Protection Agency.

9. The decentralized emissions inspection program established by the commission and sections 643.300 to 643.355 shall not be construed to be a new program as described in section 23.253, and the decentralized emissions inspection program shall not be subject to the sunset mandate prescribed by sections 23.250 to 23.298.

10. No later than July 1, 2007, the department of natural resources and the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of sections 643.300 to 643.355.

11. No later than July 1, 2007, the air conservation commission shall promulgate rules for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

12. Prior to September 1, 2007, the department of natural resources shall actively promote participation in the decentralized emissions inspection program among qualified motor vehicle dealers, service stations, and other individuals. After the implementation of the decentralized emission inspection program, the department shall monitor participation in such program. In determining whether there are a sufficient number of individuals conducting motor vehicle emission inspections under the decentralized program, the department shall attempt to ensure, through promotional efforts, that no more than twenty percent of all persons residing in the affected nonattainment area reside farther than five miles from the nearest inspection station.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer; provided that, if such vehicle is inspected and approved prior to sale or transfer, such vehicle shall not be subject to another emissions inspection for ninety days after the date of sale or transfer of such vehicle. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject

to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle. The department of revenue shall require evidence of [the safety and] emission inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by [sections 307.350 to 307.390 and] sections 643.300 to 643.355. The director of revenue may verify that a successful [safety and] emissions inspection was completed via electronic means.

2. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(3) Model year vehicles manufactured prior to 1996;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal;

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;

(7) Historic motor vehicles registered pursuant to section 301.131;

(8) School buses;

(9) Heavy-duty diesel-powered vehicles with a gross vehicle weight rating in excess of eight thousand five hundred pounds;

(10) New motor vehicles that have not been previously titled and registered, for the four-year period following their model year of manufacture[, provided the odometer reading for such motor vehicles are under forty thousand miles at their first required biennial safety inspection conducted under sections 307.350 to 307.390; otherwise such motor vehicles shall be subject to the emissions inspection requirements of subsection 1 of this section during the same period that the biennial safety inspection is conducted];

(11) Motor vehicles that are driven fewer than twelve thousand miles between biennial [safety inspections] **registration periods**; and

(12) Qualified plug-in electric drive vehicles. For the purposes of this section, "qualified plug-in electric drive vehicle" shall mean a plug-in electric drive vehicle that is made by a manufacturer, has not been

modified from original manufacturer specifications, and can operate solely on electric power and is capable of recharging its battery from an on-board generation source and an off-board electricity source.

3. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established pursuant to sections 643.300 to 643.355.

4. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

- (a) With prior inspection and approval as provided in subdivision (2) of this subsection; or
- (b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to sections 643.300 to 643.355 or by obtaining a waiver pursuant to section 643.335. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020. [No emissions inspection shall be required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.]

[307.350. 1. The owner of every motor vehicle as defined in section 301.010 which is required to be registered in this state, except:

(1) Motor vehicles, for the five-year period following their model year of manufacture, excluding prior salvage vehicles immediately following a rebuilding process and vehicles subject to the provisions of section 307.380;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop

and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131;

(4) Vehicles registered in excess of twenty-four thousand pounds for a period of less than twelve months; shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144 or a set of any license plates available pursuant to section 301.142, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.]

[307.353. Other provisions of law notwithstanding, no person shall be required to have a biennial vehicle inspection during a registration period which exceeds two years. The inspection required at the beginning of the registration period shall be valid for the entire registration period.]

[307.355. 1. No state registration license to operate the type of vehicle required to be inspected by section 307.350 may be transferred or issued during a biennial registration year in which the vehicle is required to be inspected unless the application is accompanied by a certificate of inspection and

approval issued no more than sixty days prior to the date of application, or in the case of school buses, which will be required to be inspected annually as provided in section 307.375, except:

(1) The director of revenue may transfer or issue a state registration license to the type of vehicle required to be inspected by section 307.350 without a certificate of inspection and approval accompanying the application if the director has satisfactory evidence that the vehicle was not in the state of Missouri at any time during the sixty days prior to the date of application; however, the owner of every such vehicle must submit the vehicle for inspection and obtain a certificate of inspection and approval within ten days after the vehicle is first returned to the state of Missouri;

(2) The director of revenue shall renew a vehicle's registration license without a certificate of inspection and approval accompanying the application if satisfactory documentary evidence is presented at the time of application that the license being renewed was properly transferred within a six-month period prior to the expiration of the license being renewed or that the vehicle for which the registration is being issued was issued a registration for a period of less than one year for the registration period just expiring.

2. If due to interstate operation a commercial motor vehicle as defined in section 301.010 or a trailer of the type required to be inspected is required to obtain full fee registration in this and any other state during the same calendar year, no Missouri certificate of inspection and approval is required if the vehicle bears evidence that a current valid inspection sticker or decal was issued by such other state in which the vehicle is registered; provided that the sticker or decal issued by such other state is valid for the registration period in this state.

3. After a commercial motor vehicle as defined in section 301.010 has been registered for the current year, no certificate of inspection and approval is required when a local commercial motor vehicle license is changed to a beyond-local commercial motor vehicle license or when the licensed gross weight is changed during the licensed period.]

[307.380. 1. Every vehicle of the type required to be inspected upon having been involved in an accident and when so directed by a police officer must be inspected and an official certificate of inspection and approval, sticker, seal or other device be obtained for such vehicle before it is again operated on the highways of this state. At the seller's expense every vehicle of the type required to be inspected by section 307.350, whether new or used, shall immediately prior to sale be fully inspected regardless of any current certificate of inspection and approval, and an appropriate new certificate of inspection and approval, sticker, seal or other device shall be obtained.

2. Nothing contained in the provisions of this section shall be construed to prohibit a dealer or any other person from selling a vehicle without a certificate of inspection and approval if the vehicle is sold for junk, salvage, or for rebuilding, or for vehicles sold at public auction or from dealer to dealer. The purchaser of any vehicle which is purchased for junk, salvage, or for rebuilding, shall give to the seller an affidavit, on a form prescribed by the superintendent of the Missouri state highway patrol, stating that the vehicle is being purchased for one of the reasons stated herein. No vehicle of the type required to be inspected by section 307.350 which is purchased as junk, salvage, or for rebuilding shall again be registered in this state until the owner has submitted the vehicle for inspection and obtained an official certificate of inspection and approval, sticker, seal or other device for such vehicle.

3. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.]

[307.402. All state agencies owning motor vehicles shall be responsible for obtaining an inspection of each of their vehicle's mechanism and equipment in accordance with the provisions of sections 307.350 to 307.402 and obtaining a certificate of inspection and approval and a sticker, seal or other device from a duly authorized official inspection station.]

Section B. The repeal and reenactment of sections 301.020, 301.032, 301.074, 301.132, 301.147, 301.190, 301.191, 301.380, 301.443, 301.800, 307.360, 307.365, 307.370, 307.375, 307.385, 307.390, 643.303, and 643.315 and the repeal of sections 307.350, 307.353, 307.355, 307.380, and 307.402 shall become effective on January 1, 2019.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 707, Page 28, Section 307.350, Line 49, by inserting after all of said section and line the following:

**“Section 1. Notwithstanding any other provision of law to the contrary, any motorcycle license issued by the Missouri department of revenue shall expire on June 30 of each calendar year.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

#### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 826**, as amended: Senators Sater, Riddle, Onder, Schupp and Sifton.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 608**: Senators Hoskins, Munzlinger, Wieland, Sifton and Rizzo.

#### RESOLUTIONS

Senator Romine offered Senate Resolution No. 1973, regarding Centerville, Missouri, which was adopted.

Senator Nasheed offered Senate Resolution No. 1974, regarding Jacob Pizzitola, which was adopted.

Senator Romine offered Senate Resolution No. 1975, regarding Kathleen C. Eggemeyer, Festus, which was adopted.

Senator Romine offered Senate Resolution No. 1976, regarding Andrew L. Graf, Perryville, which was adopted.

Senator Romine offered Senate Resolution No. 1977, regarding Mary M. Winslow, Festus, which was adopted.

Senator Romine offered Senate Resolution No. 1978, regarding Ricky L. Bollinger, Festus, which was adopted.

Senator Romine offered Senate Resolution No. 1979, regarding Rocky Boyer, Potosi, which was adopted.

Senator Romine offered Senate Resolution No. 1980, regarding Marty Avila, Bonne Terre, which was adopted.

Senator Romine offered Senate Resolution No. 1981, regarding Sonya Hyde, Potosi, which was adopted.

Senator Romine offered Senate Resolution No. 1982, regarding Randy Reese, Potosi, which was adopted.

Senator Romine offered Senate Resolution No. 1983, regarding George Gross, Mineral Point, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1984, regarding Seger M. Nelson, Kirksville, which was adopted.

Senator Munzlinger offered Senate Resolution No. 1985, regarding Nicholas A. Maag, Kirksville, which was adopted.

Senator Kehoe offered Senate Resolution No. 1986, regarding Robert Niebruegge, Owensville, which was adopted.

Senator Kehoe offered Senate Resolution No. 1987, regarding Bill Bassett, Lake Ozark, which was adopted.

Senator Kehoe offered Senate Resolution No. 1988, regarding Carolyn Koenigsfeld, Linn, which was adopted.

Senator Richard offered Senate Resolution No. 1989, regarding Eagle Scout Jonathan Lawson, Liberty, which was adopted.

On motion of Senator Kehoe, the Senate recessed until 7:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

### **HOUSE BILLS ON THIRD READING**

Senator Cunningham moved that **HB 1880**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HB 1880** was again taken up.

Senator Schaaf was inquiring of Senator Schatz. Senator Cunningham sought recognition by the Chair to withdraw **SS** for **SCS** for **HB 1880**, which was granted.

At the request of Senator Cunningham, **SS** for **SCS** for **HB 1880** was withdrawn.

Senator Cunningham sought recognition by the Chair to offer **SS No. 2** for **SCS** for **HB 1880**, which was granted.

Senator Schaaf raised the point of order that Senator Cunningham had the right to seek the floor for the purpose of withdrawing **SS** for **SCS** for **HB 1880**, however, once that substitute had been withdrawn, he should retain the floor, therefore Senator Cunningham should not have been recognized to offer a new substitute.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Cunningham offered **SS No. 2** for **SCS** for **HB 1880**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1880

An Act to repeal section 394.080, RSMo, and to enact in lieu thereof two new sections relating to broadband communications services provided by rural electric cooperatives.

Senator Cunningham moved that **SS No. 2** for **SCS** for **HB 1880** be adopted.

President Pro Tem Richard assumed the Chair.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1880, Page 5, Section 394.080, Line 15, by striking the words “shall not” and inserting in lieu thereof the following: “**may**”; and further amend said line by striking the word “, however,” and inserting in lieu thereof the following: “**and**”.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Cunningham moved that **SS No. 2** for **SCS** for **HB 1880**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SS No. 2** for **SCS** for **HB 1880**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1



The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Schatz moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 707**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Rowden assumed the Chair.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 870**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 782**, entitled:

An Act to repeal sections 260.262, 260.380, 260.475, 319.129, 444.768, 444.772, 640.620, 644.054, and 644.057, RSMo, and to enact in lieu thereof twelve new sections relating to the department of natural resources.

With House Amendment Nos. 1, 2 and 3.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 782, Page 15, Section 640.620, Line 8, by inserting immediately after all of said section and line the following:

“640.648. **1.** Notwithstanding any law to the contrary, all Missouri landowners retain the right to have, use, and own private water systems and ground source systems, **including systems for potable water**, anytime and anywhere including land within city limits, unless prohibited by city ordinance, on their own property so long as all applicable rules and regulations established by the Missouri department of natural resources are satisfied. All Missouri landowners who choose to use their own private water system shall not be forced to purchase water from any other water source system servicing their community.

**2. Notwithstanding any law to the contrary, all Missouri landowners retain the right to have, use, and own systems for rainwater collection anytime and anywhere on their own property, including land within city limits.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 782, Page 5, Section 260.380, Line 109, by inserting after all of said section and line the following:

“260.391. 1. There is hereby created in the state treasury a fund to be known as the “Hazardous Waste Fund”. All funds received from hazardous waste permit and license fees, generator fees or taxes, penalties, or interest assessed on those fees or taxes, taxes collected by contract hazardous waste landfill operators, general revenue, federal funds, gifts, bequests, donations, or any other moneys so designated shall be paid to the director of revenue and deposited in the state treasury to the credit of the hazardous waste fund. The hazardous waste fund, subject to appropriation by the general assembly, shall be used by the department as provided by appropriations and consistent with rules and regulations established by the hazardous waste management commission for the purpose of carrying out the provisions of sections 260.350 to 260.430 and sections 319.100 to 319.127, and 319.137, and 319.139 for the management of hazardous waste, responses to hazardous substance releases as provided in sections 260.500 to 260.550, corrective actions at regulated facilities and illegal hazardous waste sites, prevention of leaks from underground storage tanks and response to petroleum releases from underground and aboveground storage tanks and other related activities required to carry out provisions of sections 260.350 to 260.575 and sections 319.100 to 319.127, and for payments to other state agencies for such services consistent with sections 260.350 to 260.575 and sections 319.100 to 319.139 upon proper warrant issued by the commissioner of administration, and for any other expenditures which are not covered pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, including but not limited to the following purposes:

(1) Administrative services as appropriate and necessary for the identification, assessment and cleanup of abandoned or uncontrolled sites pursuant to sections 260.435 to 260.550;

(2) Payments to other state agencies for such services consistent with sections 260.435 to 260.550, upon proper warrant issued by the commissioner of administration, including, but not limited to, the department of health and senior services for the purpose of conducting health studies of persons exposed to waste from an uncontrolled or abandoned hazardous waste site or exposed to the release of any hazardous substance as defined in section 260.500;

(3) Acquisition of property as provided in section 260.420;

(4) The study of the development of a hazardous waste facility in Missouri as authorized in section 260.037;

(5) Financing the nonfederal share of the cost of cleanup and site remediation activities as well as postclosure operation and maintenance costs, pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; [and]

(6) Reimbursement of owners or operators who accept waste pursuant to departmental orders pursuant to subdivision (2) of subsection 1 of section 260.420; and

**(7) Transfer of funds, upon appropriation, into the radioactive waste investigation fund in section 260.558.**

2. The unexpended balance in the hazardous waste fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state treasurer, except as directed by the general assembly by appropriation, and shall be invested to generate income to the fund. The provisions of section 33.080

relating to the transfer of funds to the general revenue fund of the state by the state treasurer shall not apply to the hazardous waste fund.

3. There is hereby created within the hazardous waste fund a subaccount known as the “Hazardous Waste Facility Inspection Subaccount”. All funds received from hazardous waste facility inspection fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the hazardous waste facility inspection subaccount. Moneys from such subaccount shall be used by the department for conducting inspections at facilities that are permitted or are required to be permitted as hazardous waste facilities by the department.

4. The fund balance remaining in the hazardous waste remedial fund shall be transferred to the hazardous waste fund created in this section.

5. No moneys shall be available from the fund for abandoned site cleanup unless the director has made all reasonable efforts to secure voluntary agreement to pay the costs of necessary remedial actions from owners or operators of abandoned or uncontrolled hazardous waste sites or other responsible persons.

6. The director shall make all reasonable efforts to recover the full amount of any funds expended from the fund for cleanup through litigation or cooperative agreements with responsible persons. All moneys recovered or reimbursed pursuant to this section through voluntary agreements or court orders shall be deposited to the hazardous waste fund created herein.

7. In addition to revenue from all licenses, taxes, fees, penalties, and interest, specified in subsection 1 of this section, the department shall request an annual appropriation of general revenue equal to any state match obligation to the U.S. Environmental Protection Agency for cleanup performed pursuant to the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.”; and

Further amend said bill, Page 7, Section 260.475, Line 71, by inserting after all of said section and line the following:

**“260.558. 1. There is hereby created in the state treasury the “Radioactive Waste Investigation Fund”. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely by the department of natural resources to investigate concerns of exposure to radioactive waste. Upon written request by a local governing body expressing concerns of radioactive waste contamination in a specified area within its jurisdiction, the department of natural resources shall use moneys in the radioactive waste investigation fund to develop and conduct an investigation, using sound scientific methods, for the specified area of concern. The request by a local governing body shall include a specified area of concern and any supporting documentation related to the concern. The department shall prioritize requests in the order in which they are received, except that the department may give priority to requests that are in close proximity to federally designated sites where radioactive contaminants are known or reasonably expected to exist. The investigation shall be performed by applicable federal or state agencies or by a qualified contractor selected by the department through a competitive bidding process. In conducting an investigation under this section, the department shall work with the applicable government agency or approved contractor, as well as local officials, to develop a sampling and analysis plan to determine if radioactive contaminants in the area of concern exceed federal standards for remedial action due to contamination. Within a residential area, this plan may include dust samples collected inside residential homes only after obtaining permission from the homeowners.**

**The samples shall be analyzed for the isotopes necessary to correlate the samples with the suspected contamination, as described in the sampling and analysis plan. Within forty-five days of receiving the final sampling results, the department shall report the results to the attorney general and the local governing body that requested the investigation and make the finalized report and testing results publicly available on the department’s website.**

**2. The transfer to the fund shall not exceed one hundred fifty thousand dollars per fiscal year. Investigation costs expended from this fund shall not exceed one hundred fifty thousand dollars per fiscal year. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the hazardous waste fund.**

**3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 782, Page 2, Section 253.175, Line 13, by inserting after all of said section and line the following:

“260.242. [All fly ash produced by coal combustion generating facilities shall be exempt from all solid waste permitting requirements of this chapter, if such ash is constructively reused or disposed of by a grout technique in any active or inactive noncoal, non-open-pit mining operation located in a city having a population of at least three hundred fifty thousand located in more than one county and is also located in a county of the first class without a charter form of government with a population of greater than one hundred fifty thousand and less than one hundred sixty thousand, provided said ash is not considered hazardous waste under the Missouri hazardous waste law.] **1. The department shall have the authority to promulgate rules for the management, closure, and post-closure of coal combustion residual (CCR) units in accordance with Sections 1008(a)(3) and 4004(a) of the Resource Conservation and Recovery Act (RCRA) and to approve site-specific groundwater criteria. At the discretion of the department, the Missouri risk-based corrective action (MRBCA) rules, 10 CSR 25-18.010, and accompanying guidance may be used to establish site-specific targets for soil and groundwater impacted by coal combustion residual (CCR) constituents. As used in this section, a “CCR unit” means a surface impoundment, utility waste landfill, or a CCR landfill. To the extent there is a conflict between this section and section 644.026 or 644.143, this section shall prevail.**

**2. Prior to federal approval of a state CCR program pursuant to 4004(a) of the RCRA, nothing in this section shall prohibit the department from issuing guidance or entering into enforceable agreements with CCR unit owners or operators to establish risk-based target levels, using all or part of the MRBCA rules and guidance, for closure and corrective action at CCR units. Nothing in this section shall prohibit the department, owners, or operators of CCR units not otherwise covered by 40 CFR 257 from utilizing the MRBCA rules and guidance.**

**3. No later than December 31, 2018, the department shall propose for promulgation a state CCR program, including procedures regarding payment, submission of fees, reimbursement of excess fee collection, inspection, and record keeping.**

**4. The department shall not apply standards to any existing landfill or new landfills constructed contiguous to existing power station facilities located on municipally owned land that was purchased**

by the municipality prior to December 31, 2018, that are in conflict with 40 CFR 257, unless sound and reasonably proven scientific data confirm an imminent threat to human health and the environment.

5. Effective January 1, 2019, and in order to implement the state CCR program, the department shall have the authority to assess one-time enrollment and annual fees on each owner, operator, or permittee of a CCR unit subject to 40 CFR 257, only as follows:

(1) For units that have not closed, an enrollment fee in the amount of sixty-two thousand dollars per CCR unit, except no fee shall apply to CCR units permitted as a utility waste landfill;

(2) For CCR units that have completed closure in place under 40 CFR 257 prior to December 31, 2018, an enrollment fee of forty-eight thousand dollars per CCR unit;

(3) An annual fee of fifteen thousand dollars per CCR unit, except an annual fee shall not be assessed on CCR units that have closed prior to December 31, 2018. The obligation to pay an annual fee under this section shall terminate at the end of the CCR unit's post-closure period, so long as the CCR unit is not under a requirement to complete a corrective action, or sooner, if authorized by the department.

6. All fees received under this section shall be deposited into the "Coal Combustion Residuals Subaccount" of the solid waste management fund created under section 260.330. Fees collected under this section are dedicated, upon appropriation, to the department for conducting activities required by this section and rules adopted under this section. Fees established by this section shall not yield revenue greater than the cost of administering this section and the rules adopted under this section, but shall be adequate to ensure sustained operation of the state CCR program. The department shall prepare an annual report detailing costs incurred in connection with the management and closure of CCR units. The provisions of section 33.080 to the contrary notwithstanding, moneys and interest earned on moneys in the subaccount shall not revert to the general revenue fund at the end of each biennium.

7. Interest shall be imposed on the moneys due to the department at the rate of ten percent per annum from the prescribed due date until payment is actually made. These interest amounts shall be deposited to the credit of the subaccount created under this section.

8. All fees under this section shall be paid by check or money order made payable to the department and, unless otherwise required by this section, shall be due on January first of each calendar year and be accompanied by a form provided by the department.

9. The department may pursue penalties under section 260.240 for failure to timely submit the fees imposed in this section.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.  
In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed SCS for **SB 990**.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 990, Page 2, Section 162.441, Line 19, by inserting after the word, “**plan.**” the following sentence:

**“The tax rate applicable to the community college district shall not be levied as to the school district until the proposal by the board of trustees of the community college district has been approved by a majority vote of the voters of the school district at the election called for that purpose.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.  
In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed SCS for **SB 862**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed HCS for **SB 659**, entitled:

An Act to repeal section 640.620, RSMo, and to enact in lieu thereof three new sections relating to the department of natural resources.

With House Amendment Nos. 1, 2, 3, 4 and 5.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 659, Page 5, Section 260.1150, Line 108, by inserting after all of said section and line the following:

“319.129. 1. There is hereby created a special trust fund to be known as the “Petroleum Storage Tank Insurance Fund” within the state treasury which shall be the successor to the underground storage tank insurance fund. Moneys in such special trust fund shall not be deemed to be state funds. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund shall not be transferred to general revenue at the end of each biennium.

2. The owner or operator of any underground storage tank, including the state of Missouri and its political subdivisions and public transportation systems, in service on August 28, 1989, shall submit to the department a fee of one hundred dollars per tank on or before December 31, 1989. The owner or operator of any underground storage tank who seeks to participate in the petroleum storage tank insurance fund, including the state of Missouri and its political subdivisions and public transportation systems, and whose underground storage tank is brought into service after August 28, 1998, shall transmit one hundred dollars per tank to the board with his or her initial application. Such amount shall be a one-time payment, and shall be in addition to the payment required by section 319.133. The owner or operator of any aboveground storage tank regulated by this chapter, including the state of Missouri and its political subdivisions and public transportation systems, who seeks to participate in the petroleum storage tank insurance fund, shall transmit one hundred dollars per tank to the board with his or her initial application. Such amount shall be a one-time payment and shall be in addition to the payment required by section 319.133. Moneys received pursuant to this section shall be transmitted to the director of revenue for deposit in the petroleum storage tank insurance fund.

3. The state treasurer may deposit moneys in the fund in any of the qualified depositories of the state. All such deposits shall be secured in a manner and upon the terms as are provided by law relative to state deposits. Interest earned shall be credited to the petroleum storage tank insurance fund.

4. The general administration of the fund and the responsibility for the proper operation of the fund, including all decisions relating to payments from the fund, are hereby vested in a board of trustees. The board of trustees shall consist of the commissioner of administration or the commissioner's designee, the director of the department of natural resources or the director's designee, the director of the department of agriculture or the director's designee, and eight citizens appointed by the governor with the advice and consent of the senate. Three of the appointed members shall be owners or operators of retail petroleum storage tanks, including one tank owner or operator of greater than one hundred tanks; one tank owner or operator of less than one hundred tanks; and one aboveground storage tank owner or operator. One appointed trustee shall represent a financial lending institution, and one appointed trustee shall represent the insurance underwriting industry. One appointed trustee shall represent industrial or commercial users of petroleum. The two remaining appointed citizens shall have no petroleum-related business interest, and shall represent the nonregulated public at large. The members appointed by the governor shall serve four-year terms except that the governor shall designate two of the original appointees to be appointed for one year, two to be appointed for two years, two to be appointed for three years and two to be appointed for four years. Any vacancies occurring on the board shall be filled in the same manner as provided in this section.

5. The board shall meet in Jefferson City, Missouri, within thirty days following August 28, 1996. Thereafter, the board shall meet upon the written call of the chairman of the board or by the agreement of any six members of the board. Notice of each meeting shall be delivered to all other trustees in person or by registered mail not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.

6. Six trustees shall constitute a quorum for the transaction of business, and any official action of the board shall be based on a majority vote of the trustees present.

7. The trustees shall serve without compensation but shall receive from the fund their actual and necessary expenses incurred in the performance of their duties for the board.

8. The board of trustees shall be a type III agency and shall appoint an executive director and other employees as needed, who shall be state employees and be eligible for all corresponding benefits. The executive director shall have charge of the offices, operations, records, and other employees of the board, subject to the direction of the board. Employees of the board shall receive such salaries and necessary expenses as shall be fixed by the board.

9. Staff resources for the Missouri petroleum storage tank insurance fund may be provided by the department of natural resources or another state agency as otherwise specifically determined by the board. The fund shall compensate the department of natural resources or other state agency for all costs of providing staff required by this subsection. Such compensation shall be made pursuant to contracts negotiated between the board and the department of natural resources or other state agency.

10. In order to carry out the fiduciary management of the fund, the board may select and employ, or may contract with, persons experienced in insurance underwriting, accounting, the servicing of claims and rate making, and legal counsel to defend third-party claims, who shall serve at the board's pleasure. Invoices for such services shall be presented to the board in sufficient detail to allow a thorough review of the costs of such services.

11. At the first meeting of the board, the board shall elect one of its members as chairman. The chairman shall preside over meetings of the board and perform such other duties as shall be required by action of the board.

12. The board shall elect one of its members as vice chairman, and the vice chairman shall perform the duties of the chairman in the absence of the latter or upon the chairman's inability or refusal to act.

13. The board shall determine and prescribe all rules and regulations as they relate to fiduciary management of the fund, pursuant to the purposes of sections 319.100 to 319.137. In no case shall the board have oversight regarding environmental cleanup standards for petroleum storage tanks.

14. No trustee or staff member of the fund shall receive any gain or profit from any moneys or transactions of the fund. This shall not preclude any eligible trustee from making a claim or receiving benefits from the petroleum storage tank insurance fund as provided by sections 319.100 to 319.137.

15. The board may reinsure all or a portion of the fund's liability. Any insurer who sells environmental liability insurance in this state may, at the option of the board, reinsure some portion of the fund's liability.

16. The petroleum storage tank insurance fund shall expire on December 31, [2020] **2025**, unless extended by action of the general assembly. After December 31, [2020] **2025**, the board of trustees may continue to function for the sole purpose of completing payment of claims made prior to December 31, [2020] **2025**.

17. The board shall annually commission an independent financial audit of the petroleum storage tank insurance fund. The board shall biennially commission an actuarial analysis of the petroleum storage tank insurance fund. The results of the financial audit and the actuarial analysis shall be made available to the public. The board may contract with third parties to carry out the requirements of this subsection.

**319.140. 1. There is established a task force of the general assembly to be known as the "Task Force on the Petroleum Storage Tank Insurance Fund". Such task force shall be composed of eight**



members. Three members shall be from the house of representatives with two appointed by the speaker of the house of representatives and one appointed by the minority floor leader of the house of representatives. Three members shall be from the senate with two appointed by the president pro tempore of the senate and one appointed by the minority floor leader of the senate. Two members shall be industry stakeholders with one appointed by the speaker of the house of representatives and one appointed by the president pro tempore of the senate. No more than two members from either the house of representatives or the senate shall be from the same political party. A majority of the task force shall constitute a quorum.

2. The task force shall conduct research and compile a report for delivery to the general assembly by December 31, 2018, on the following:

- (1) The efficacy of the petroleum storage tank insurance fund and program;
- (2) The sustainability of the petroleum storage tank insurance fund and program;
- (3) The administration of the petroleum storage tank insurance fund and program;
- (4) The availability of private insurance for above and below ground petroleum storage tanks, and the necessity of insurance subsidies created through the petroleum storage tank insurance program;
- (5) Compliance with federal programs, regulations, and advisory reports; and
- (6) The comparability of the petroleum storage tank insurance program to other states' programs and states without such programs.

3. The task force shall meet within thirty days after its creation and organize by selecting a chairperson and vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. Thereafter, the task force may meet as often as necessary in order to accomplish the tasks assigned to it.

4. The task force shall be staffed by legislative staff as necessary to assist the task force in the performance of its duties.

5. The members of the task force shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

6. This section shall expire on December 31, 2018.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 659, Page 2, Section 253.147, Line 21, by inserting after all of said section and line the following:

“260.262. A person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in the state shall:

- (1) Accept, at the point of transfer, in a quantity at least equal to the number of new lead-acid batteries purchased, used lead-acid batteries from customers, if offered by customers;

(2) Post written notice which must be at least four inches by six inches in size and must contain the universal recycling symbol and the following language:

(a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

(b) Recycle your used batteries; and

(c) State law requires us to accept used motor vehicle batteries, or other lead-acid batteries for recycling, in exchange for new batteries purchased; and

(3) Manage used lead-acid batteries in a manner consistent with the requirements of the state hazardous waste law;

(4) Collect at the time of sale a fee of fifty cents for each lead-acid battery sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the battery have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the seller as collection costs, shall be paid to the department of revenue in the form and manner required by the department and shall include the total number of batteries sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms “sold at retail” and “retail sales” do not include the sale of batteries to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee. However, this fee shall not be paid on batteries sold for use in agricultural operations upon written certification by the purchaser; and

(5) The department of revenue shall administer, collect, and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as provided in this section. The proceeds of the battery fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into the hazardous waste fund, created pursuant to section 260.391. The fee created in subdivision (4) and this subdivision shall be effective October 1, 2005. The provisions of subdivision (4) and this subdivision shall terminate December 31, [2018] **2023.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 659, Page 2, Section 253.147, Line 21, by inserting after all of said section and line the following:

“260.391. 1. There is hereby created in the state treasury a fund to be known as the “Hazardous Waste Fund”. All funds received from hazardous waste permit and license fees, generator fees or taxes, penalties, or interest assessed on those fees or taxes, taxes collected by contract hazardous waste landfill operators, general revenue, federal funds, gifts, bequests, donations, or any other moneys so designated shall be paid to the director of revenue and deposited in the state treasury to the credit of the hazardous waste fund. The hazardous waste fund, subject to appropriation by the general assembly, shall be used by the department as provided by appropriations and consistent with rules and regulations established by the hazardous waste management commission for the purpose of carrying out the provisions of sections 260.350 to 260.430 and sections 319.100 to 319.127, and 319.137, and 319.139 for the management of hazardous waste, responses

to hazardous substance releases as provided in sections 260.500 to 260.550, corrective actions at regulated facilities and illegal hazardous waste sites, prevention of leaks from underground storage tanks and response to petroleum releases from underground and aboveground storage tanks and other related activities required to carry out provisions of sections 260.350 to 260.575 and sections 319.100 to 319.127, and for payments to other state agencies for such services consistent with sections 260.350 to 260.575 and sections 319.100 to 319.139 upon proper warrant issued by the commissioner of administration, and for any other expenditures which are not covered pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, including but not limited to the following purposes:

(1) Administrative services as appropriate and necessary for the identification, assessment and cleanup of abandoned or uncontrolled sites pursuant to sections 260.435 to 260.550;

(2) Payments to other state agencies for such services consistent with sections 260.435 to 260.550, upon proper warrant issued by the commissioner of administration, including, but not limited to, the department of health and senior services for the purpose of conducting health studies of persons exposed to waste from an uncontrolled or abandoned hazardous waste site or exposed to the release of any hazardous substance as defined in section 260.500;

(3) Acquisition of property as provided in section 260.420;

(4) The study of the development of a hazardous waste facility in Missouri as authorized in section 260.037;

(5) Financing the nonfederal share of the cost of cleanup and site remediation activities as well as postclosure operation and maintenance costs, pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; [and]

(6) Reimbursement of owners or operators who accept waste pursuant to departmental orders pursuant to subdivision (2) of subsection 1 of section 260.420; **and**

**(7) Transfer of funds, upon appropriation, into the radioactive waste investigation fund in section 260.558.**

2. The unexpended balance in the hazardous waste fund at the end of each fiscal year shall not be transferred to the general revenue fund of the state treasurer, except as directed by the general assembly by appropriation, and shall be invested to generate income to the fund. The provisions of section 33.080 relating to the transfer of funds to the general revenue fund of the state by the state treasurer shall not apply to the hazardous waste fund.

3. There is hereby created within the hazardous waste fund a subaccount known as the "Hazardous Waste Facility Inspection Subaccount". All funds received from hazardous waste facility inspection fees shall be paid to the director of revenue and deposited in the state treasury to the credit of the hazardous waste facility inspection subaccount. Moneys from such subaccount shall be used by the department for conducting inspections at facilities that are permitted or are required to be permitted as hazardous waste facilities by the department.

4. The fund balance remaining in the hazardous waste remedial fund shall be transferred to the hazardous waste fund created in this section.

5. No moneys shall be available from the fund for abandoned site cleanup unless the director has made all reasonable efforts to secure voluntary agreement to pay the costs of necessary remedial actions from owners or operators of abandoned or uncontrolled hazardous waste sites or other responsible persons.

6. The director shall make all reasonable efforts to recover the full amount of any funds expended from the fund for cleanup through litigation or cooperative agreements with responsible persons. All moneys recovered or reimbursed pursuant to this section through voluntary agreements or court orders shall be deposited to the hazardous waste fund created herein.

7. In addition to revenue from all licenses, taxes, fees, penalties, and interest, specified in subsection 1 of this section, the department shall request an annual appropriation of general revenue equal to any state match obligation to the U.S. Environmental Protection Agency for cleanup performed pursuant to the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

**260.558. 1. There is hereby created in the state treasury the “Radioactive Waste Investigation Fund”. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely by the department of natural resources to investigate concerns of exposure to radioactive waste. Upon written request by a local governing body expressing concerns of radioactive waste contamination in a specified area within its jurisdiction, the department of natural resources shall use moneys in the radioactive waste investigation fund to develop and conduct an investigation, using sound scientific methods, for the specified area of concern. The request by a local governing body shall include a specified area of concern and any supporting documentation related to the concern. The department shall prioritize requests in the order in which they are received, except that the department may give priority to requests that are in close proximity to federally designated sites where radioactive contaminants are known or reasonably expected to exist. The investigation shall be performed by applicable federal or state agencies or by a qualified contractor selected by the department through a competitive bidding process. In conducting an investigation under this section, the department shall work with the applicable government agency or approved contractor, as well as local officials, to develop a sampling and analysis plan to determine if radioactive contaminants in the area of concern exceed federal standards for remedial action due to contamination. Within a residential area, this plan may include dust samples collected inside residential homes only after obtaining permission from the homeowners. The samples shall be analyzed for the isotopes necessary to correlate the samples with the suspected contamination, as described in the sampling and analysis plan. Within forty-five days of receiving the final sampling results, the department shall report the results to the attorney general and the local governing body that requested the investigation and make the finalized report and testing results publicly available on the department’s website.**

**2. The transfer to the fund shall not exceed one hundred fifty thousand dollars per fiscal year. Investigation costs expended from this fund shall not exceed one hundred fifty thousand dollars per fiscal year. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the hazardous waste fund.**

**3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 659, Page 2, Section 253.147, Line 21, by inserting after all of said section and line the following:

“260.242. [All fly ash produced by coal combustion generating facilities shall be exempt from all solid waste permitting requirements of this chapter, if such ash is constructively reused or disposed of by a grout technique in any active or inactive noncoal, non-open-pit mining operation located in a city having a population of at least three hundred fifty thousand located in more than one county and is also located in a county of the first class without a charter form of government with a population of greater than one hundred fifty thousand and less than one hundred sixty thousand, provided said ash is not considered hazardous waste under the Missouri hazardous waste law.] **1. The department shall have the authority to promulgate rules for the management, closure, and post-closure of coal combustion residual (CCR) units in accordance with Sections 1008(a)(3) and 4004(a) of the Resource Conservation and Recovery Act (RCRA) and to approve site-specific groundwater criteria. At the discretion of the department, the Missouri risk-based corrective action (MRBCA) rules, 10 CSR 25-18.010, and accompanying guidance may be used to establish site-specific targets for soil and groundwater impacted by coal combustion residual (CCR) constituents. As used in this section, a “CCR unit” means a surface impoundment, utility waste landfill, or a CCR landfill. To the extent there is a conflict between this section and section 644.026 or 644.143, this section shall prevail.**

**2. Prior to federal approval of a state CCR program pursuant to 4004(a) of the RCRA, nothing in this section shall prohibit the department from issuing guidance or entering into enforceable agreements with CCR unit owners or operators to establish risk-based target levels, using all or part of the MRBCA rules and guidance, for closure and corrective action at CCR units. Nothing in this section shall prohibit the department, owners, or operators of CCR units not otherwise covered by 40 CFR 257 from utilizing the MRBCA rules and guidance.**

**3. No later than December 31, 2018, the department shall propose for promulgation a state CCR program, including procedures regarding payment, submission of fees, reimbursement of excess fee collection, inspection, and record keeping.**

**4. The department shall not apply standards to any existing landfill or new landfills constructed contiguous to existing power station facilities located on municipally owned land that was purchased by the municipality prior to December 31, 2018, that are in conflict with 40 CFR 257, unless sound and reasonably proven scientific data confirm an imminent threat to human health and the environment.**

**5. Effective January 1, 2019, and in order to implement the state CCR program, the department shall have the authority to assess one-time enrollment and annual fees on each owner, operator, or permittee of a CCR unit subject to 40 CFR 257, only as follows:**

**(1) For units that have not closed, an enrollment fee in the amount of sixty-two thousand dollars per CCR unit, except no fee shall apply to CCR units permitted as a utility waste landfill;**

**(2) For CCR units that have completed closure in place under 40 CFR 257 prior to December 31, 2018, an enrollment fee of forty-eight thousand dollars per CCR unit;**

**(3) An annual fee of fifteen thousand dollars per CCR unit, except an annual fee shall not be assessed on CCR units that have closed prior to December 31, 2018. The obligation to pay an annual fee under this section shall terminate at the end of the CCR unit’s post-closure period, so long as the CCR unit is not under a requirement to complete a corrective action, or sooner, if authorized by the department.**

**6. All fees received under this section shall be deposited into the “Coal Combustion Residuals Subaccount” of the solid waste management fund created under section 260.330. Fees collected under this section are dedicated, upon appropriation, to the department for conducting activities required by this section and rules adopted under this section. Fees established by this section shall not yield revenue greater than the cost of administering this section and the rules adopted under this section, but shall be adequate to ensure sustained operation of the state CCR program. The department shall prepare an annual report detailing costs incurred in connection with the management and closure of CCR units. The provisions of section 33.080 to the contrary notwithstanding, moneys and interest earned on moneys in the subaccount shall not revert to the general revenue fund at the end of each biennium.**

**7. Interest shall be imposed on the moneys due to the department at the rate of ten percent per annum from the prescribed due date until payment is actually made. These interest amounts shall be deposited to the credit of the subaccount created under this section.**

**8. All fees under this section shall be paid by check or money order made payable to the department and, unless otherwise required by this section, shall be due on January first of each calendar year and be accompanied by a form provided by the department.**

**9. The department may pursue penalties under section 260.240 for failure to timely submit the fees imposed in this section.**

**10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 659, Page 5, Section 260.1150, Line 108, by inserting immediately after all of said section and line the following:

“414.032. 1. All kerosene, diesel fuel, heating oil, aviation turbine fuel, gasoline, gasoline-alcohol blends and other motor fuels shall meet the requirements in the annual book of ASTM standards and supplements thereto. The director may promulgate rules and regulations on the labeling, standards for, and identity of motor fuels and heating oils.

2. The director may inspect gasoline, gasoline-alcohol blends or other motor fuels to insure that these fuels conform to advertised grade and octane. In no event shall the penalty for a first violation of this section exceed a written reprimand.

**3. The director may waive specific requirements in this section and in regulations promulgated according to this section, or may establish temporary alternative requirements for fuels as determined to be necessary in the event of an extreme and unusual fuel supply circumstance as a result of a petroleum pipeline or petroleum refinery equipment failure, emergency, or a natural disaster as determined by the director for a specified period of time. If any action is taken by the director under this section, the director shall:**

- (1) Advise the U.S. Environmental Protection Agency of such action;**
- (2) Review the action after thirty days; and**
- (3) Notify industry stakeholders of such action.**

**4. Any waiver issued or action taken under subsection 3 of this section shall be as limited in scope and applicability as necessary, and shall apply equally and uniformly to all persons and companies in the impacted petroleum motor fuel supply and distribution system, including but not limited to petroleum producers, terminals, distributors, and retailers.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS for SS for SB 870**, as amended. Representatives: Alferman, Roden, Dogan, Barnes (28), Lavender.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS for SS for SB 608**. Representatives: Rhoads, Cornejo, Houx, Franks Jr., Ellebracht.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS for SS for SCS for SB 826**, as amended. Representatives: Ross, Hill, Neely, Arthur, Stevens (46).

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS for SCS for HCS for HB 1879**, as amended. Representatives: Fraker, Houx, Shaul (113), Nichols, Rowland (155).

#### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SS for SCS for HCS for HB 1879**: Senators Cunningham, Wieland, Crawford, Sifton and Walsh.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 870**, as amended: Senators Hegeman, Sater, Riddle, Curls and Hummel.

### INTRODUCTION OF GUESTS

Senator Chappelle-Nadal introduced to the Senate, Malik Henry, Los Angeles, California.

Senator Schupp introduced to the Senate, the Physician of the Day, Dr. Edmond B. Cabbabe, Bridgeton.

Senator Schupp introduced to the Senate, former State Representative Paul Quinn, Monroe County.

Senator Riddle introduced to the Senate, Tori Schafer, Columbia.

Senator Munzlinger introduced to the Senate, Melissa Cummins, and the current reigning Tom Sawyers and Becky Thatchers, Hannibal.

Senator Chappelle-Nadal introduced to the Senate, Joanna Levy Kyger, Fulton.

Senator Nasheed introduced to the Senate, Jacob Pizzitola, Columbia.

On motion of Senator Kehoe, the Senate adjourned under the rules.

### SENATE CALENDAR

---

SIXTY-FOURTH DAY—THURSDAY, MAY 3, 2018

---

### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HB 2538-Pietzman	HCS for HB 1739
HB 2499-Hansen	HCS for HB 1554
HB 2438-Remole	HCB 23-Dogan
HCS for HB 2407	

#### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

1. SJR 36-Schatz, with SCS

2. SB 678-Eigel



- |                              |                               |
|------------------------------|-------------------------------|
| 3. SB 1102-Kehoe, with SCS   | 10. SB 998-Schatz, with SCS   |
| 4. SB 1015-Wieland, with SCS | 11. SB 703-Hegeman            |
| 5. SB 709-Schatz, with SCS   | 12. SB 915-Crawford           |
| 6. SB 640-Sater              | 13. SB 934-Hegeman            |
| 7. SB 963-Wieland, with SCS  | 14. SB 988-Rowden, with SCS   |
| 8. SB 952-Rowden             | 15. SB 790-Cierpiot, with SCS |
| 9. SB 864-Hoskins            |                               |

#### HOUSE BILLS ON THIRD READING

- |  |   |
|--|---|
| 1. HB 2122-Engler, with SCS (Schatz)                             | 19. HB 1646-Eggleston (Hegeman)                                 |
| 2. HCS for HB 1443, with SCS (Sater)                             | 20. HB 1809-Tate (Schatz)                                       |
| 3. HCS for HB 1645 (Rowden)                                      | 21. HB 1252-Plocher (Riddle)                                    |
| 4. HB 1953-Neely (Onder)   | 22. HCS for HB 1251, with SCS (Crawford)                        |
| 5. HB 1409-Fitzpatrick (Kehoe) (In Fiscal Oversight)             | 23. HCS#2 for HB 1503, with SCS (Hoskins) (In Fiscal Oversight) |
| 6. HB 1797-Fitzwater, with SCS (Riddle)                          | 24. HCS for HB 1614 (Hegeman)                                   |
| 7. HB 2026-Wilson, with SCS (Rowden)                             | 25. HCS for HB 1264 (Hegeman)                                   |
| 8. HB 2101-Beard (Hoskins)                                       | 26. HCS for HB 1611 (Riddle)                                    |
| 9. HB 1267-Lichtenegger (Munzlinger) (In Fiscal Oversight)       | 27. HCS for HB 2119 (Rowden)                                    |
| 10. HB 1415-Lauer (Wasson)                                       | 28. HCS for HB 2079, with SCS (Crawford)                        |
| 11. HB 1968-Grier (Schatz)                                       | 29. HCS for HB 1710, with SCS (Eigel) (In Fiscal Oversight)     |
| 12. HB 2330-Beck (Sifton)  | 30. HB 1484-Brown (57) (Romine)                                 |
| 13. HB 1887-Bahr (Onder)   | 31. HJR 59-Brown (57) (Romine) (In Fiscal Oversight)            |
| 14. HB 1247-Pike (Onder)   | 32. HB 2015-Fitzpatrick (Brown)                                 |
| 15. HB 1831-Ruth (Wieland)                                       | 33. HCS for HB 2017 (Brown)                                     |
| 16. HCS for HB 1635, with SCS (Wallingford)                      | 34. HCS for HB 2018 (Brown)                                     |
| 17. HCS for HB 2171 (Sater) (In Fiscal Oversight)                |   |
| 18. HCS for HB 1364, with SCS (Munzlinger) (In Fiscal Oversight) |   |

#### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 & 667-Eigel  
(In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)	SB 822-Hegeman, with SCS & SS for SCS (pending)
SB 550-Wasson, with SCS	SB 832-Rowden, with SCS, SS#2 for SCS & point of order (pending)
SBs 555 & 609-Brown, with SCS	SB 837-Rowden
SB 556-Brown, with SA 1 (pending)	SB 848-Riddle
SB 561-Sater, with SA 1 (pending)	SB 849-Kehoe and Schupp, with SCS, SA 1 & SA 1 to SA 1 (pending)
SB 567-Cunningham, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)	SB 859-Koenig, with SCS & SS for SCS (pending)
SB 578-Romine	SB 860-Koenig, with SCS, SS for SCS & SA 1 (pending)
SB 591-Hegeman, with SCS	SB 861-Hegeman, with SCS
SB 596-Riddle, with SCS	SB 865-Kehoe
SB 599-Schatz	SB 893-Sater, with SCS, SS for SCS & SA 1 (pending)
SB 602-Onder, with SCS	SB 912-Rowden, with SCS & SS#3 for SCS (pending)
SB 612-Koenig, with SCS, SS#2 for SCS, SA 2, SSA 1 for SA 2 & SA 1 to SSA 1 for SA 2 (pending)	SB 920-Riddle, with SS & SA 2 (pending)
SB 663-Schatz, with SCS, SS for SCS & SA 1 (pending)	SB 928-Onder, with SCS
SB 730-Wallingford, with SCS & SA 1 (pending)	SB 949-Emery, with SCS, SS for SCS & SA 2 (pending)
SB 751-Schatz	SB 1003-Wasson, with SS & SA 1 (pending)
SB 767-Hoskins, with SCS, SS for SCS & SA 2 (pending)	SB 1021-Dixon and Wallingford, with SCS
SB 774-Munzlinger	
SB 813-Riddle, with SCS & SA 1 (pending)	

## HOUSE BILLS ON THIRD READING

HCS for HBs 1288, 1377 & 2050, with SCS (Dixon)	HB 1442-Alferman, with SCS, SS for SCS & SA 1 (pending) (Schatz)
HB 1303-Alferman, with SCS (Rowden)	HCS for HB 1461 (Rowden)
HB 1329-Remole, with SCS, SS for SCS & SA 5 (pending) (Munzlinger)	HB 1578-Kolkmeyer (Munzlinger)
SS for SCS for HB 1350-Smith (163) (Rowden)	HCS for HB 1597, with SCS (Dixon)
SS for SCS for HB 1355-Phillips (Schatz) (In Fiscal Oversight)	HCS for HB 1605, with SCS (Kehoe)
HB 1413-Taylor, with SCS, SS for SCS & SA 1 (pending) (Onder)	SS for HCS for HB 1606 (Romine) (In Fiscal Oversight)
HB 1428-Muntzel, with SS, SA 1 & SSA 1 for SA 1 (pending) (Munzlinger)	HCS for HB 1617, with SCS, SS#2 for SCS & SA 1 (pending) (Onder)
	HB 1630-Evans (Rowden)

HB 1691-Miller, with SCS & SS for SCS  
(pending) (Emery)  
HCS for HBs 1729, 1621 & 1436 (Brown)  
HB 1769-Mathews, with SCS (Schatz)

HCS for HB 1796, with SS (pending) (Rowden)  
HCS for HB 1991, with SCS (Rowden)  
HB 2044-Taylor, with SCS (pending) (Dixon)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 659-Hegeman, with HCS, as amended  
SB 660-Riddle, with HCS, as amended  
SS for SCS for SB 775-Brown, with HCS,  
as amended  
SS for SCS for SB 782-Cunningham, with  
HCS, as amended  
SB 840-Rowden, with HA 1 & HA 2

SCS for SB 892-Walsh, with HA 1, HA 2,  
HA 3, HA 4 & HA 5  
SS for SCS for SBs 894 & 921-Libla, with  
HCS, as amended  
SCS for SB 917-Crawford, with HCS  
SCS for SB 990-Hegeman, with HA 1

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 569-Cunningham, with HCS, as amended  
SS for SB 608-Hoskins, with HCS  
SS for SCS for SB 826-Sater, with HCS,  
as amended  
SS for SB 870-Hegeman, with HCS,  
as amended  
HB 1291-Henderson, with SS for SCS,  
as amended (Romine)  
(House adopted CCR and passed CCS)  
HB 1858-Christofanelli, with SS (Eigel)  
HCS for HB 1879, with SS for SCS,  
as amended (Cunningham)  
HCS for HB 2002, with SCS (Brown)

HCS for HB 2003, with SCS (Brown)  
HCS for HB 2004, with SCS (Brown)  
HCS for HB 2005, with SCS (Brown)  
HCS for HB 2006, with SCS, as amended  
(Brown)  
HCS for HB 2007, with SCS, as amended  
(Brown)  
HCS for HB 2008, with SCS (Brown)  
HCS for HB 2009, with SCS (Brown)  
HCS for HB 2010, with SS for SCS (Brown)  
HCS for HB 2011, with SCS (Brown)  
HCS for HB 2012, with SCS (Brown)  
HCS for HB 2013, with SCS (Brown)

##### Requests to Recede or Grant Conference

SS for SCS for SB 707-Schatz, with HCS,  
as amended  
(Senate requests House recede or grant conference)

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTY-FOURTH DAY—THURSDAY, MAY 3, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“To pray is to anchor the finite in the will of God.” (J.H. Oldham)

Gracious Lord, We began this morning in prayer and now call upon You to anchor our hearts and minds in You so we might keep our focus on the things that are truly necessary for us to complete this week. And help us be a blessing to others, especially those who work so diligently for us and know the tension and stress that we are going through. Help us O Lord to make this a blessed day for others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Hegeman assumed the Chair.

President Parson assumed the Chair.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Schupp offered Senate Resolution No. 1990, regarding Madison Malugen, which was adopted.

Senator Schupp offered Senate Resolution No. 1991, regarding Municipal League of Metro Saint Louis, which was adopted.

Senator Wieland offered Senate Resolution No. 1992, regarding Danielle Prince, Pevely, which was adopted.

Senator Hoskins offered Senate Resolution No. 1993, regarding Cynthia “Cindy” McBee, Hamilton, which was adopted.

Senator Hoskins offered Senate Resolution No. 1994, regarding Bernice White, Carrollton, which was adopted.

Senator Hoskins offered Senate Resolution No. 1995, regarding Joyce Taylor, Fayette, which was adopted.

Senator Hoskins offered Senate Resolution No. 1996, regarding Melissa Gower, Warrensburg, which was adopted.

Senator Hoskins offered Senate Resolution No. 1997, regarding Reverend Mark McBee, Hamilton, which was adopted.

Senator Hoskins offered Senate Resolution No. 1998, regarding Lawrence Hinnen, Chula, which was adopted.

Senator Nasheed offered Senate Resolution No. 1999, regarding Jorge Ivan Soto, which was adopted.

Senator Wieland offered Senate Resolution No. 2000, regarding Metro Office Supply, Festus, which was adopted.

Senator Brown offered Senate Resolution No. 2001, regarding Reagan Page, which was adopted.

**CONCURRENT RESOLUTIONS**

Senator Sater offered the following concurrent resolution:

**SENATE CONCURRENT RESOLUTION NO. 55**

Whereas, nearly fifteen million Americans, including nearly six million children, suffer from food allergies, many of which are life-threatening; and

Whereas, eight foods, including shellfish, fish, milk, eggs, tree nuts, peanuts, soy, and wheat cause ninety percent of all food allergy reactions in the United States; and

Whereas, symptoms of a food allergy reaction can include hives, vomiting, respiratory distress, swelling of the throat, anaphylaxis, and death; and

Whereas, outreach and education have been shown to improve responses to allergic reactions; and

Whereas, public awareness of food allergies can enhance commitment to research the causes of food allergies and interventions for allergic reactions; and

Whereas, voluntary food allergy training and awareness in restaurants and food service industries is vital to spreading public awareness about food allergies and interventions:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Missouri Department of Health and Senior Services to encourage Missouri

restaurants and food service industries to participate in food allergy training programs to increase public awareness about food allergies and available interventions; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Missouri Department of Health and Senior Services.

### REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Ronald D. Boyer, as a member of the Air Conservation Commission;

Also,

Adrienne D. Atzemis, Donna J. Erickson, Susan A. Fluegel and Joy A. Sweigart, as members of the Child Abuse and Neglect Review Board;

Also,

Todd Mayfield, as a member of the Missouri Planning Council for Developmental Disabilities;

Also,

Nick Myers and Phillip L. Slinkard, as members of the Missouri State Board of Accountancy;

Also,

Maynard "Bill" Jones, Democrat; and David C. Hertzog, Republican, as members of the Missouri Veterinary Medical Board;

Also,

Tina L. Klocke, Independent, as a member of the Southeast Missouri State University Board of Regents; and

Cheryl J. Cozette, Republican, as a member of the Truman State University Board of Governors.

Senator Richard requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Richard moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **HJR 59**; **HCS** for **HB 2171**; **HB 1267**; **HCS** for **HB 1710**, with **SCS**; **HCS No. 2** for **HB 1503**, with **SCS**; **HB 1409**; and **SS** for **SCS** for **HB 1355**, begs leave to report that it has considered the same and recommends that the joint resolution and bills do pass.

**HOUSE BILLS ON THIRD READING**

**HB 2015**, introduced by Representative Fitzpatrick, entitled:

An Act to appropriate money for supplemental purposes for the expenses, grants and distributions of the Department of Economic Development to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2018.

Was taken up by Senator Brown.

On motion of Senator Brown, **HB 2015** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**PRIVILEGED MOTIONS**

Senator Brown moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 775**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 644**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House



refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 707**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 705**.

Bill ordered enrolled.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

May 3, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Reid K. Forrester as a member of the Labor and Industrial Relations Commission to you on May 2, 2018. Lines 1 and 2 should be amended to read:

Reid K. Forrester, Republican, 205 Rose Park, Jefferson City, Cole County, Missouri  
65109, as a member of the Labor and Industrial Relations Commission, for a term ending

Respectfully submitted,  
Eric R. Greitens  
Governor

Also,

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

May 3, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Melanie McDole as a member of the Missouri State Foster Care and Adoption Board submitted to you on May 2, 2018. Line 4 should be amended to read:

Katie L. Brown, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

President Pro Tem Richard referred the above addendums to the Committee on Gubernatorial Appointments.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

### **RESOLUTIONS**

Senator Curls offered Senate Resolution No. 2002, regarding the death of Robert Milton “Bobby” Palmer, Kansas City, which was adopted.

Senator Nasheed offered Senate Resolution No. 2003, regarding Ralph Tidwell, St. Louis, which was adopted.

Senator Munzlinger offered Senate Resolution No. 2004, regarding Corrections Officer II Dan Wiley, Clarksville, which was adopted.

Senator Munzlinger offered Senate Resolution No. 2005, regarding Functional Unit Manager Tim Wood, Frankford, which was adopted.

Senator Walsh offered Senate Resolution No. 2006, regarding St. Catherine Retirement Community, Florissant, which was adopted.

Senator Hegeman offered Senate Resolution No. 2007, regarding the Sixtieth Wedding Anniversary of Gene and Beverly Miller, Mound City, which was adopted.

Senator Hegeman offered Senate Resolution No. 2008, regarding the Fiftieth Wedding Anniversary of Bill and Cheryl Huffman, Jamesport, which was adopted.

Senator Hegeman offered Senate Resolution No. 2009, regarding Bob Westfall, Maryville, which was adopted.

#### **HOUSE BILLS ON THIRD READING**

**HB 2122**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sater, **HCS** for **HB 1443**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 1645** was placed on the Informal Calendar.

**HB 1953**, introduced by Representative Neely, entitled:

An Act to amend chapter 192 and 208, RSMo, by adding thereto two new sections relating to public health and welfare.

Was taken up by Senator Onder.

At the request of Senator Onder, **HB 1953** was placed on the Informal Calendar.

At the request of Senator Kehoe, **HB 1409** was placed on the Informal Calendar.

**HB 1797**, introduced by Representative Fitzwater, with **SCS**, entitled:

An Act to amend chapter 578, RSMo, by adding thereto four new sections relating to the nuclear power plant security guard act, with penalty provisions.

Was taken up by Senator Riddle.

**SCS** for **HB 1797**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1797**

An Act to repeal sections 563.011, 563.041, 569.010, and 569.140, RSMo, and to enact in lieu thereof four new sections relating to unlawful activity on nuclear power plant property, with penalty provisions.

Was taken up.

Senator Riddle moved that **SCS** for **HB 1797** be adopted.

Senator Holsman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1797, Page 2, Section 563.011, Line 30, by striking the word “part” and inserting in lieu thereof the following: “**located on the real property**”; and

Further amend said bill, page 4, section 569.010, line 16, by striking the words “include the real”; and further amend line 17, by striking all of said line and inserting in lieu thereof the following: “**be limited to property within the structure or fenced yard, as defined in section 563.011**”.

Senator Holsman moved that the above amendment be adopted, which motion prevailed.

Senator Riddle moved that **SCS** for **HB 1797**, as amended, be adopted, which motion prevailed.

On motion of Senator Riddle, **SCS** for **HB 1797**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Sater—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Onder moved that **HB 1953** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Onder offered **SS** for **HB 1953**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 1953

An Act to amend chapters 192 and 208, RSMo, by adding thereto two new sections relating to the dissemination of information on the treatment of certain diseases.

Senator Onder moved that **SS** for **HB 1953** be adopted, which motion prevailed.

On motion of Senator Onder, **SS** for **HB 1953** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Dixon—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Onder, title to the bill was agreed to.

Senator Onder moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

At the request of Senator Rowden, **HB 2026**, with **SCS**, was placed on the Informal Calendar.

**HB 2101**, introduced by Representative Beard, entitled:

An Act to repeal section 514.040, RSMo, and to enact in lieu thereof one new section relating to guardian ad litem fees.

Was taken up by Senator Hoskins.

On motion of Senator Hoskins, **HB 2101** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Walsh moved that the Senate refuse to concur in **HA 1, HA 2, HA 3, HA 4** and **HA 5** to **SCS** for **SB 892** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Crawford moved that **SCS** for **SB 917**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 917**, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 917

An Act to repeal section 260.242, RSMo, and to enact in lieu thereof one new section relating to coal ash.

Was taken up.

Senator Crawford moved that **HCS** for **SCS** for **SB 917** be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Brown	Crawford	Cunningham	Dixon	Eigel	Emery	Hegeman
Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder	Richard
Riddle	Rizzo	Romine	Rowden	Sater	Schaaf	Schatz
Wallingford	Wasson	Wieland—24				

#### NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Hummel	Nasheed	Schupp	Sifton
Walsh—8						

Absent—Senator Cierpiot—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Crawford, **HCS** for **SCS** for **SB 917** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder

Richard	Riddle	Rizzo	Romine	Rowden	Sater	Schaaf
Schatz	Wallingford	Wasson	Wieland—25			

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Hummel	Nasheed	Schupp	Sifton
Walsh—8						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Libla moved that **SS** for **SCS** for **SBs 894 and 921**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SS** for **SCS** for **SBs 894 and 921**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 894 and 921

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to education curriculum involving science and technology.

Was taken up.

Senator Libla moved that **HCS** for **SS** for **SCS** for **SBs 894 and 921**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Libla, **HCS** for **SS** for **SCS** for **SBs 894** and **921**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Rowden moved that **SB 840**, with **HA 1** and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Rowden moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

**HA 2** was taken up.

Senator Rowden moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Rowden, **SB 840**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Libla—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Rowden, title to the bill was agreed to.

Senator Rowden moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Cunningham moved that **SS** for **SCS** for **SB 782**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SS** for **SCS** for **SB 782**, as amended, entitled:



HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 782

An Act to repeal sections 260.262, 260.380, 260.475, 319.129, 444.768, 444.772, 640.620, 644.054, and 644.057, RSMo, and to enact in lieu thereof twelve new sections relating to the department of natural resources.

Was taken up.

Senator Cunningham moved that **HCS** for **SS** for **SCS** for **SB 782**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Crawford	Cunningham	Eigel	Emery	Hegeman	Hoskins
Kehoe	Munzlinger	Onder	Richard	Riddle	Romine	Rowden
Sater	Schaaf	Schatz	Wallingford	Wasson	Wieland—20	

NAYS—Senators

Chappelle-Nadal	Cierpiot	Curls	Holsman	Hummel	Koenig	Nasheed
Rizzo	Schupp	Sifton	Walsh—11			

Absent—Senator Dixon—1

Absent with leave—Senator Libla—1

Vacancies—1

On motion of Senator Cunningham, **HCS** for **SS** for **SCS** for **SB 782**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Crawford	Cunningham	Dixon	Eigel	Emery	Hegeman
Hoskins	Kehoe	Munzlinger	Onder	Richard	Riddle	Romine
Rowden	Sater	Schaaf	Schatz	Wallingford	Wasson	Wieland—21

NAYS—Senators

Chappelle-Nadal	Cierpiot	Curls	Holsman	Hummel	Koenig	Nasheed
Rizzo	Schupp	Sifton	Walsh—11			

Absent—Senators—None

Absent with leave—Senator Libla—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Hegeman moved that **SCS** for **SB 990**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Koenig—1

Absent—Senators—None

Absent with leave—Senator Libla—1

Vacancies—1

On motion of Senator Hegeman, **SCS** for **SB 990**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators

Koenig                      Sifton—2

Absent—Senators—None

Absent with leave—Senator Libla—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Pro Tem Richard assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

Senator Schaaf, Chairman of the Committee on Health and Pensions, submitted the following report:

Mr. President: Your Committee on Health and Pensions, to which was referred **HB 2183**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Emery, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 2216**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 1456**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HCS** for **HB 1872**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 1998**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Riddle, Chairman of the Committee on Professional Registration, submitted the following reports:

Mr. President: Your Committee on Professional Registration, to which was referred **HB 1516**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **HCS** for **HB 1388**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Professional Registration, to which was referred **HB 1719**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rowden, Chairman of the Committee on Government Reform, submitted the following report:

Mr. President: Your Committee on Government Reform, to which was referred **HB 2179**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Onder, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **HB 2043**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on General Laws, to which was referred **HB 1558**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following reports:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 1389**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **SB 734**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Parson assumed the Chair.

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 35**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 50**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 52**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 70**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS No. 2**, as amended for **SCS** for **HB 1880** and has taken up and passed **SS No. 2** for **SCS** for **HB 1880**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 775**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **HB 1744** and has taken up and passed **SS** for **HB 1744**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS**, as amended for **HCS** for **HB 2034** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 2034**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 768**.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2 and House Amendment No. 2 as amended.

**HOUSE AMENDMENT NO. 1**

Amend Senate Bill No. 768, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the words “sections relating to taxation of telecommunications companies.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 2**

Amend House Amendment No. 2 to Senate Bill No. 768, Page 2, Line 25, by deleting the word “**service**” and inserting in lieu thereof the word “**services**”; and

Further amend said amendment and page, Line 28, by deleting the word “**service**” and inserting in lieu thereof the word “**services**”; and

Further amend said amendment and page, Line 37, by inserting after the phrase “(Mo. banc 2005).” the following:

**“The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co.***

***v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed.”; and**

Further amend said amendment and page, Line 44 by deleting the word “consumption” and inserting in lieu thereof the following:

**“consumption. The construction and application of this subdivision as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed”; and**

Further amend said amendment, Page 9, Line 9, by deleting all of said line and inserting in lieu thereof the following:

**“(2) “Producing” includes, but is not limited to, the production of, including the production and transmission of, telecommunication services;**

**(3) “Product” includes, but is not limited to, telecommunications services;**

**(4) “Recovered materials”, those materials which have been diverted or removed from the”; and**

Further amend said amendment and page, Lines 22-24, by deleting all of said lines and inserting in lieu thereof the following:

**“144.030. The construction and application of this subsection as expressed by the Missouri supreme court in *DST Systems, Inc. v. Director of Revenue*, 43 S.W.3d 799 (Mo. banc 2001); *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002); and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), is hereby affirmed.”; and**

Further amend said amendment Page 10, Line 9, by inserting immediately after all of said section and line the following:

**“Further amend said bill, Page 5, Section 153.030, Line 119, by inserting immediately after all of said section and line the following:**

**“[144.026. The director of revenue shall not send notice to any taxpayer under subsection 2 of section 144.021 regarding the decision in *IBM Corporation v. Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) prior to August 28, 2018.]”; and”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 768, Page 2, Section 138.445, Line 26, by inserting immediately after all of said section and line the following:

**“144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.**

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Motor vehicles registered in excess of fifty-four thousand pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight; and the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles. For purposes of this subdivision, motor vehicle and public highway shall have the meaning as ascribed in section 390.020;

(5) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility that has as its primary purpose the recovery of materials into a usable product or a different form which is used in producing a new product and shall include a facility or equipment which are used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways.

For purposes of this section, the terms motor vehicle and highway shall have the same meaning pursuant to section 301.010. **For the purposes of this subdivision, subdivision (6) of this subsection, and section 144.054, as well as the definition in subdivision (9) of subsection 1 of section 144.010, the term “product” includes telecommunications services and the term “manufacturing” shall include the production, or production and transmission, of telecommunications service. The preceding sentence does not make a substantive change in the law and is intended to clarify that the term “manufacturing” has included and continues to include the production and transmission of “telecommunications service”, as enacted in this subdivision and subdivision (6) of this subsection, as well as the definition in subdivision (9) of subsection 1 of section 144.010. The preceding two sentences reaffirm legislative intent consistent with the interpretation of this subdivision and subdivision (6) of this subsection in *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005), and accordingly abrogates the Missouri supreme court’s interpretation of those exemptions in *IBM Corporation v. Director of Revenue*, 491 S.W.3d 535 (Mo. banc 2016) to the extent inconsistent with this section and *Southwestern Bell Tel. Co. v. Director of Revenue*, 78 S.W.3d 763 (Mo. banc 2002) and *Southwestern Bell Tel. Co. v. Director of Revenue*, 182 S.W.3d 226 (Mo. banc 2005).** Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered. The material recovery processing plant shall qualify under the provisions of this section regardless of ownership of the material being recovered;

(6) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(7) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

(9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(10) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(11) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(12) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, in the transportation of persons or property;

(13) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (5) of this subsection, in facilities



owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200. There shall be a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(14) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(16) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices;

(17) Tangible personal property purchased by a rural water district;

(18) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation, provided, however, that a municipality or other political subdivision may enter into revenue-sharing agreements with private persons, firms, or corporations providing goods or services, including management services, in or for the place of amusement, entertainment or recreation, games or athletic events, and provided further that nothing in this subdivision shall exempt from tax any amounts retained by any private person, firm, or corporation under such revenue-sharing agreement;

(19) All sales of insulin, and all sales, rentals, repairs, and parts of durable medical equipment, prosthetic devices, and orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales or rental of medical oxygen, home respiratory equipment and accessories including parts, and hospital beds and accessories and ambulatory aids including parts, and all sales or rental of manual and powered wheelchairs including parts, and stairway lifts, Braille writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales or rental of scooters including parts, and reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by the Food and Drug

Administration to meet the over-the-counter drug product labeling requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner licensed to prescribe;

(20) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(21) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (20) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(22) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530;

(23) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers, and any freight charges on any exempt item. As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery and equipment” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and one-half of each purchaser’s purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(24) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use:

(a) “Domestic use” means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller’s utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification “residential” and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller’s utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(25) All sales of handicraft items made by the seller or the seller’s spouse if the seller or the seller’s spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(27) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on

navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(28) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(29) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(30) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(31) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(32) Electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or in any material recovery processing plant as defined in subdivision (5) of this subsection;

(33) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(34) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;

(35) All sales of grain bins for storage of grain for resale;

(36) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

(37) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(38) All sales or other transfers of tangible personal property to a lessor who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

(39) Sales of tickets to any collegiate athletic championship event that is held in a facility owned or operated by a governmental authority or commission, a quasi-governmental agency, a state university or college or by the state or any political subdivision thereof, including a municipality, and that is played on a neutral site and may reasonably be played at a site located outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that is not located on the campus of a conference member institution participating in the event;

(40) All purchases by a sports complex authority created under section 64.920, and all sales of utilities by such authority at the authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team;

(41) All materials, replacement parts, and equipment purchased for use directly upon, and for the modification, replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

(42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event;

(43) All sales of motor fuel, as defined in section 142.800, used in any watercraft, as defined in section 306.010;

(44) Any new or used aircraft sold or delivered in this state to a person who is not a resident of this state or a corporation that is not incorporated in this state, and such aircraft is not to be based in this state and shall not remain in this state more than ten business days subsequent to the last to occur of:

(a) The transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state; or

(b) The date of the return to service of the aircraft in accordance with 14 CFR 91.407 for any maintenance, preventive maintenance, rebuilding, alterations, repairs, or installations that are completed contemporaneously with the transfer of title to the aircraft to a person who is not a resident of this state or a corporation that is not incorporated in this state;

(45) All internet access or the use of internet access regardless of whether the tax is imposed on a provider of internet access or a buyer of internet access. For purposes of this subdivision, the following terms shall mean:

(a) "Direct costs", costs incurred by a governmental authority solely because of an internet service provider's use of the public right-of-way. The term shall not include costs that the governmental authority would have incurred if the internet service provider did not make such use of the public right-of-way. Direct costs shall be determined in a manner consistent with generally accepted accounting principles;

(b) “Internet”, computer and telecommunications facilities, including equipment and operating software, that comprises the interconnected worldwide network that employ the transmission control protocol or internet protocol, or any predecessor or successor protocols to that protocol, to communicate information of all kinds by wire or radio;

(c) “Internet access”, a service that enables users to connect to the internet to access content, information, or other services without regard to whether the service is referred to as telecommunications, communications, transmission, or similar services, and without regard to whether a provider of the service is subject to regulation by the Federal Communications Commission as a common carrier under 47 U.S.C. Section 201, et seq. For purposes of this subdivision, internet access also includes: the purchase, use, or sale of communications services, including telecommunications services as defined in section 144.010, to the extent the communications services are purchased, used, or sold to provide the service described in this subdivision or to otherwise enable users to access content, information, or other services offered over the internet; services that are incidental to the provision of a service described in this subdivision, when furnished to users as part of such service, including a home page, electronic mail, and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity; a home page electronic mail and instant messaging, including voice-capable and video-capable electronic mail and instant messaging, video clips, and personal electronic storage capacity that are provided independently or that are not packed with internet access. As used in this subdivision, internet access does not include voice, audio, and video programming or other products and services, except services described in this paragraph or this subdivision, that use internet protocol or any successor protocol and for which there is a charge, regardless of whether the charge is separately stated or aggregated with the charge for services described in this paragraph or this subdivision;

(d) “Tax”, any charge imposed by the state or a political subdivision of the state for the purpose of generating revenues for governmental purposes and that is not a fee imposed for a specific privilege, service, or benefit conferred, except as described as otherwise under this subdivision, or any obligation imposed on a seller to collect and to remit to the state or a political subdivision of the state any gross retail tax, sales tax, or use tax imposed on a buyer by such a governmental entity. The term tax shall not include any franchise fee or similar fee imposed or authorized under section 67.1830 or 67.2689; Section 622 or 653 of the Communications Act of 1934, 47 U.S.C. Section 542 and 47 U.S.C. Section 573; or any other fee related to obligations of telecommunications carriers under the Communications Act of 1934, 47 U.S.C. Section 151, et seq., except to the extent that:

a. The fee is not imposed for the purpose of recovering direct costs incurred by the franchising or other governmental authority from providing the specific privilege, service, or benefit conferred to the payer of the fee; or

b. The fee is imposed for the use of a public right-of-way based on a percentage of the service revenue, and the fee exceeds the incremental direct costs incurred by the governmental authority associated with the provision of that right-of-way to the provider of internet access service.

Nothing in this subdivision shall be interpreted as an exemption from taxes due on goods or services that were subject to tax on January 1, 2016.

3. Any ruling, agreement, or contract, whether written or oral, express or implied, between a person and this state’s executive branch, or any other state agency or department, stating, agreeing, or ruling that such person is not required to collect sales and use tax in this state despite the presence of a warehouse,

distribution center, or fulfillment center in this state that is owned or operated by the person or an affiliated person shall be null and void unless it is specifically approved by a majority vote of each of the houses of the general assembly. For purposes of this subsection, an “affiliated person” means any person that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code of 1986, as amended, as the vendor or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the vendor as a corporation that is a member of the same controlled group of corporations as defined in Section 1563(a) of the Internal Revenue Code, as amended.

144.054. 1. As used in this section, the following terms mean:

(1) “Processing”, any mode of treatment, act, or series of acts performed upon materials to transform or reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(2) “Recovered materials”, those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not they require subsequent separation and processing.

2. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical energy and gas, whether natural, artificial, or propane, water, coal, and energy sources, chemicals, machinery, equipment, and materials used or consumed in the manufacturing, processing, compounding, mining, or producing of any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining, or producing any product. The exemptions granted in this subsection shall not apply to local sales taxes as defined in section 32.085 and the provisions of this subsection shall be in addition to any state and local sales tax exemption provided in section 144.030. **For the purposes of this section, the term “product” shall include telecommunications services and the term “manufacturing” or “producing” shall include the production, or the production and transmission, of telecommunications services.**

3. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all utilities, machinery, and equipment used or consumed directly in television or radio broadcasting and all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a contractor for use in fulfillment of any obligation under a defense contract with the United States government, and all sales and leases of tangible personal property by any county, city, incorporated town, or village, provided such sale or lease is authorized under chapter 100, and such transaction is certified for sales tax exemption by the department of economic development, and tangible personal property used for railroad infrastructure brought into this state for processing, fabrication, or other modification for use outside the state in the regular course of business.

4. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales

tax law as defined in section 32.085, all sales and purchases of tangible personal property, utilities, services, or any other transaction that would otherwise be subject to the state or local sales or use tax when such sales are made to or purchases are made by a private partner for use in completing a project under sections 227.600 to 227.669.

5. In addition to all other exemptions granted under this chapter, there is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, and from the computation of the tax levied, assessed, or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the local sales tax law as defined in section 32.085, all materials, manufactured goods, machinery and parts, electrical energy and gas, whether natural, artificial or propane, water, coal and other energy sources, chemicals, soaps, detergents, cleaning and sanitizing agents, and other ingredients and materials inserted by commercial or industrial laundries to treat, clean, and sanitize textiles in facilities which process at least five hundred pounds of textiles per hour and at least sixty thousand pounds per week.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Titling change adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 2**, **HA 3**, **HA 4** and **HA 5** to **SCS** for **SB 892**, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 707**, as amended. Representatives: Engler, Korman, Ruth, Franks Jr., Carpenter.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 775**, as amended. Representatives: Fitzpatrick, Alferman, Wood, Kendrick, Walker (74).

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 707**, as amended: Senators Schatz, Libla, Munzlinger, Hummel and Curls.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 775**, as amended: Senators Brown, Schaaf, Sater, Curls and Walsh.

### INTRODUCTION OF GUESTS

Senator Walsh introduced to the Senate, Mitchell Weller, St. Louis.

Senator Riddle introduced to the Senate, teachers and fourth-grade students from Jonesburg Elementary School.



Senator Hummel introduced to the Senate, former State Senator, The Honorable Joseph P. Keaveny, St. Louis.

Senator Kehoe introduced to the Senate, Cub Scout Pack 20, West Elementary School, Jefferson City.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, May 7, 2018.

#### SENATE CALENDAR

---

SIXTY-FIFTH DAY—MONDAY, MAY 7, 2018

---

#### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HB 2538-Pietzman	HCS for HB 1739
HB 2499-Hansen	HCS for HB 1554
HB 2438-Remole	HCB 23-Dogan
HCS for HB 2407	

#### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)	SS for SB 699-Sifton (In Fiscal Oversight)
---	--

#### SENATE BILLS FOR PERFECTION

1. SJR 36-Schatz, with SCS	9. SB 864-Hoskins
2. SB 678-Eigel	10. SB 998-Schatz, with SCS
3. SB 1102-Kehoe, with SCS	11. SB 703-Hegeman
4. SB 1015-Wieland, with SCS	12. SB 915-Crawford
5. SB 709-Schatz, with SCS	13. SB 934-Hegeman
6. SB 640-Sater	14. SB 988-Rowden, with SCS
7. SB 963-Wieland, with SCS	15. SB 790-Cierpiot, with SCS
8. SB 952-Rowden	16. SB 734-Schatz, with SCS

#### HOUSE BILLS ON THIRD READING

1. HB 1267-Lichtenegger (Munzlinger)	5. HB 1887-Bahr (Onder)
2. HB 1415-Lauer (Wasson)	6. HB 1247-Pike (Onder)
3. HB 1968-Grier (Schatz)	7. HB 1831-Ruth (Wieland)
4. HB 2330-Beck (Sifton)	8. HCS for HB 1635, with SCS (Wallingford)

- |   |   |
|---|---|
| 9. HCS for HB 2171 (Sater)  | 23. HJR 59-Brown (57) (Romine)              |
| 10. HCS for HB 1364, with SCS<br>(Munzlinger) (In Fiscal Oversight) | 24. HCS for HB 2017 (Brown)                 |
| 11. HB 1646-Eggleston (Hegeman)                                     | 25. HCS for HB 2018 (Brown)                 |
| 12. HB 1809-Tate (Schatz)   | 26. HB 2183-Bondon (Crawford)               |
| 13. HB 1252-Plocher (Riddle)  | 27. HCS for HB 2216, with SCS               |
| 14. HCS for HB 1251, with SCS (Crawford)                            | 28. HCS for HB 1456, with SCS (Wallingford) |
| 15. HCS#2 for HB 1503, with SCS (Hoskins)                           | 29. HCS for HB 1872 (Hegeman)               |
| 16. HCS for HB 1614 (Hegeman)                                       | 30. HB 1998-Bondon, with SCS (Emery)        |
| 17. HCS for HB 1264 (Hegeman)                                       | 31. HB 1516-Wiemann (Riddle)                |
| 18. HCS for HB 1611 (Riddle)  | 32. HCS for HB 1388, with SCS (Schatz)      |
| 19. HCS for HB 2119 (Rowden)  | 33. HB 1719-Grier, with SCS (Riddle)        |
| 20. HCS for HB 2079, with SCS (Crawford)                            | 34. HB 2179-Richardson                      |
| 21. HCS for HB 1710, with SCS (Eigel)                               | 35. HB 2043-Tate (Wasson)                   |
| 22. HB 1484-Brown (57) (Romine)                                     | 36. HB 1558-Neely, with SCS (Romine)        |
|   | 37. HB 1389-Fitzpatrick, with SCS           |

### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 &  
667-Eigel (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 546-Munzlinger, with SS#4 (pending)   | SB 730-Wallingford, with SCS & SA 1<br>(pending)                    |
| SB 550-Wasson, with SCS  | SB 751-Schatz   |
| SBs 555 & 609-Brown, with SCS  | SB 767-Hoskins, with SCS, SS for SCS &<br>SA 2 (pending)            |
| SB 556-Brown, with SA 1 (pending)  | SB 774-Munzlinger   |
| SB 561-Sater, with SA 1 (pending)  | SB 813-Riddle, with SCS & SA 1 (pending)                            |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                            | SB 822-Hegeman, with SCS & SS for SCS<br>(pending)                  |
| SB 578-Romine  | SB 832-Rowden, with SCS, SS#2 for SCS &<br>point of order (pending) |
| SB 591-Hegeman, with SCS   | SB 837-Rowden   |
| SB 596-Riddle, with SCS  | SB 848-Riddle   |
| SB 599-Schatz  | SB 849-Kehoe and Schupp, with SCS, SA 1<br>& SA 1 to SA 1 (pending) |
| SB 602-Onder, with SCS   | SB 859-Koenig, with SCS & SS for SCS<br>(pending)                   |
| SB 612-Koenig, with SCS, SS#2 for SCS,<br>SA 2, SSA 1 for SA 2 & SA 1 to SSA 1<br>for SA 2 (pending) |   |
| SB 663-Schatz, with SCS, SS for SCS &<br>SA 1 (pending)  |   |

SB 860-Koenig, with SCS, SS for SCS &  
SA 1 (pending)  
SB 861-Hegeman, with SCS  
SB 865-Kehoe  
SB 893-Sater, with SCS, SS for SCS & SA 1  
(pending)  
SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)

SB 920-Riddle, with SS & SA 2 (pending)  
SB 928-Onder, with SCS  
SB 949-Emery, with SCS, SS for SCS &  
SA 2 (pending)  
SB 1003-Wasson, with SS & SA 1 (pending)  
SB 1021-Dixon and Wallingford, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HBs 1288, 1377 & 2050, with SCS  
(Dixon)  
HB 1303-Alferman, with SCS (Rowden)  
HB 1329-Remole, with SCS, SS for SCS &  
SA 5 (pending) (Munzlinger)  
SS for SCS for HB 1350-Smith (163)  
(Rowden)  
SS for SCS for HB 1355-Phillips (Schatz)  
HB 1409-Fitzpatrick (Kehoe)  
HB 1413-Taylor, with SCS, SS for SCS &  
SA 1 (pending) (Onder)  
HB 1428-Muntzel, with SS, SA 1 & SSA 1  
for SA 1 (pending) (Munzlinger)  
HB 1442-Alferman, with SCS, SS for SCS &  
SA 1 (pending) (Schatz)  
HCS for HB 1443, with SCS (Sater)  
HCS for HB 1461 (Rowden)  
HB 1578-Kolkmeier (Munzlinger)

HCS for HB 1597, with SCS (Dixon)  
HCS for HB 1605, with SCS (Kehoe)  
SS for HCS for HB 1606 (Romine)  
(In Fiscal Oversight)  
HCS for HB 1617, with SCS, SS#2 for SCS  
& SA 1 (pending) (Onder)  
HB 1630-Evans (Rowden)  
HCS for HB 1645 (Rowden)  
HB 1691-Miller, with SCS & SS for SCS  
(pending) (Emery)  
HCS for HBs 1729, 1621 & 1436 (Brown)  
HB 1769-Mathews, with SCS (Schatz)  
HCS for HB 1796, with SS (pending)  
(Rowden)  
HCS for HB 1991, with SCS (Rowden)  
HB 2026-Wilson, with SCS (Rowden)  
HB 2044-Taylor, with SCS (pending) (Dixon)  
HB 2122-Engler, with SCS (Schatz)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 659-Hegeman, with HCS, as amended  
SB 660-Riddle, with HCS, as amended

SB 768-Hoskins, with HA 1 and HA 2,  
as amended

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 569-Cunningham, with HCS, as amended

SS for SB 608-Hoskins, with HCS

SS for SCS for SB 707-Schatz, with HCS,  
as amended  
SS for SCS for SB 775-Brown, with HCS,  
as amended  
SS for SCS for SB 826-Sater, with HCS,  
as amended  
SS for SB 870-Hegeman, with HCS,  
as amended  
SCS for SB 892-Walsh, with HA 1, HA 2,  
HA 3, HA 4 & HA 5  
HB 1291-Henderson, with SS for SCS,  
as amended (Romine)  
(House adopted CCR and passed CCS)  
HB 1858-Christofanelli, with SS (Eigel)  
HCS for HB 1879, with SS for SCS,  
as amended (Cunningham)

HCS for HB 2002, with SCS (Brown)  
HCS for HB 2003, with SCS (Brown)  
HCS for HB 2004, with SCS (Brown)  
HCS for HB 2005, with SCS (Brown)  
HCS for HB 2006, with SCS, as amended  
(Brown)  
HCS for HB 2007, with SCS, as amended  
(Brown)  
HCS for HB 2008, with SCS (Brown)  
HCS for HB 2009, with SCS (Brown)  
HCS for HB 2010, with SS for SCS (Brown)  
HCS for HB 2011, with SCS (Brown)  
HCS for HB 2012, with SCS (Brown)  
HCS for HB 2013, with SCS (Brown)

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

#### Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)  
SCR 35-Hegeman  
SCR 50-Hegeman

SCR 52-Emery  
HCR 70-Franks, Jr.

#### To be Referred

SCR 55-Sater

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTY-FIFTH DAY—MONDAY, MAY 7, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“But surely God is my helper, the Lord is the upholder of my life.” (Psalm 54:4)

We pray O Lord as we begin a new week that will certainly be filled with new challenges and pressures on us to make the right decisions, so we pray that You will abide with us and help us know what the right path to walk for each of us. Help us to process the material that comes before us that leads us to wise conclusions of what we must do. And keep us from being reticent about what must be done. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, May 3, 2018 was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senators—None

Absent with leave—Senator Libla—1

Vacancies—1

The Lieutenant Governor was present.

### RESOLUTIONS

Senator Kehoe offered Senate Resolution No. 2010, regarding Dalton “Cole” Walker, Henley, which was adopted.

Senator Emery offered Senate Resolution No. 2011, regarding Liz Kozlowski, Deepwater, which was adopted.

Senator Emery offered Senate Resolution No. 2012, regarding Nadine Poister, Butler, which was adopted.

Senator Emery offered Senate Resolution No. 2013, regarding Monique Lewis, Raymore, which was adopted.

Senator Emery offered Senate Resolution No. 2014, regarding Patricia Arnold, Nevada, which was adopted.

Senator Onder offered Senate Resolution No. 2015, regarding Meagan Turner, which was adopted.

Senator Rowden offered Senate Resolution No. 2016, regarding Jan Mees, which was adopted.

Senator Holsman offered Senate Resolution No. 2017, regarding the Class 4 State Champion Grandview High School boys basketball program, which was adopted.

Senator Crawford offered Senate Resolution No. 2018, regarding Eagle Scout Justin Ender Bruecher, Sedalia, which was adopted.

President Pro Tem Richard assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1633**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1250**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS for HB 2042**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS for**

**HB 1868**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS** for **HB 2249**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wallingford, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 2540**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 2129**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hegeman, Chairman of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 1446**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wieland, Chairman of the Committee on Insurance and Banking, submitted the following report:

Mr. President: Your Committee on Insurance and Banking, to which was referred **HCS** for **HBs 2337** and **2272**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HCS** for **HBs 2277** and **1983**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Onder, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HCS** for **HB 2031**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Parson assumed the Chair.

### **PRIVILEGED MOTIONS**

Senator Hegeman moved that **SB 659**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 659**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 659

An Act to repeal section 640.620, RSMo, and to enact in lieu thereof three new sections relating to the department of natural resources.

Was taken up.

Senator Hegeman moved that **HCS for SB 659**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Munzlinger	Onder	Richard
Riddle	Rizzo	Romine	Rowden	Sater	Schaaf	Schatz
Wallingford	Wasson	Wieland—24				

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Hummel	Nasheed	Schupp	Sifton
Walsh—8						

Absent—Senators—None

Absent with leave—Senator Libla—1

Vacancies—1

On motion of Senator Hegeman, **HCS for SB 659**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Hoskins	Kehoe	Koenig	Munzlinger	Onder
Richard	Riddle	Rizzo	Romine	Rowden	Sater	Schatz
Wallingford	Wasson	Wieland—24				

NAYS—Senators

Chappelle-Nadal	Holsman	Hummel	Nasheed	Schaaf	Schupp	Sifton
Walsh—8						

Absent—Senators—None

Absent with leave—Senator Libla—1

Vacancies—1



The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### MESSAGES FROM THE HOUSE

The following corrected message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **HB 1744** and has taken up and passed **SS** for **HB 1744**, as amended.

Emergency clause adopted.

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2019**, entitled:

An Act to appropriate money for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds herein designated for the fiscal period beginning July 1, 2018, and ending June 30, 2019.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 718**, entitled:

An Act to repeal sections 338.202 and 376.1237, RSMo, and to enact in lieu thereof two new sections relating to maintenance medication.

With House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment Nos. 4, 5, 6, 7, 8, 10, 11, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 12, as amended, House Amendment Nos. 13, 14, House Amendment No. 1 to House Amendment No. 15, House Amendment No. 15, as amended and House Amendment No. 16.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, In the Title, Line 3, by deleting the words “maintenance medication” and inserting in lieu thereof the words “health care”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section 338.202, Line 16, by inserting after all of said line the following:

**“376.1223. 1. No third-party payer for health care services including, but not limited to, health carriers, as such terms are defined in section 376.1350, shall limit coverage or deny reimbursement for treatment of symptoms and behaviors for individuals with physical or developmental disabilities, as defined in section 630.005, if, as determined by a licensed physician or psychologist, the symptoms or behaviors caused by the identified disability:**

**(1) Require the individual to receive care or assistance at any level or age from another person; and**

**(2) Directly interfere with or prevent independent participation in the everyday purposeful and functional activities typically practiced by a person of the same chronological age as the disabled individual.**

**2. Such coverage shall include, but not be limited to, therapeutic care, habilitative or rehabilitative care, or services by a licensed psychologist or applied behavior analyst, as such terms are defined in section 376.1224.**

376.1224. 1. For purposes of this section, the following terms shall mean:

(1) “Applied behavior analysis”, the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationships between environment and behavior;

(2) “Autism service provider”:

(a) Any person, entity, or group that provides diagnostic or treatment services for autism spectrum disorders who is licensed or certified by the state of Missouri; or

(b) Any person who is licensed under chapter 337 as a board-certified behavior analyst by the behavior analyst certification board or licensed under chapter 337 as an assistant board-certified behavior analyst;

(3) “Autism spectrum disorders”, a neurobiological disorder, an illness of the nervous system, which includes Autistic Disorder, Asperger’s Disorder, Pervasive Developmental Disorder Not Otherwise Specified, Rett’s Disorder, and Childhood Disintegrative Disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association;

(4) **“Developmental disability”, severe, chronic disabilities that meet all of the following conditions:**

**(a) Attributable to cerebral palsy or epilepsy, or any other condition other than mental illness that results in impairment of general intellectual functioning or adaptive behavior and requires treatment or services;**

**(b) Manifests before the individual reaches age twenty-two;**

**(c) Likely to continue indefinitely; and**

**(d) Results in substantial functional limitations in three or more of the following areas of major life activities: self care, understanding and use of language, learning, mobility, self direction, capacity for independent living, plus a need for the level of care provided in an independent care facility;**

**(5) “Diagnosis of a developmental disability”, medically necessary assessments, evaluations, or tests in order to diagnose a developmental disability;**

**(6) “Diagnosis of autism spectrum disorders”, medically necessary assessments, evaluations, or tests in order to diagnose whether an individual has an autism spectrum disorder;**

**(7) “Diagnosis of physical disability”, medically necessary assessments, evaluations, or tests in order to diagnose a physical disability;**

**[(5)] (8) “Habilitative or rehabilitative care”, professional, counseling, and guidance services and treatment programs, including applied behavior analysis, that are necessary to develop the functioning of an individual;**

**[(6)] (9) “Health benefit plan”, shall have the same meaning ascribed to it as in section 376.1350;**

**[(7)] (10) “Health carrier”, shall have the same meaning ascribed to it as in section 376.1350;**

**[(8)] (11) “Line therapist”, an individual who provides supervision of an individual diagnosed with an autism diagnosis and other neurodevelopmental disorders pursuant to the prescribed treatment plan, and implements specific behavioral interventions as outlined in the behavior plan under the direct supervision of a licensed behavior analyst;**

**[(9)] (12) “Pharmacy care”, medications used to address symptoms of an autism spectrum disorder prescribed by a licensed physician, and any health-related services deemed medically necessary to determine the need or effectiveness of the medications only to the extent that such medications are included in the insured’s health benefit plan;**

**[(10)] (13) “Psychiatric care”, direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices;**

**[(11)] (14) “Psychological care”, direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices;**

**[(12)] (15) “Therapeutic care”, services provided by licensed speech therapists, occupational therapists, or physical therapists;**

**[(13)] (16) “Treatment [for autism spectrum disorders]”, care prescribed or ordered for an individual diagnosed with an autism spectrum disorder, **developmental disabilities, or physical disabilities** by a licensed physician or licensed psychologist, including equipment medically necessary for such care, pursuant to the powers granted under such licensed physician’s or licensed psychologist’s license, including, but not limited to:**

**(a) Psychiatric care;**

**(b) Psychological care;**

**(c) Habilitative or rehabilitative care, including applied behavior analysis therapy;**

- (d) Therapeutic care;
- (e) Pharmacy care.

2. All group health benefit plans that are delivered, issued for delivery, continued, or renewed on or after January 1, 2011, if written inside the state of Missouri, or written outside the state of Missouri but insuring Missouri residents, shall provide coverage for the diagnosis and treatment of autism spectrum disorders, **developmental disabilities, or physical disabilities** to the extent that such diagnosis and treatment is not already covered by the health benefit plan.

3. With regards to a health benefit plan, a health carrier shall not deny or refuse to issue coverage on, refuse to contract with, or refuse to renew or refuse to reissue or otherwise terminate or restrict coverage on an individual or their dependent because the individual is diagnosed with autism spectrum disorder, **developmental disabilities, or physical disabilities**.

4. (1) Coverage provided under this section is limited to medically necessary treatment [that] **as determined by the health benefit plan, and** is ordered by the insured's treating licensed physician or licensed psychologist, pursuant to the powers granted under such licensed physician's or licensed psychologist's license[, in accordance with]. **For applied behavioral analysis, such provider may submit** a treatment plan.

(2) The treatment plan, upon request by the health benefit plan or health carrier, shall include all elements necessary for the health benefit plan or health carrier to pay claims. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and duration of treatment, and goals.

(3) Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, **developmental disabilities, or physical disabilities**, a health carrier shall have the right to review the treatment plan not more than once every six months unless the health carrier and the individual's treating physician or psychologist agree that a more frequent review is necessary. Any such agreement regarding the right to review a treatment plan more frequently shall only apply to a particular individual [being treated for an autism spectrum disorder] and shall not apply to all individuals being treated for [autism spectrum disorders] **that disorder** by a physician or psychologist. The cost of obtaining any review or treatment plan shall be borne by the health benefit plan or health carrier, as applicable.

5. Coverage provided under this section for applied behavior analysis shall be subject to a maximum benefit of forty thousand dollars per calendar year for individuals through eighteen years of age. Such maximum benefit limit may be exceeded, upon prior approval by the health benefit plan, if the provision of applied behavior analysis services beyond the maximum limit is medically necessary for such individual. Payments made by a health carrier on behalf of a covered individual for any care, treatment, intervention, service or item, the provision of which was for the treatment of a health condition unrelated to the covered individual's autism spectrum disorder, shall not be applied toward any maximum benefit established under this subsection. Any coverage required under this section, other than the coverage for applied behavior analysis, shall not be subject to the age and dollar limitations described in this subsection.

6. Coverage provided under this section for therapeutic care shall be subject to a maximum benefit of forty thousand dollars per calendar year for individuals through eighteen years of age. Such maximum benefit limit may be exceeded, upon prior approval by the health benefit plan, if the provision of therapeutic care beyond the maximum limit is medically necessary for such individual.

**Payments made by a health carrier on behalf of a covered individual for any care, treatment, intervention, service or item, the provision of which was for the treatment of a health condition unrelated to the covered individual's developmental disabilities or physical disabilities, shall not be applied toward any maximum benefit established under this subsection. Any coverage required under this section, other than the coverage for applied behavioral analysis or therapeutic care, shall not be subject to the age and dollar limitations described in this subsection.**

[6.] **7.** The maximum benefit limitation for applied behavior analysis described in subsection 5 of this section **or therapeutic care as described in subsection 6 of this section** shall be adjusted by the health carrier at least triennially for inflation to reflect the aggregate increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially published by the United States Department of Labor, or its successor agency. Beginning January 1, 2012, and annually thereafter, the current value of the maximum benefit limitation for applied behavior analysis coverage adjusted for inflation in accordance with this subsection shall be calculated by the director of the department of insurance, financial institutions and professional registration. The director shall furnish the calculated value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021.

[7.] **8.** Subject to the provisions set forth in subdivision (3) of subsection 4 of this section, coverage provided under this section shall not be subject to any limits on the number of visits an individual may make to an autism service provider **or therapeutic care provider**, except that the maximum total benefit for applied behavior analysis set forth in subsection 5 **or therapeutic care as set forth in subsection 6** of this section shall apply to this subsection.

[8.] **9.** This section shall not be construed as limiting benefits which are otherwise available to an individual under a health benefit plan. The health care coverage required by this section shall not be subject to any greater deductible, coinsurance, or co-payment than other physical health care services provided by a health benefit plan. Coverage of services may be subject to other general exclusions and limitations of the contract or benefit plan, not in conflict with the provisions of this section, such as coordination of benefits, exclusions for services provided by family or household members, and utilization review of health care services, including review of medical necessity and care management; however, coverage for treatment under this section shall not be denied on the basis that it is educational or habilitative in nature.

[9.] **10.** To the extent any payments or reimbursements are being made for applied behavior analysis, such payments or reimbursements shall be made to either:

(1) The autism service provider, as defined in this section; or

(2) The entity or group for whom such supervising person, who is certified as a board-certified behavior analyst by the Behavior Analyst Certification Board, works or is associated.

Such payments or reimbursements under this subsection to an autism service provider or a board-certified behavior analyst shall include payments or reimbursements for services provided by a line therapist under the supervision of such provider or behavior analyst if such services provided by the line therapist are included in the treatment plan and are deemed medically necessary.

[10.] **11.** Notwithstanding any other provision of law to the contrary, health carriers shall not be held

liable for the actions of line therapists in the performance of their duties.

[11.] **12.** The provisions of this section shall apply to any health care plans issued to employees and their dependents under the Missouri consolidated health care plan established pursuant to chapter 103 that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2011. The terms “employees” and “health care plans” shall have the same meaning ascribed to them in section 103.003.

[12.] **13.** The provisions of this section shall also apply to the following types of plans that are established, extended, modified, or renewed on or after January 1, 2011:

(1) All self-insured governmental plans, as that term is defined in 29 U.S.C. Section 1002(32);

(2) All self-insured group arrangements, to the extent not preempted by federal law;

(3) All plans provided through a multiple employer welfare arrangement, or plans provided through another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, or any waiver or exception to that act provided under federal law or regulation; and

(4) All self-insured school district health plans.

[13.] **14.** The provisions of this section shall not automatically apply to an individually underwritten health benefit plan, but shall be offered as an option to any such plan.

[14.] **15.** The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy of six months or less duration, or any other supplemental policy.

[15.] **16.** Any health carrier or other entity subject to the provisions of this section shall not be required to provide reimbursement for the applied behavior analysis **or therapy** delivered to a person insured by such health carrier or other entity to the extent such health carrier or other entity is billed for such services by any Part C early intervention program or any school district for applied behavior analysis rendered to the person covered by such health carrier or other entity. This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education plan, or an individualized service plan. This section shall not be construed as affecting any obligation to provide reimbursement pursuant to section 376.1218.

[16.] **17.** The provisions of sections 376.383, 376.384, and 376.1350 to 376.1399 shall apply to this section.

[17.] **18.** The director of the department of insurance, financial institutions and professional registration shall grant a small employer with a group health plan, as that term is defined in section 379.930, a waiver from the provisions of this section if the small employer demonstrates to the director by actual claims experience over any consecutive twelve-month period that compliance with this section has increased the cost of the health insurance policy by an amount of two and a half percent or greater over the period of a calendar year in premium costs to the small employer.

[18.] **19.** The provisions of this section shall not apply to the Mo HealthNet program as described in chapter 208.

[19.] **20.** (1) By February 1, 2012, and every February first thereafter, the department of insurance,

financial institutions and professional registration shall submit a report to the general assembly regarding the implementation of the coverage required under this section. The report shall include, but shall not be limited to, the following:

- (a) The total number of insureds diagnosed with autism spectrum disorder;
  - (b) The total cost of all claims paid out in the immediately preceding calendar year for coverage required by this section;
  - (c) The cost of such coverage per insured per month; and
  - (d) The average cost per insured for coverage of applied behavior analysis;
- (2) All health carriers and health benefit plans subject to the provisions of this section shall provide the department with the data requested by the department for inclusion in the annual report.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 2, Line 38, by deleting said line and inserting in lieu of the following:

“that he or she is the guardian ad litem of the minor child of the deceased.

**191.1150. 1. This section shall be known as the “Caregiver, Advise, Record, and Enable (CARE) Act”.**

**2. As used in this section, the following terms shall mean:**

- (1) **“Admission”, a patient’s admission into a hospital as an in-patient;**
- (2) **“After-care”, assistance that is provided by a caregiver to a patient after the patient’s discharge from a hospital that is related to the condition of the patient at the time of discharge, including assisting with activities of daily living, as defined in section 198.006; instrumental activities of daily living, as defined in section 198.006; or carrying out medical or nursing tasks as permitted by law;**
- (3) **“Ambulatory surgical center”, as defined in section 197.200;**
- (4) **“Caregiver”, an individual who is eighteen years of age or older, is duly designated as a caregiver by a patient under this section, and who provides after-care assistance to such patient in the patient’s residence;**
- (5) **“Discharge”, a patient’s release from a hospital or an ambulatory surgical center to the patient’s residence following an admission;**
- (6) **“Hospital”, as defined in section 197.020;**
- (7) **“Residence”, a dwelling that the patient considers to be his or her home. “Residence” shall not include:**
  - (a) **A facility, as defined in section 198.006;**

**(b) A hospital, as defined in section 197.020;**

**(c) A prison, jail, or other detention or correctional facility operated by the state or a political subdivision;**

**(d) A residential facility, as defined in section 630.005;**

**(e) A group home or developmental disability facility, as defined in section 633.005; or**

**(f) Any other place of habitation provided by a public or private entity which bears legal or contractual responsibility for the care, control, or custody of the patient and which is compensated for doing so.**

**3. A hospital or ambulatory surgical center shall provide each patient or, if applicable, the patient's legal guardian with an opportunity to designate a caregiver following the patient's admission into a hospital or entry into an ambulatory surgical center and prior to the patient's discharge. Such designation shall include a written consent of the patient or the patient's legal guardian to release otherwise confidential medical information to the designated caregiver if such medical record would be needed to enable the completion of after-care tasks. The written consent shall be in compliance with federal and state laws concerning the release of personal health information. Prior to discharge, a patient may elect to change his or her caregiver in the event that the original designated caregiver becomes unavailable, unwilling, or unable to care for the patient. Designation of a caregiver by a patient or a patient's legal guardian does not obligate any person to arrange or perform any after-care tasks for the patient.**

**4. The hospital or ambulatory surgical center shall document the patient's or the patient's legal guardian's designation of caregiver, the relationship of the caregiver to the patient, and the caregiver's available contact information.**

**5. If the patient or the patient's legal guardian declines to designate a caregiver, the hospital or ambulatory surgical center shall document such information.**

**6. The hospital or ambulatory surgical center shall notify a patient's caregiver of the patient's discharge or transfer to another facility as soon as practicable, which may be after the patient's physician issues a discharge order. In the event that the hospital or ambulatory surgical center is unable to contact the designated caregiver, the lack of contact shall not interfere with, delay, or otherwise affect the medical care provided to the patient or an appropriate discharge of the patient. The hospital or ambulatory surgical center shall document the attempt to contact the caregiver.**

**7. Prior to being discharged, if the hospital or ambulatory surgical center is able to contact the caregiver and the caregiver is willing to assist, the hospital or ambulatory surgical center shall provide the caregiver with the patient's discharge plan, if such plan exists, or instructions for the after-care needs of the patient and give the caregiver the opportunity to ask questions about the after-care needs of the patient.**

**8. A hospital or ambulatory surgical center is not required nor obligated to determine the ability of a caregiver to understand or perform any of the after-care tasks outlined in this section.**

**9. Nothing in this section shall authorize or require compensation of a caregiver by a state agency or a health carrier, as defined in section 376.1350.**



**10. Nothing in this section shall require a hospital or ambulatory surgical center to take actions that are inconsistent with or duplicative of the standards of the federal Medicare program under Title XVIII of the Social Security Act and its conditions of participation in the Code of Federal Regulations or the standards of a national accrediting organization with deeming authority under Section 1865(a)(1) of the Social Security Act.**

**11. Nothing in this section shall create a private right of action against a hospital, ambulatory surgical center, a hospital or ambulatory surgical center employee, or an individual with whom a hospital or ambulatory surgical center has a contractual relationship.**

**12. A hospital, ambulatory surgical center, hospital or ambulatory surgical center employee, or an individual with whom a hospital or ambulatory surgical center has a contractual relationship shall not be liable in any way for an act or omission of the caregiver.**

**13. No act or omission under this section by a hospital, ambulatory surgical center, hospital or ambulatory surgical center employee, or an individual with whom a hospital or ambulatory surgical center has a contractual relationship shall give rise to a citation, sanction, or any other adverse action by any licensing authority to whom such individual or entity is subject.**

**14. Nothing in this section shall be construed to interfere with the rights of an attorney-in-fact under a durable power of health care under sections 404.800 to 404.872.**

**15. The department of health and senior services shall provide ambulatory surgical centers and hospitals a standard form that may be used to satisfy the requirements of this section. Nothing in this section shall prohibit a hospital or ambulatory surgical center from continuing the use of a current patient communication or disclosure form to satisfy the requirements of this section, provided that the facility's current form is compliant with Centers for Medicare and Medicaid Services (CMS) standards and regulations.”; and”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called “providers”, shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient’s health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient’s condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient’s health care records to the patient, the patient’s authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) (a) Search and retrieval, in an amount not more than twenty-four dollars and eighty-five cents plus copying in the amount of fifty-seven cents per page for the cost of supplies and labor plus, if the health care

provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed twenty-three dollars and twenty-six cents, as adjusted annually pursuant to subsection 5 of this section; or

(b) The records shall be furnished electronically upon payment of the search, retrieval, and copying fees set under this section at the time of the request or one hundred eight dollars and eighty-eight cents total, whichever is less, if such person:

- a. Requests health records to be delivered electronically in a format of the health care provider's choice;
- b. The health care provider stores such records completely in an electronic health record; and
- c. The health care provider is capable of providing the requested records and affidavit, if requested, in an electronic format;

(2) Postage, to include packaging and delivery cost;

(3) Notary fee, not to exceed two dollars, if requested.

**3. For purposes of subsections 1 and 2 of this section, “a copy of his or her record of that patient’s health history and treatment rendered” or “the patient’s health care records” include a statement or record that no such health history or treatment record responsive to the request exists.**

4. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

[4.] 5. The transfer of the patient’s record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient’s record as required by this section.

[5.] 6. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department’s internet website by February first of each year.

[6.] 7. A health care provider may disclose a deceased patient’s health care records or payment records to the executor or administrator of the deceased person’s estate, or pursuant to a valid, unrevoked power of attorney for health care that specifically directs that the deceased person’s health care records be released to the agent after death. If an executor, administrator, or agent has not been appointed, the deceased prior to death did not specifically object to disclosure of his or her records in writing, and such disclosure is not inconsistent with any prior expressed preference of the deceased that is known to the health care provider, a deceased patient’s health care records may be released upon written request of a person who is deemed as the personal representative of the deceased person under this subsection. Priority shall be given to the deceased patient’s spouse and the records shall be released on the affidavit of the surviving spouse that he

or she is the surviving spouse. If there is no surviving spouse, the health care records may be released to one of the following persons:

- (1) The acting trustee of a trust created by the deceased patient either alone or with the deceased patient's spouse;
- (2) An adult child of the deceased patient on the affidavit of the adult child that he or she is the adult child of the deceased;
- (3) A parent of the deceased patient on the affidavit of the parent that he or she is the parent of the deceased;
- (4) An adult brother or sister of the deceased patient on the affidavit of the adult brother or sister that he or she is the adult brother or sister of the deceased;
- (5) A guardian or conservator of the deceased patient at the time of the patient's death on the affidavit of the guardian or conservator that he or she is the guardian or conservator of the deceased; or
- (6) A guardian ad litem of the deceased's minor child based on the affidavit of the guardian that he or she is the guardian ad litem of the minor child of the deceased."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

**"9.158. The month of November shall be known and designated as "Diabetes Awareness Month". The citizens of the state of Missouri are encouraged to participate in appropriate activities and events to increase awareness of diabetes. Diabetes is a group of metabolic diseases in which the body has elevated blood sugar levels over a prolonged period of time and affects Missourians of all ages.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

**"9.192. The years of 2018 to 2028 shall hereby be designated as the "Show-Me Freedom from Opioid Addiction Decade".**

191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient's health care records to the patient,

the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) (a) Search and retrieval, in an amount not more than twenty-four dollars and eighty-five cents plus copying in the amount of fifty-seven cents per page for the cost of supplies and labor plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed twenty-three dollars and twenty-six cents, as adjusted annually pursuant to subsection 5 of this section; or

(b) The records shall be furnished electronically upon payment of the search, retrieval, and copying fees set under this section at the time of the request or one hundred eight dollars and eighty-eight cents total, whichever is less, if such person:

- a. Requests health records to be delivered electronically in a format of the health care provider's choice;
- b. The health care provider stores such records completely in an electronic health record; and
- c. The health care provider is capable of providing the requested records and affidavit, if requested, in an electronic format;

(2) Postage, to include packaging and delivery cost; and

(3) Notary fee, not to exceed two dollars, if requested.

**3. For the purposes of subsections 1 and 2 of this section, "a copy of his or her record of that patient's health history and treatment rendered" or "the patient's health care records" includes a statement or record that no such health history or treatment record responsive to the request exists.**

**4.** Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

[4.] **5.** The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

[5.] **6.** Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department's internet website by February first of each year.

[6.] **7.** A health care provider may disclose a deceased patient's health care records or payment records to the executor or administrator of the deceased person's estate, or pursuant to a valid, unrevoked power of attorney for health care that specifically directs that the deceased person's health care records be released to the agent after death. If an executor, administrator, or agent has not been appointed, the deceased prior to death did not specifically object to disclosure of his or her records in writing, and such disclosure is not

inconsistent with any prior expressed preference of the deceased that is known to the health care provider, a deceased patient's health care records may be released upon written request of a person who is deemed as the personal representative of the deceased person under this subsection. Priority shall be given to the deceased patient's spouse and the records shall be released on the affidavit of the surviving spouse that he or she is the surviving spouse. If there is no surviving spouse, the health care records may be released to one of the following persons:

- (1) The acting trustee of a trust created by the deceased patient either alone or with the deceased patient's spouse;
- (2) An adult child of the deceased patient on the affidavit of the adult child that he or she is the adult child of the deceased;
- (3) A parent of the deceased patient on the affidavit of the parent that he or she is the parent of the deceased;
- (4) An adult brother or sister of the deceased patient on the affidavit of the adult brother or sister that he or she is the adult brother or sister of the deceased;
- (5) A guardian or conservator of the deceased patient at the time of the patient's death on the affidavit of the guardian or conservator that he or she is the guardian or conservator of the deceased; or
- (6) A guardian ad litem of the deceased's minor child based on the affidavit of the guardian that he or she is the guardian ad litem of the minor child of the deceased.

195.070. 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug, **except as provided in section 195.265.**

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

**195.265. 1. Unused controlled substances may be accepted from ultimate users, from hospice or home health care providers on behalf of ultimate users to the extent federal law allows, or any person lawfully entitled to dispose of a decedent's property if the decedent was an ultimate user who died while in lawful possession of a controlled substance, through:**

**(1) Collection receptacles, drug disposal boxes, mail back packages, and other means by a Drug Enforcement Agency-authorized collector in accordance with federal regulations even if the authorized collector did not originally dispense the drug; or**

**(2) Drug take back programs conducted by federal, state, tribal, or local law enforcement agencies in partnership with any person or entity.**

**This subsection shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state, regarding the disposal of unused controlled substances. For the purposes of this section, the term "ultimate user" shall mean a person who has lawfully obtained and possesses a controlled substance for his or her own use or for the use of a member of his or her household or for an animal owned by him or her or a member of his or her household.**

**2. By August 28, 2019, the department of health and senior services shall develop an education and awareness program regarding drug disposal, including controlled substances. The education and awareness program may include, but not be limited to:**

**(1) A web-based resource that:**

**(a) Describes available drug disposal options including take back, take back events, mail back packages, in-home disposal options that render a product safe from misuse, or any other methods that comply with state and federal laws and regulations, may reduce the availability of unused controlled substances, and may minimize the potential environmental impact of drug disposal;**

**(b) Provides a list of drug disposal take back sites, which may be sorted and searched by name or location and is updated every six months by the department;**

**(c) Provides a list of take back events and mail back events in the state, including the date, time, and location information for each event and is updated every six months by the department; and**

**(d) Provides information for authorized collectors regarding state and federal requirements to comply with the provisions of subsection 1 of this section; and**

**(2) Promotional activities designed to ensure consumer awareness of proper storage and disposal of prescription drugs, including controlled substances.**

**217.364. 1. The department of corrections shall establish by regulation the "Offenders Under Treatment Program". The program shall include institutional placement of certain offenders, as outlined in subsection 3 of this section, under the supervision and control of the department of corrections. The department shall establish rules determining how, when and where an offender shall be admitted into or removed from the program.**

2. As used in this section, the term “offenders under treatment program” means a one-hundred-eighty-day institutional correctional program for the monitoring, control and treatment of certain substance abuse offenders and certain nonviolent offenders followed by placement on parole with continued supervision. **As used in this section, the term “medication-assisted treatment” means the use of pharmacological medications, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders.**

3. The following offenders may participate in the program as determined by the department:

(1) Any nonviolent offender who has not previously been remanded to the department and who has been found guilty of violating the provisions of chapter 195 or 579 or whose substance abuse was a precipitating or contributing factor in the commission of his offense; or

(2) Any nonviolent offender who has pled guilty or been found guilty of a crime which did not involve the use of a weapon, and who has not previously been remanded to the department.

4. This program shall be used as an intermediate sanction by the department. The program may include education, treatment and rehabilitation programs. If an offender successfully completes the institutional phase of the program, the department shall notify the board of probation and parole within thirty days of completion. Upon notification from the department that the offender has successfully completed the program, the board of probation and parole may at its discretion release the offender on parole as authorized in subsection 1 of section 217.690.

5. The availability of space in the institutional program shall be determined by the department of corrections.

6. If the offender fails to complete the program, the offender shall be taken out of the program and shall serve the remainder of his sentence with the department.

7. Time spent in the program shall count as time served on the sentence.

**8. If an offender requires treatment for opioid or other substance misuse or dependence, the department shall not prohibit such offender from participating in and receiving medication-assisted treatment under the care of a physician licensed in this state to practice medicine. An offender shall not be required to refrain from using medication-assisted treatment as a term or condition of his or her sentence.**

334.036. 1. For purposes of this section, the following terms shall mean:

(1) “Assistant physician”, any medical school graduate who:

(a) Is a resident and citizen of the United States or is a legal resident alien;

(b) Has successfully completed [Step 1 and] Step 2 of the United States Medical Licensing Examination or the equivalent of such [steps] **step** of any other board-approved medical licensing examination within the [two-year] **three-year** period immediately preceding application for licensure as an assistant physician, [but in no event more than] **or within** three years after graduation from a medical college or osteopathic medical college, **whichever is later**;

(c) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved

medical licensing examination within the immediately preceding [two-year] **three-year** period unless when such [two-year] **three-year** anniversary occurred he or she was serving as a resident physician in an accredited residency in the United States and continued to do so within thirty days prior to application for licensure as an assistant physician; and

(d) Has proficiency in the English language.

Any medical school graduate who could have applied for licensure and complied with the provisions of this subdivision at any time between August 28, 2014, and August 28, 2017, may apply for licensure and shall be deemed in compliance with the provisions of this subdivision;

(2) “Assistant physician collaborative practice arrangement”, an agreement between a physician and an assistant physician that meets the requirements of this section and section 334.037;

(3) “Medical school graduate”, any person who has graduated from a medical college or osteopathic medical college described in section 334.031.

2. (1) An assistant physician collaborative practice arrangement shall limit the assistant physician to providing only primary care services and only in medically underserved rural or urban areas of this state or in any pilot project areas established in which assistant physicians may practice.

(2) For a physician-assistant physician team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

(a) An assistant physician shall be considered a physician assistant for purposes of regulations of the Centers for Medicare and Medicaid Services (CMS); and

(b) No supervision requirements in addition to the minimum federal law shall be required.

3. (1) For purposes of this section, the licensure of assistant physicians shall take place within processes established by rules of the state board of registration for the healing arts. The board of healing arts is authorized to establish rules under chapter 536 establishing licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. **No licensure fee for an assistant physician shall exceed the amount of any licensure fee for a physician assistant.** An application for licensure may be denied or the licensure of an assistant physician may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule. **No rule or regulation shall require an assistant physician to complete more hours of continuing medical education than that of a licensed physician.**

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

**(3) Any rules or regulations regarding assistant physicians in effect as of the effective date of this section that conflict with the provisions of this section and section 334.037 shall be null and void as of the effective date of this section.**



4. An assistant physician shall clearly identify himself or herself as an assistant physician and shall be permitted to use the terms “doctor”, “Dr.”, or “doc”. No assistant physician shall practice or attempt to practice without an assistant physician collaborative practice arrangement, except as otherwise provided in this section and in an emergency situation.

5. The collaborating physician is responsible at all times for the oversight of the activities of and accepts responsibility for primary care services rendered by the assistant physician.

6. The provisions of section 334.037 shall apply to all assistant physician collaborative practice arrangements. [To be eligible to practice as an assistant physician, a licensed assistant physician shall enter into an assistant physician collaborative practice arrangement within six months of his or her initial licensure and shall not have more than a six-month time period between collaborative practice arrangements during his or her licensure period.] Any renewal of licensure under this section shall include verification of actual practice under a collaborative practice arrangement in accordance with this subsection during the immediately preceding licensure period.

**7. Each health carrier or health benefit plan that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state shall reimburse an assistant physician for the diagnosis, consultation, or treatment of an insured or enrollee on the same basis that the health carrier or health benefit plan covers the service when it is delivered by another comparable mid-level health care provider including, but not limited to, a physician assistant.**

334.037. 1. A physician may enter into collaborative practice arrangements with assistant physicians. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to an assistant physician the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the assistant physician and is consistent with that assistant physician’s skill, training, and competence and the skill and training of the collaborating physician.

2. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the assistant physician;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the assistant physician to prescribe;

(3) A requirement that there shall be posted at every office where the assistant physician is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an assistant physician and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the assistant physician;

(5) The manner of collaboration between the collaborating physician and the assistant physician, including how the collaborating physician and the assistant physician shall:

(a) Engage in collaborative practice consistent with each professional’s skill, training, education, and competence;

(b) Maintain geographic proximity; except, the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by [P.L.] **Pub. L. 95-210 [.] (42 U.S.C. Section 1395x), as amended**, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics if the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician shall maintain documentation related to such requirement and present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the assistant physician's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the assistant physician to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the assistant physician;

(8) The duration of the written practice agreement between the collaborating physician and the assistant physician;

(9) A description of the time and manner of the collaborating physician's review of the assistant physician's delivery of health care services. The description shall include provisions that the assistant physician shall submit a minimum of ten percent of the charts documenting the assistant physician's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the assistant physician prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

3. The state board of registration for the healing arts under section 334.125 shall promulgate rules regulating the use of collaborative practice arrangements for assistant physicians. Such rules shall specify:

(1) Geographic areas to be covered;

(2) The methods of treatment that may be covered by collaborative practice arrangements;

(3) In conjunction with deans of medical schools and primary care residency program directors in the state, the development and implementation of educational methods and programs undertaken during the collaborative practice service which shall facilitate the advancement of the assistant physician's medical knowledge and capabilities, and which may lead to credit toward a future residency program for programs that deem such documented educational achievements acceptable; and

(4) The requirements for review of services provided under collaborative practice arrangements, including delegating authority to prescribe controlled substances.

Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. The state board of registration for the healing arts shall promulgate rules applicable to assistant physicians that shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

4. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to an assistant physician provided the provisions of this section and the rules promulgated thereunder are satisfied.

5. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each assistant physician with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

6. A collaborating physician **or supervising physician** shall not enter into a collaborative practice arrangement **or supervision agreement** with more than [three] **six** full-time equivalent assistant physicians, **full-time equivalent physician assistants, or full-time equivalent advance practice registered nurses, or any combination thereof.** Such limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

7. The collaborating physician shall determine and document the completion of at least a one-month period of time during which the assistant physician shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. **No rule or regulation shall require the collaborating physician to review more than ten percent of the assistant physician's patient charts or records during such one-month period.** Such limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

8. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

9. No contract or other agreement shall require a physician to act as a collaborating physician for an assistant physician against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular assistant physician. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any assistant physician, but such requirement shall not authorize

a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

10. No contract or other agreement shall require any assistant physician to serve as a collaborating assistant physician for any collaborating physician against the assistant physician's will. An assistant physician shall have the right to refuse to collaborate, without penalty, with a particular physician.

11. All collaborating physicians and assistant physicians in collaborative practice arrangements shall wear identification badges while acting within the scope of their collaborative practice arrangement. The identification badges shall prominently display the licensure status of such collaborating physicians and assistant physicians.

12. (1) An assistant physician with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Prescriptions for Schedule II medications prescribed by an assistant physician who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. Such authority shall be filed with the state board of registration for the healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the assistant physician is permitted to prescribe. Any limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, **except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication assisted treatment for substance use disorders under the direction of the collaborating physician.** Assistant physicians who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the assistant physician during which the assistant physician shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to assistant physicians of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009, **or assistant physicians providing opioid addiction treatment.**

(3) An assistant physician shall receive a certificate of controlled substance prescriptive authority from the state board of registration for the healing arts upon verification of licensure under section 334.036.

334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services. **An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patient's receiving medication assisted treatment for substance use disorders under the direction of the collaborating physician.**

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing,

investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician **or supervising physician** shall not enter into a collaborative practice arrangement **or supervision agreement** with more than [three] **six** full-time equivalent advanced practice registered nurses, **full-time equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any combination thereof.** This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No

contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
- (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;
- (5) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;
- (6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;
- (7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;
- (8) "Supervision", control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant's delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient's home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the physician assistant is providing patient care. Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and that the physician assistant shall not practice beyond the physician assistant's training and experience. Appropriate supervision shall require the supervising physician to be working within the same facility as the physician assistant for at least four hours within one calendar day for every fourteen days on which the physician assistant provides patient care as described in subsection 3 of this section. Only days in which the physician assistant provides patient care



as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician's four hours working within the same facility. The board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.

2. (1) A supervision agreement shall limit the physician assistant to practice only at locations described in subdivision (8) of subsection 1 of this section, [where the supervising physician is no further than fifty miles by road using the most direct route available and where the location is not so situated as to create an impediment to effective intervention and supervision of patient care or adequate review of services] **within a geographic proximity to be determined by the board of registration for the healing arts.**

(2) For a physician-physician assistant team working in a **certified community behavioral health clinic as defined by P.L. 113-93 and a rural health clinic** under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, **or a federally qualified health center as defined in 42 U.S.C. Section 1395 of the Public Health Service Act, as amended**, no supervision requirements in addition to the minimum federal law shall be required.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

(1) Taking patient histories;

(2) Performing physical examinations of a patient;

(3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;

(4) Performing routine therapeutic procedures;

(5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;

(6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;

(7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;

(8) Assisting in surgery;

(9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform; and

(10) Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe any drug, medicine, device or therapy unless pursuant to a physician supervision agreement in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing of drugs, medications, devices or therapies by a physician assistant shall

be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

- (1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;
- (2) The types of drugs, medications, devices or therapies prescribed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;
- (3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;
- (4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients; and
- (5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with the department of social services as a MO HealthNet or Medicaid provider while acting under a supervision agreement between the physician and physician assistant.

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. The agreement shall contain at least the following provisions:

- (1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;
- (2) A list of all offices or locations where the physician routinely provides patient care, and in which of such offices or locations the supervising physician has authorized the physician assistant to practice;

(3) All specialty or board certifications of the supervising physician;

(4) The manner of supervision between the supervising physician and the physician assistant, including how the supervising physician and the physician assistant shall:

(a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and

(b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;

(5) The duration of the supervision agreement between the supervising physician and physician assistant; and

(6) A description of the time and manner of the supervising physician's review of the physician assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by the hospital's medical staff.

12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician **or collaborating physician** for more than [three] **six** full-time equivalent licensed physician assistants, **full-time equivalent advanced practice registered nurses, or full-time equivalent assistant physicians, or any combination thereof.** This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197.

334.747. 1. A physician assistant with a certificate of controlled substance prescriptive authority as

provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a supervision agreement. Such authority shall be listed on the supervision verification form on file with the state board of healing arts. The supervising physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the supervision form. Prescriptions for Schedule II medications prescribed by a physician assistant with authority to prescribe delegated in a supervision agreement are restricted to only those medications containing hydrocodone. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, **except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication assisted treatment for substance use disorders under the direction of the supervising physician.** Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

2. The supervising physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the supervising physician on-site prior to prescribing controlled substances when the supervising physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a supervising physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

337.025. 1. The provisions of this section shall govern the education and experience requirements for

initial licensure as a psychologist for the following persons:

(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that the applicant has received a doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association [or] **(APA)**, the Canadian Psychological Association, **or the Psychological Clinical Science Accreditation System (PCSAS) provided that such program include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;** or

(2) A program designated or approved, including provisional approval, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent organizational entity within the institution of higher education;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall be an integrated, organized, sequence of study;

(e) There shall be an identifiable psychology faculty and a psychologist responsible for the program;

(f) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

(h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year's residency at the educational institution granting the doctoral degree; and

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

a. The biological bases of behavior such as courses in: physiological psychology, comparative

psychology, neuropsychology, sensation and perception, psychopharmacology;

b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;

c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;

d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;

e. The scientific methods and procedures of understanding, predicting and influencing human behavior such as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

4. Acceptable supervised professional experience may be accrued through preinternship, internship, predoctoral postinternship, or postdoctoral experiences. The academic training director or the postdoctoral training supervisor shall attest to the hours accrued to meet the requirements of this section. Such hours shall consist of:

(1) A minimum of fifteen hundred hours of experience in a successfully completed internship to be completed in not less than twelve nor more than twenty-four months; and

(2) A minimum of two thousand hours of experience consisting of any combination of the following:

(a) Preinternship and predoctoral postinternship professional experience that occurs following the completion of the first year of the doctoral program or at any time while in a doctoral program after completion of a master's degree in psychology or equivalent as defined by rule by the committee;

(b) Up to seven hundred fifty hours obtained while on the internship under subdivision (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this subsection; or

(c) Postdoctoral professional experience obtained in no more than twenty-four consecutive calendar months. In no case shall this experience be accumulated at a rate of more than fifty hours per week. Postdoctoral supervised professional experience for prospective health service providers and other applicants shall involve and relate to the delivery of psychological services in accordance with professional requirements and relevant to the applicant's intended area of practice.

5. Experience for those applicants who intend to seek health service provider certification and who have completed a program in one or more of the American Psychological Association designated health service provider delivery areas shall be obtained under the primary supervision of a licensed psychologist who is also a health service provider or who otherwise meets the requirements for health service provider certification. Experience for those applicants who do not intend to seek health service provider certification shall be obtained under the primary supervision of a licensed psychologist or such other qualified mental health professional approved by the committee.

6. For postinternship and postdoctoral hours, the psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one hour per month in face-to-face individual supervision. Clinical supervision may

be delegated by the primary supervisor to one or more secondary supervisors who are qualified psychologists. The secondary supervisors shall retain order, control, and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable for supervised professional experience. The primary supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology. The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.

7. The committee by rule shall provide procedures for exceptions and variances from the requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and other good causes.

337.029. 1. A psychologist licensed in another jurisdiction who has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction may receive a license in Missouri, provided the psychologist passes a written examination on Missouri laws and regulations governing the practice of psychology and meets one of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology;
- (2) Is a member of the National Register of Health Service Providers in Psychology;
- (3) Is currently licensed or certified as a psychologist in another jurisdiction who is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;
- (4) Is currently licensed or certified as a psychologist in another state, territory of the United States, or the District of Columbia and:
  - (a) Has a doctoral degree in psychology from a program accredited, or provisionally accredited, by the American Psychological Association **or the Psychological Clinical Science Accreditation System**, or that meets the requirements as set forth in subdivision (3) of subsection 3 of section 337.025;
  - (b) Has been licensed for the preceding five years; and
  - (c) Has had no disciplinary action taken against the license for the preceding five years; or
- (5) Holds a current certificate of professional qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

2. Notwithstanding the provisions of subsection 1 of this section, applicants may be required to pass an oral examination as adopted by the committee.

3. A psychologist who receives a license for the practice of psychology in the state of Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement of the score from the examination of professional practice in psychology score will also be eligible for and shall receive certification from the committee as a health service provider if the psychologist meets one or more of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery;
- (2) Is a member of the National Register of Health Service Providers in Psychology; or

(3) Has completed or obtained through education, training, or experience the requisite knowledge comparable to that which is required pursuant to section 337.033.

337.033. 1. A licensed psychologist shall limit his or her practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. A psychologist trained in one area shall not practice in another area without obtaining additional relevant professional education, training, and experience through an acceptable program of respecialization.

2. A psychologist may not represent or hold himself or herself out as a state certified or registered psychological health service provider unless the psychologist has first received the psychologist health service provider certification from the committee; provided, however, nothing in this section shall be construed to limit or prevent a licensed, whether temporary, provisional or permanent, psychologist who does not hold a health service provider certificate from providing psychological services so long as such services are consistent with subsection 1 of this section.

3. “Relevant professional education and training” for health service provider certification, except those entitled to certification pursuant to subsection 5 or 6 of this section, shall be defined as a licensed psychologist whose graduate psychology degree from a recognized educational institution is in an area designated by the American Psychological Association as pertaining to health service delivery or a psychologist who subsequent to receipt of his or her graduate degree in psychology has either completed a respecialization program from a recognized educational institution in one or more of the American Psychological Association recognized clinical health service provider areas and who in addition has completed at least one year of postdegree supervised experience in such clinical area or a psychologist who has obtained comparable education and training acceptable to the committee through completion of postdoctoral fellowships or otherwise.

4. The degree or respecialization program certificate shall be obtained from a recognized program of graduate study in one or more of the health service delivery areas designated by the American Psychological Association as pertaining to health service delivery, which shall meet one of the criteria established by subdivisions (1) to (3) of this subsection:

(1) A doctoral degree or completion of a recognized respecialization program in one or more of the American Psychological Association designated health service provider delivery areas which is accredited, or provisionally accredited, **either** by the American Psychological Association **or the Psychological Clinical Science Accreditation System**; or

(2) A clinical or counseling psychology doctoral degree program or respecialization program designated, or provisionally approved, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A doctoral degree or completion of a respecialization program in one or more of the American Psychological Association designated health service provider delivery areas that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as being in one or more of the American Psychological Association designated health service provider delivery areas;

(b) Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate



and train professional psychologists in one or more of the American Psychological Association designated health service provider delivery areas.

5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28, 1989, and who subsequently passes the examination shall be deemed to have met all requirements for health service provider certification; provided, however, that such person shall be governed by the provisions of subsection 1 of this section with respect to limitation of practice.

6. Any person who is lawfully licensed as a psychologist in this state and who meets one or more of the following criteria shall automatically, upon payment of the requisite fee, be entitled to receive a health service provider certification from the committee:

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery; or

(2) Is a member of the National Register of Health Service Providers in Psychology.”; and

Further amend said bill and page, Section 338.202, Line 16, by inserting after all of said section and line the following:

“374.426. 1. Any entity in the business of delivering or financing health care shall provide data regarding quality of patient care and patient satisfaction to the director of the department of insurance, financial institutions and professional registration. Failure to provide such data as required by the director of the department of insurance, financial institutions and professional registration shall constitute grounds for violation of the unfair trade practices act, sections 375.930 to 375.948.

2. In defining data standards for quality of care and patient satisfaction, the director of the department of insurance, financial institutions and professional registration shall:

(1) Use as the initial data set the HMO Employer Data and Information Set developed by the National Committee for Quality Assurance;

(2) Consult with nationally recognized accreditation organizations, including but not limited to the National Committee for Quality Assurance and the Joint Committee on Accreditation of Health Care Organizations; and

(3) Consult with a state committee of a national committee convened to develop standards regarding uniform billing of health care claims.

**3. In defining data standards for quality of care and patient satisfaction, the director of the department of insurance, financial institutions and professional registration shall not require patient scoring of pain control.**

**4. Beginning August 28, 2018, the director of the department of insurance, financial institutions and professional registration shall discontinue the use of patient satisfaction scores and shall not make them available to the public to the extent allowed by federal law.**

376.811. 1. Every insurance company and health services corporation doing business in this state shall offer in all health insurance policies benefits or coverage for chemical dependency meeting the following minimum standards:

(1) Coverage for outpatient treatment through a nonresidential treatment program, or through partial- or full-day program services, of not less than twenty-six days per policy benefit period;

(2) Coverage for residential treatment program of not less than twenty-one days per policy benefit period;

(3) Coverage for medical or social setting detoxification of not less than six days per policy benefit period;

**(4) Coverage for medication-assisted treatment for substance use disorders, using any drug approved for sale by the Food and Drug Administration for use in treating such patient's condition, including opioid-use and heroin-use disorders. No prior authorization, step therapy, or fail-first therapy shall be required for medication-assisted treatment;**

[(4)] **(5)** The coverages set forth in this subsection may be subject to a separate lifetime frequency cap of not less than ten episodes of treatment, except that such separate lifetime frequency cap shall not apply to medical detoxification in a life-threatening situation as determined by the treating physician and subsequently documented within forty-eight hours of treatment to the reasonable satisfaction of the insurance company or health services corporation; and

[(5)] **(6)** The coverages set forth in this subsection:

(a) Shall be subject to the same coinsurance, co-payment and deductible factors as apply to physical illness;

(b) May be administered pursuant to a managed care program established by the insurance company or health services corporation; and

(c) May deliver covered services through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

2. In addition to the coverages set forth in subsection 1 of this section, every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies, benefits or coverages for recognized mental illness, excluding chemical dependency, meeting the following minimum standards:

(1) Coverage for outpatient treatment, including treatment through partial- or full-day program services, for mental health services for a recognized mental illness rendered by a licensed professional to the same extent as any other illness;

(2) Coverage for residential treatment programs for the therapeutic care and treatment of a recognized mental illness when prescribed by a licensed professional and rendered in a psychiatric residential treatment center licensed by the department of mental health or accredited by the Joint Commission on Accreditation of Hospitals to the same extent as any other illness;

(3) Coverage for inpatient hospital treatment for a recognized mental illness to the same extent as for any other illness, not to exceed ninety days per year;

(4) The coverages set forth in this subsection shall be subject to the same coinsurance, co-payment,

deductible, annual maximum and lifetime maximum factors as apply to physical illness; and

(5) The coverages set forth in this subsection may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance organization, and covered services may be delivered through a system of contractual arrangements with one or more providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

3. The offer required by sections 376.810 to 376.814 may be accepted or rejected by the group or individual policyholder or contract holder and, if accepted, shall fully and completely satisfy and substitute for the coverage under section 376.779. Nothing in sections 376.810 to 376.814 shall prohibit an insurance company, health services corporation or health maintenance organization from including all or part of the coverages set forth in sections 376.810 to 376.814 as standard coverage in their policies or contracts issued in this state.

4. Every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies mental health benefits or coverage as part of the policy or as a supplement to the policy. Such mental health benefits or coverage shall include at least two sessions per year to a licensed psychiatrist, licensed psychologist, licensed professional counselor, licensed clinical social worker, or, subject to contractual provisions, a licensed marital and family therapist, acting within the scope of such license and under the following minimum standards:

(1) Coverage and benefits in this subsection shall be for the purpose of diagnosis or assessment, but not dependent upon findings; and

(2) Coverage and benefits in this subsection shall not be subject to any conditions of preapproval, and shall be deemed reimbursable as long as the provisions of this subsection are satisfied; and

(3) Coverage and benefits in this subsection shall be subject to the same coinsurance, co-payment and deductible factors as apply to regular office visits under coverages and benefits for physical illness.

5. If the group or individual policyholder or contract holder rejects the offer required by this section, then the coverage shall be governed by the mental health and chemical dependency insurance act as provided in sections 376.825 to 376.836.

6. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.”; and

Further amend said bill, Page 2, Section 376.1237, Line 18, by inserting after all of said section and line the following:

“376.1550. 1. Notwithstanding any other provision of law to the contrary, each health carrier that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2005, shall provide coverage for a mental health condition, as defined in this section, and shall comply with the following provisions:

(1) A health benefit plan shall provide coverage for treatment of a mental health condition and shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to treatment for a mental health condition than for access to treatment for a physical health condition. Any deductible or out-of-pocket limits required by a health carrier or health benefit plan shall be comprehensive for coverage of all health conditions, whether mental or physical;

(2) The coverages set forth in this subsection:

(a) May be administered pursuant to a managed care program established by the health carrier; and

(b) May deliver covered services through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri;

(3) A health benefit plan that does not otherwise provide for management of care under the plan or that does not provide for the same degree of management of care for all health conditions may provide coverage for treatment of mental health conditions through a managed care organization; provided that the managed care organization is in compliance with rules adopted by the department of insurance, financial institutions and professional registration that assure that the system for delivery of treatment for mental health conditions does not diminish or negate the purpose of this section. The rules adopted by the director shall assure that:

(a) Timely and appropriate access to care is available;

(b) The quantity, location, and specialty distribution of health care providers is adequate; and

(c) Administrative or clinical protocols do not serve to reduce access to medically necessary treatment for any insured;

(4) Coverage for treatment for chemical dependency shall comply with sections 376.779, 376.810 to 376.814, and 376.825 to 376.836 and for the purposes of this subdivision the term “health insurance policy” as used in sections 376.779, 376.810 to 376.814, and 376.825 to 376.836, the term “health insurance policy” shall include group coverage.

2. As used in this section, the following terms mean:

(1) “Chemical dependency”, the psychological or physiological dependence upon and abuse of drugs, including alcohol, characterized by drug tolerance or withdrawal and impairment of social or occupational role functioning or both;

(2) “Health benefit plan”, the same meaning as such term is defined in section 376.1350;

(3) “Health carrier”, the same meaning as such term is defined in section 376.1350;

(4) “Mental health condition”, any condition or disorder defined by categories listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders [except for chemical dependency];

(5) “Managed care organization”, any financing mechanism or system that manages care delivery for its members or subscribers, including health maintenance organizations and any other similar health care delivery system or organization;

(6) “Rate, term, or condition”, any lifetime or annual payment limits, deductibles, co-payments, coinsurance, and other cost-sharing requirements, out-of-pocket limits, visit limits, and any other financial component of a health benefit plan that affects the insured.

3. This section shall not apply to a health plan or policy that is individually underwritten or provides such coverage for specific individuals and members of their families pursuant to section 376.779, sections 376.810 to 376.814, and sections 376.825 to 376.836, a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

4. Notwithstanding any other provision of law to the contrary, all health insurance policies that cover state employees, including the Missouri consolidated health care plan, shall include coverage for mental illness. Multiyear group policies need not comply until the expiration of their current multiyear term unless the policyholder elects to comply before that time.

5. The provisions of this section shall not be violated if the insurer decides to apply different limits or exclude entirely from coverage the following:

- (1) Marital, family, educational, or training services unless medically necessary and clinically appropriate;
- (2) Services rendered or billed by a school or halfway house;
- (3) Care that is custodial in nature;
- (4) Services and supplies that are not immediately nor clinically appropriate; or
- (5) Treatments that are considered experimental.

6. The director shall grant a policyholder a waiver from the provisions of this section if the policyholder demonstrates to the director by actual experience over any consecutive twenty-four-month period that compliance with this section has increased the cost of the health insurance policy by an amount that results in a two percent increase in premium costs to the policyholder. The director shall promulgate rules establishing a procedure and appropriate standards for making such a demonstration. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

**630.875. 1. This section shall be known and may be cited as the “Improved Access to Treatment for Opioid Addictions Act” or “IATOA Act”.**

**2. As used in this section, the following terms mean:**

- (1) “Department”, the department of mental health;**
- (2) “IATOA program”, the improved access to treatment for opioid addictions program created**

under subsection 3 of this section.

**3. Subject to appropriations, the department shall create and oversee an “Improved Access to Treatment for Opioid Addictions Program”, which is hereby created and whose purpose is to disseminate information and best practices regarding opioid addiction and to facilitate collaborations to better treat and prevent opioid addiction in this state. The IATOA program shall facilitate partnerships between assistant physicians, physician assistants, and advanced practice registered nurses practicing in federally qualified health centers, rural health clinics, and other health care facilities and physicians practicing at remote facilities located in this state. The IATOA program shall provide resources that grant patients and their treating assistant physicians, physician assistants, advanced practice registered nurses, or physicians access to knowledge and expertise through means such as telemedicine and Extension for Community Healthcare Outcomes (ECHO) programs established under section 191.1140.**

**4. Assistant physicians, physician assistants, and advanced practice registered nurses who participate in the IATOA program shall complete the necessary requirements to prescribe buprenorphine within at least thirty days of joining the IATOA program.**

**5. For the purposes of the IATOA program, a remote collaborating or supervising physician working with an on-site assistant physician, physician assistant, or advanced practice registered nurse shall be considered to be on-site. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a remote physician shall comply with all laws and requirements applicable to assistant physicians, physician assistants, or advanced practice registered nurses with on-site supervision before providing treatment to a patient.**

**6. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a physician who is waiver-certified for the use of buprenorphine, may participate in the IATOA program in any area of the state and provide all services and functions of an assistant physician, physician assistant, or advanced practice registered nurse.**

**7. The department may develop curriculum and benchmark examinations on the subject of opioid addiction and treatment. The department may collaborate with specialists, institutions of higher education, and medical schools for such development. Completion of such a curriculum and passing of such an examination by an assistant physician, physician assistant, advanced practice registered nurse, or physician shall result in a certificate awarded by the department or sponsoring institution, if any.**

**8. An assistant physician, physician assistant, or advanced practice registered nurse participating in the IATOA program may also:**

- (1) Engage in community education;**
- (2) Engage in professional education outreach programs with local treatment providers;**
- (3) Serve as a liaison to courts;**
- (4) Serve as a liaison to addiction support organizations;**
- (5) Provide educational outreach to schools;**
- (6) Treat physical ailments of patients in an addiction treatment program or considering entering**

such a program;

- (7) Refer patients to treatment centers;
- (8) Assist patients with court and social service obligations;
- (9) Perform other functions as authorized by the department; and
- (10) Provide mental health services in collaboration with a qualified licensed physician.

The list of authorizations in this subsection is a nonexclusive list, and assistant physicians, physician assistants, or advanced practice registered nurses participating in the IATOA program may perform other actions.

9. When an overdose survivor arrives in the emergency department, the assistant physician, physician assistant, or advanced practice registered nurse serving as a recovery coach or, if the assistant physician, physician assistant, or advanced practice registered nurse is unavailable, another properly trained recovery coach shall, when reasonably practicable, meet with the overdose survivor and provide treatment options and support available to the overdose survivor. The department shall assist recovery coaches in providing treatment options and support to overdose survivors.

10. The provisions of this section shall supersede any contradictory statutes, rules, or regulations. The department shall implement the improved access to treatment for opioid addictions program as soon as reasonably possible using guidance within this section. Further refinement to the improved access to treatment for opioid addictions program may be done through the rules process.

11. The department shall promulgate rules to implement the provisions of the improved access to treatment for opioid addictions act as soon as reasonably possible. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

632.005. As used in chapter 631 and this chapter, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Comprehensive psychiatric services”, any one, or any combination of two or more, of the following services to persons affected by mental disorders other than intellectual disabilities or developmental disabilities: inpatient, outpatient, day program or other partial hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation, prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and medical prevention and treatment for drug abuse;

- (2) “Council”, the Missouri advisory council for comprehensive psychiatric services;
- (3) “Court”, the court which has jurisdiction over the respondent or patient;
- (4) “Division”, the division of comprehensive psychiatric services of the department of mental health;
- (5) “Division director”, director of the division of comprehensive psychiatric services of the department

of mental health, or his designee;

(6) “Head of mental health facility”, superintendent or other chief administrative officer of a mental health facility, or his designee;

(7) “Judicial day”, any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but excluding Saturdays, Sundays and legal holidays;

(8) “Licensed physician”, a physician licensed pursuant to the provisions of chapter 334 or a person authorized to practice medicine in this state pursuant to the provisions of section 334.150;

(9) “Licensed professional counselor”, a person licensed as a professional counselor under chapter 337 and with a minimum of one year training or experience in providing psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a mental disorder;

(10) “Likelihood of serious harm” means any one or more of the following but does not require actual physical injury to have occurred:

(a) A substantial risk that serious physical harm will be inflicted by a person upon his own person, as evidenced by recent threats, including verbal threats, or attempts to commit suicide or inflict physical harm on himself. Evidence of substantial risk may also include information about patterns of behavior that historically have resulted in serious harm previously being inflicted by a person upon himself;

(b) A substantial risk that serious physical harm to a person will result or is occurring because of an impairment in his capacity to make decisions with respect to his hospitalization and need for treatment as evidenced by his current mental disorder or mental illness which results in an inability to provide for his own basic necessities of food, clothing, shelter, safety or medical care or his inability to provide for his own mental health care which may result in a substantial risk of serious physical harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in serious harm to the person previously taking place because of a mental disorder or mental illness which resulted in his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or mental health care; or

(c) A substantial risk that serious physical harm will be inflicted by a person upon another as evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in physical harm previously being inflicted by a person upon another person;

(11) “Mental health coordinator”, a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is authorized by the director of the department, or his designee, to serve a designated geographic area or mental health facility and who has the powers, duties and responsibilities provided in this chapter;

(12) “Mental health facility”, any residential facility, public or private, or any public or private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering from a mental disorder or mental illness and which is recognized as such by the department or any outpatient treatment program certified by the department of mental health. No correctional institution or facility, jail, regional center or developmental disability facility shall be a mental health facility within the meaning of this chapter;



(13) “Mental health professional”, a psychiatrist, resident in psychiatry, **psychiatric physician assistant, psychiatric assistant physician, psychiatric advanced practice registered nurse**, psychologist, psychiatric nurse, licensed professional counselor, or psychiatric social worker;

(14) “Mental health program”, any public or private residential facility, public or private hospital, public or private specialized service or public or private day program that can provide care, treatment, rehabilitation or services, either through its own staff or through contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No correctional institution or facility or jail may be a mental health program within the meaning of this chapter;

(15) “Ninety-six hours” shall be construed and computed to exclude Saturdays, Sundays and legal holidays which are observed either by the court or by the mental health facility where the respondent is detained;

(16) “Peace officer”, a sheriff, deputy sheriff, county or municipal police officer or highway patrolman;

(17) **“Psychiatric advanced practice registered nurse”, a registered nurse who is currently recognized by the board of nursing as an advanced practice registered nurse, who has at least two years of experience in providing psychiatric treatment to individuals suffering from mental disorders;**

**(18) “Psychiatric assistant physician”, a licensed assistant physician under chapter 334 and who has had at least two years of experience as an assistant physician in providing psychiatric treatment to individuals suffering from mental health disorders;**

(19) “Psychiatric nurse”, a registered professional nurse who is licensed under chapter 335 and who has had at least two years of experience as a registered professional nurse in providing psychiatric nursing treatment to individuals suffering from mental disorders;

**(20) “Psychiatric physician assistant”, a licensed physician assistant under chapter 334 and who has had at least two years of experience as a physician assistant in providing psychiatric treatment to individuals suffering from mental health disorders or a graduate of a postgraduate residency or fellowship for physician assistants in psychiatry;**

[(18)] (21) “Psychiatric social worker”, a person with a master’s or further advanced degree from an accredited school of social work, practicing pursuant to chapter 337, and with a minimum of one year training or experience in providing psychiatric care, treatment or services in a psychiatric setting to individuals suffering from a mental disorder;

[(19)] (22) “Psychiatrist”, a licensed physician who in addition has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(20)] (23) “Psychologist”, a person licensed to practice psychology under chapter 337 with a minimum of one year training or experience in providing treatment or services to mentally disordered or mentally ill individuals;

[(21)] (24) “Resident in psychiatry”, a licensed physician who is in a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(22)] **(25)** “Respondent”, an individual against whom involuntary civil detention proceedings are instituted pursuant to this chapter;

[(23)] **(26)** “Treatment”, any effort to accomplish a significant change in the mental or emotional conditions or the behavior of the patient consistent with generally recognized principles or standards in the mental health professions.

Section B. Because immediate action is necessary to save the lives of Missouri citizens who are suffering from the opioid crisis, the repeal and reenactment of sections 195.070, 217.364, 334.036, and 374.426 and the enactment of sections 9.192, 195.265, and 630.875 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 195.070, 217.364, 334.036, and 374.426 and the enactment of sections 9.192, 195.265, and 630.875 of this act shall be in full force and effect upon their passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 2, Section 376.1237, Line 18, by inserting after all of said section and line the following:

**“630.1010. The department of mental health shall develop a treatment protocol containing best practice guidelines for the treatment of opioid-dependent patients. The treatment protocol shall include the following:**

**(1) Appropriate clinical use of all drugs approved by the federal Food and Drug Administration for the treatment of opioid addiction, including, but not limited to, the following:**

**(a) Opioid maintenance;**

**(b) Opioid detoxification;**

**(c) Overdose reversal; and**

**(d) Long acting, antagonist medication;**

**(2) Training for prescribers dispensing narcotic drugs for the treatment and management of opiate-dependent patients consistent with the federal Controlled Substances Act, as amended by Section 303 of the Comprehensive Addiction and Recovery Act of 2016; and**

**(3) Development and adoption of standard processes for obtaining informed consent from patients concerning all available medication-assisted treatment options, including potential benefits and risks.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

**“208.183. 1. There shall be established an “Advisory Council on Rare Diseases and Personalized Medicine” within the MO HealthNet division. The advisory council shall serve as an expert advisory**

committee to the drug utilization review board, providing necessary consultation to the board when the board makes recommendations or determinations regarding beneficiary access to drugs or biological products for rare diseases, or when the board itself determines that it lacks the specific scientific, medical, or technical expertise necessary for the proper performance of its responsibilities and such necessary expertise can be provided by experts outside the board. “Beneficiary access”, as used in this section, shall mean developing prior authorization and reauthorization criteria for a rare disease drug, including placement on a preferred drug list or a formulary, as well as payment, cost-sharing, drug utilization review, or medication therapy management.

2. The advisory council on rare diseases and personalized medicine shall be composed of the following health care professionals, who shall be appointed by the director of the department of social services:

(1) Two physicians affiliated with a public school of medicine who are licensed and practicing in this state with experience researching, diagnosing, or treating rare diseases;

(2) Two physicians affiliated with private schools of medicine headquartered in this state who are licensed and practicing in this state with experience researching, diagnosing, or treating rare diseases;

(3) A physician who holds a doctor of osteopathy degree, who is active in medical practice, and who is affiliated with a school of medicine in this state with experience researching, diagnosing, or treating rare diseases;

(4) Two medical researchers from either academic research institutions or medical research organizations in this state who have received federal or foundation grant funding for rare disease research;

(5) A registered nurse or advanced practice registered nurse licensed and practicing in this state with experience treating rare diseases;

(6) A pharmacist practicing in a hospital in this state which has a designated orphan disease center;

(7) A professor employed by a pharmacy program in this state that is fully accredited by the Accreditation Council for Pharmacy Education and who has advanced scientific or medical training in orphan and rare disease treatments;

(8) One individual representing the rare disease community or who is living with a rare disease;

(9) One member who represents a rare disease foundation;

(10) A representative from a rare disease center located within one of the state’s comprehensive pediatric hospitals;

(11) The chair of the joint committee on the life sciences or the chair’s designee; and

(12) The chairperson of the drug utilization review board, or the chairperson’s designee, who shall serve as an ex officio, nonvoting member of the advisory council.

3. The director shall convene the first meeting of the advisory council on rare diseases and personalized medicine no later than February 28, 2019. Following the first meeting, the advisory council shall meet upon the call of the chairperson of the drug utilization review board or upon the

request of a majority of the council members.

**4. The drug utilization review board, when making recommendations or determinations regarding beneficiary access to drugs and biological products for rare diseases, as defined in the federal Orphan Drug Act of 1983, P.L. 97-414, and drugs and biological products that are approved by the U.S. Food and Drug Administration and within the emerging fields of personalized medicine and noninheritable gene editing therapeutics, shall request and consider information from the advisory council on rare diseases and personalized medicine.**

**5. The drug utilization review board shall seek the input of the advisory council on rare diseases and personalized medicine to address topics for consultation under this section including, but not limited to:**

**(1) Rare diseases;**

**(2) The severity of rare diseases;**

**(3) The unmet medical need associated with rare diseases;**

**(4) The impact of particular coverage, cost-sharing, tiering, utilization management, prior authorization, medication therapy management, or other Medicaid policies on access to rare disease therapies;**

**(5) An assessment of the benefits and risks of therapies to treat rare diseases;**

**(6) The impact of particular coverage, cost-sharing, tiering, utilization management, prior authorization, medication therapy management, or other policies on patients' adherence to the treatment regimen prescribed or otherwise recommended by their physicians;**

**(7) Whether beneficiaries who need treatment from or a consultation with a rare disease specialist have adequate access and, if not, what factors are causing the limited access; and**

**(8) The demographics and the clinical description of patient populations.**

**6. Nothing in this section shall be construed to create a legal right for a consultation on any matter or to require the drug utilization review board to meet with any particular expert or stakeholder.**

**7. Recommendations of the advisory council on rare diseases and personalized medicine on an applicable treatment of a rare disease shall be explained in writing to members of the drug utilization review board during public hearings.**

**8. For purposes of this section, a "rare disease drug" shall mean a drug used to treat a rare medical condition, defined as any disease or condition that affects fewer than two hundred thousand persons in the United States, such as cystic fibrosis, hemophilia, and multiple myeloma.**

**9. All members of the advisory council on rare diseases and personalized medicine shall annually sign a conflict of interest statement revealing economic or other relationships with entities that could influence a member's decisions, and at least twenty percent of the advisory council members shall not have a conflict of interest with respect to any insurer, pharmaceutical benefits manager, or pharmaceutical manufacturer.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“210.070. [Every] **1. A physician, midwife, or nurse who shall be in attendance upon a newborn infant or its mother[,]** shall drop into the eyes of such infant [immediately after delivery,] a prophylactic [solution] **medication** approved by the state department of health and senior services[, and shall within forty-eight hours thereafter, report in writing to the board of health or county physician of the city, town or county where such birth occurs, his or her compliance with this section, stating the solution used by him or her].

**2. Administration of such eye drops shall not be required if a parent or legal guardian of such infant objects to the treatment because it is against the religious beliefs of the parent or legal guardian.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 2, Section 376.1237, Line 18, by inserting after all of said section and line the following:

“579.040. 1. A person commits the offense of unlawful distribution, delivery, or sale of drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent to distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in which one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this chapter. **Any entity registered with the department of health and senior services that possesses, distributes, delivers, or sells hypodermic needles or syringes shall be exempt from the provisions of this section.**

2. The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes, in which case it is a class E felony.

579.076. 1. A person commits the offense of unlawful manufacture of drug paraphernalia if he or she unlawfully manufactures with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this chapter or chapter 195. **Any entity registered with the department of health and senior services that delivers or manufactures hypodermic needles or syringes shall be exempt from the provisions of this section.**

2. The offense of unlawful manufacture of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes, in which case it is a class E felony.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1,

Section A, Line 2, by inserting after all of said line the following:

“191.671. 1. No other section of this act shall apply to any insurer, health services corporation, or health maintenance organization licensed by the department of insurance, financial institutions and professional registration which conducts HIV testing only for the purposes of assessing a person’s fitness for insurance coverage offered by such insurer, health services corporation, or health maintenance corporation, except that nothing in this section shall be construed to exempt any insurer, health services corporation or health maintenance organization in their capacity as employers from the provisions of section 191.665 relating to employment practices.

2. Upon renewal of any individual or group insurance policy, subscriber contractor health maintenance organization contract covering medical expenses, no insurer, health services corporation or health maintenance organization shall deny or alter coverage to any previously covered individual who has been diagnosed as having HIV infection or any HIV-related condition during the previous policy or contract period only because of such diagnosis, nor shall any such insurer, health services corporation or health maintenance organization exclude coverage for treatment of such infection or condition with respect to any such individual. **The provisions of this subsection shall not apply to short-term major medical policies having a duration of less than one year.**

3. The director of the department of insurance, financial institutions and professional registration shall establish by regulation standards for the use of HIV testing by insurers, health services corporations and health maintenance organizations.

4. A laboratory certified by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967, permitting testing of specimens obtained in interstate commerce, and which subjects itself to ongoing proficiency testing by the College of American Pathologists, the American Association of Bio Analysts, or an equivalent program approved by the Centers for Disease Control shall be authorized to perform or conduct HIV testing for an insurer, health services corporation or health maintenance organization pursuant to this section.

5. The result or results of HIV testing of an applicant for insurance coverage shall not be disclosed by an insurer, health services corporation or health maintenance organization, except as specifically authorized by such applicant in writing. Such result or results shall, however, be disclosed to a physician designated by the subject of the test. If there is no physician designated, the insurer, health services corporation, or health maintenance organization shall disclose the identity of individuals residing in Missouri having a confirmed positive HIV test result to the department of health and senior services. Provided, further, that no such insurer, health services corporation or health maintenance organization shall be liable for violating any duty or right of confidentiality established by law for disclosing such identity of individuals having a confirmed positive HIV test result to the department of health and senior services. Such disclosure shall be in a manner that ensures confidentiality. Disclosure of test results in violation of this section shall constitute a violation of sections 375.930 to 375.948 regulating trade practices in the business of insurance. Nothing in this subsection shall be construed to foreclose any remedies existing on June 1, 1988.”; and

Further amend said bill, Page 1, Section 338.202, Line 16, by inserting after all of said section and line the following:

**“376.008. 1. All short-term major medical policies delivered or issued for delivery in this state shall include on any application for coverage and on the fact page of all policies a conspicuous and clearly**

**captioned paragraph stating:**

**This policy may not cover preexisting conditions, including conditions you may currently have and are unaware of but are not diagnosed until the policy's term. This policy may not cover certain essential health benefits, including prescription drugs, preventative care, and emergency services. Before you realize benefits under this policy, you may be responsible for a deductible and/or coinsurance. Be sure to discuss these items with your insurance broker before purchasing a short-term medical policy.**

**2. No short-term major medical policy shall be delivered or issued for delivery in this state until the prospective insured has confirmed receipt of a benefit summary statement. As used in this section, "benefit summary statement" shall mean a no more than two-page plain language explanation of the following:**

**(1) Coverage limits, if any, expressed in dollars for:**

**(a) Each occurrence;**

**(b) Each covered benefit including, but not limited to, any benefit that is or was a covered benefit for any duration or dollar amount during the contract period and anything included under subdivision (2) of this subsection; and**

**(c) Each contract period;**

**(2) Copayments and deductibles for each covered benefit including, but not limited to:**

**(a) Inpatient hospital care;**

**(b) Outpatient hospital care;**

**(c) Nonhospital inpatient care;**

**(d) Nonhospital outpatient care;**

**(e) Prescription drugs; and**

**(f) Emergency services; and**

**(3) Any copayment or deductible for an illness or affliction which differs from the copayment or deductible required to be described under subdivision (2) of this subsection.**

376.385. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a health services corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements, to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1998, shall offer coverage for all physician-prescribed medically appropriate and necessary equipment, supplies and self-management training used in the management and treatment of diabetes. Coverage shall include persons with gestational, type I or type II diabetes. 2. Health care services required by this section shall not be subject to any greater deductible or co-payment than any other health care service provided by the policy, contract or plan.

**3. No entity enumerated in subsection 1 of this section may reduce or eliminate coverage due to the**

requirements of this section.

4. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care, **short-term major medical policies having a duration of less than one year**, or other limited benefit health insurance policies.

376.429. 1. All health benefit plans, as defined in section 376.1350, that are delivered, issued for delivery, continued or renewed on or after August 28, 2006, and providing coverage to any resident of this state shall provide coverage for routine patient care costs as defined in subsection 7 of this section incurred as the result of phase II, III, or IV of a clinical trial that is approved by an entity listed in subsection 4 of this section and is undertaken for the purposes of the prevention, early detection, or treatment of cancer. Health benefit plans may limit coverage for the routine patient care costs of patients in phase II of a clinical trial to those treating facilities within the health benefit plans' provider network; except that, this provision shall not be construed as relieving a health benefit plan of the sufficiency of network requirements under state statute.

2. In the case of treatment under a clinical trial, the treating facility and personnel must have the expertise and training to provide the treatment and treat a sufficient volume of patients. There must be equal to or superior, noninvestigational treatment alternatives and the available clinical or preclinical data must provide a reasonable expectation that the treatment will be superior to the noninvestigational alternatives.

3. Coverage required by this section shall include coverage for routine patient care costs incurred for drugs and devices that have been approved for sale by the Food and Drug Administration (FDA), regardless of whether approved by the FDA for use in treating the patient's particular condition, including coverage for reasonable and medically necessary services needed to administer the drug or use the device under evaluation in the clinical trial.

4. Subsections 1 and 2 of this section requiring coverage for routine patient care costs shall apply to phase III or IV of clinical trials that are approved or funded by one of the following entities:

- (1) One of the National Institutes of Health (NIH);
- (2) An NIH cooperative group or center as defined in subsection 7 of this section;
- (3) The FDA in the form of an investigational new drug application;
- (4) The federal Departments of Veterans' Affairs or Defense;

(5) An institutional review board in this state that has an appropriate assurance approved by the Department of Health and Human Services assuring compliance with and implementation of regulations for the protection of human subjects (45 CFR 46); or

- (6) A qualified research entity that meets the criteria for NIH Center support grant eligibility.

5. Subsections 1 and 2 of this section requiring coverage for routine patient care costs shall apply to phase II of clinical trials if:

(1) Phase II of a clinical trial is sanctioned by the National Institutes of Health (NIH) or National Cancer Institute (NCI) and conducted at academic or National Cancer Institute Center; and

(2) The person covered under this section is enrolled in the clinical trial. This section shall not apply to persons who are only following the protocol of phase II of a clinical trial, but not actually enrolled.



6. An entity seeking coverage for treatment, prevention, or early detection in a clinical trial approved by an institutional review board under subdivision (5) of subsection 4 of this section shall maintain and post electronically a list of the clinical trials meeting the requirements of subsections 2 and 3 of this section. This list shall include: the phase for which the clinical trial is approved; the entity approving the trial; the particular disease; and the number of participants in the trial. If the electronic posting is not practical, the entity seeking coverage shall periodically provide payers and providers in the state with a written list of trials providing the information required in this section.

7. As used in this section, the following terms shall mean:

(1) “Cooperative group”, a formal network of facilities that collaborate on research projects and have an established NIH-approved Peer Review Program operating within the group, including the NCI Clinical Cooperative Group and the NCI Community Clinical Oncology Program;

(2) “Multiple project assurance contract”, a contract between an institution and the federal Department of Health and Human Services (DHHS) that defines the relationship of the institution to the DHHS and sets out the responsibilities of the institution and the procedures that will be used by the institution to protect human subjects;

(3) “Routine patient care costs” shall include coverage for reasonable and medically necessary services needed to administer the drug or device under evaluation in the clinical trial. Routine patient care costs include all items and services that are otherwise generally available to a qualified individual that are provided in the clinical trial except:

(a) The investigational item or service itself;

(b) Items and services provided solely to satisfy data collection and analysis needs and that are not used in the direct clinical management of the patient; and

(c) Items and services customarily provided by the research sponsors free of charge for any enrollee in the trial.

8. For the purpose of this section, providers participating in clinical trials shall obtain a patient’s informed consent for participation on the clinical trial in a manner that is consistent with current legal and ethical standards. Such documents shall be made available to the health insurer upon request.

9. The provisions of this section shall not apply to a policy, plan or contract paid under Title XVIII or Title XIX of the Social Security Act.

10. Nothing in this section shall apply to any accident-only policy, specified disease policy, hospital indemnity policy, Medicare supplement policy, long-term care policy, short-term major medical policy [of six months or less duration] **having a duration of less than one year**, or other limited benefit health insurance policies.

11. The provisions of this section regarding phase II of a clinical trial shall not apply automatically to an individually underwritten health benefit plan, but shall be an option to any such plan.

376.446. 1. Health carriers shall permit individuals to learn the amount of cost-sharing, including deductibles, copayments, and coinsurance, under the individual’s health benefit plan or coverage that the individual would be responsible for paying with respect to the furnishing of a specific item or service by a participating provider in a timely manner upon the request of the individual. At a minimum, such

information shall be made available to such individual through an internet website and such other means for individuals without access to the internet. As used in this section, the terms “health carrier” and “health benefit plans” shall have the same meanings assigned to them in section 376.1350.

**2. Health carriers shall permit individuals to learn the amount of cost-sharing, including deductibles, copayments, and coinsurance, under an individual’s short-term major medical policy, having a duration of less than one year, that the individual would be responsible for paying with respect to the furnishing of a specific item or service by a participating provider in a timely manner upon the request of the individual. At a minimum, such information shall be made available to such individual through an internet website and such other means for individuals without access to the internet.**

[2.] 3. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy[, short-term major medical policy of six months or less duration], or any other supplemental policy.

[ 3.] 4. The provisions of subsections 1 and 2 shall become effective on January 1, 2014.

376.452. 1. Except as provided in this section, if a health insurance issuer offers health insurance coverage in the large group market in connection with a group health plan, the health insurance issuer shall renew or continue the coverage in force at the option of the plan sponsor. **The provisions of this subsection shall not apply to short-term major medical policies having a duration of less than one year.**

2. A health insurance issuer may nonrenew or discontinue health insurance coverage offered in connection with a group health plan in the large group market if:

(1) The plan sponsor has failed to pay premiums or contributions in accordance with the terms of the health insurance coverage or if the health insurance issuer has not received timely premium payments;

(2) The plan sponsor has performed an act or practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage;

(3) The plan sponsor has failed to comply with the health insurance issuer’s minimum participation requirements;

(4) The plan sponsor has failed to comply with the health insurance issuer’s employer contribution requirements;

(5) The health insurance issuer is ceasing to offer coverage in the large group market in accordance with subsection 3 of this section;

(6) In the case of a health insurance issuer that offers health insurance coverage in the large group market through a network plan, there is no longer any enrollee under the group health plan who lives, resides, or works in the service area of the health insurance issuer or in the area for which the issuer is authorized to do business;

(7) In the case of health insurance coverage that is made available in the large group market only through one or more bona fide associations, the membership of an employer in the bona fide association ceases, but only if coverage is terminated under this subdivision uniformly without regard to any health status-related factor of any covered individual.

3. A health insurance issuer shall not discontinue offering a particular type of group health insurance coverage offered in the large group market unless:

(1) The issuer provides notice to each plan sponsor, participant and beneficiary provided coverage of this type in the large group market of the discontinuation at least ninety days prior to the date of the discontinuation of the coverage;

(2) The issuer offers to each plan sponsor being provided coverage of this type in the large group market the option to purchase any other health insurance coverage currently being offered by the health insurance issuer to a group health plan in the large group market; and

(3) The issuer acts uniformly without regard to the claims experience of those plan sponsors or any health status-related factor of any participant or beneficiary covered or new participant or beneficiary who may become eligible for such coverage.

4. (1) A health insurance issuer shall not discontinue offering all health insurance coverage in the large group market unless:

(a) The issuer provides notice of discontinuation to the director and to each plan sponsor, participant and beneficiary covered at least one hundred eighty days prior to the date of the discontinuation of coverage; and

(b) All health insurance issued or delivered for issuance in Missouri in the large group market is discontinued and coverage under such health insurance is not renewed.

(2) In the case of a discontinuation under this subsection, the health insurance issuer shall not provide for the issuance of any health insurance coverage in the large group market for a period of five years beginning on the date of the discontinuation of the last health insurance coverage not renewed.

5. At the time of coverage renewal, a health insurance issuer may modify the health insurance coverage for a product offered to a group health plan in the large group market. For purposes of this subsection, renewal shall be deemed to occur not more often than annually on the anniversary of the effective date of the group health plan's health insurance coverage unless a longer term is specified in the policy or contract.

6. In the case of health insurance coverage that is made available by a health insurance issuer only through one or more bona fide associations, a reference to plan sponsor in this section is deemed, with respect to coverage provided to an employer member of the association, to include a reference to such employer.

376.454. 1. Except as provided in this section, a health insurance issuer that provides individual health insurance coverage to an individual shall renew or continue in force such coverage at the option of the individual. **The provisions of this subsection shall not apply to short-term major medical policies having a duration of less than one year.**

2. A health insurance issuer may nonrenew or discontinue health insurance coverage of an individual in the individual market based only on one or more of the following:

(1) The individual has failed to pay premiums or contributions in accordance with the terms of the health insurance coverage or the issuer has not received timely premium payments;

(2) The individual has performed an act or practice that constitutes fraud or made an intentional

misrepresentation of material fact under the terms of the coverage;

(3) The issuer is ceasing to offer coverage in the individual market in accordance with subsection 4 of this section;

(4) In the case of a health insurance issuer that offers health insurance coverage in the market through a network plan, the individual no longer resides, lives, or works in the service area or in an area for which the issuer is authorized to do business but only if such coverage is terminated under this subdivision uniformly without regard to any health status-related factor of covered individuals;

(5) In the case of health insurance coverage that is made available in the individual market only through one or more bona fide associations, the membership of the individual in the association on the basis of which the coverage is provided ceases, but only if such coverage is terminated under this subdivision uniformly without regard to any health status-related factor of covered individuals.

3. In any case in which an issuer decides to discontinue offering a particular type of health insurance coverage offered in the individual market, coverage of such type may be discontinued by the issuer only if:

(1) The issuer provides notice to each covered individual provided coverage of this type in such market of such discontinuation at least ninety days prior to the date of the discontinuation of such coverage;

(2) The issuer offers to each individual in the individual market provided coverage of this type, the option to purchase any other individual health insurance coverage currently being offered by the issuer for individuals in such market; and

(3) In exercising the option to discontinue coverage of this type and in offering the option of coverage under subdivision (2) of this subsection, the issuer acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for such coverage.

4. (1) In any case in which a health insurance issuer elects to discontinue offering all health insurance coverage in the individual market in the state, health insurance coverage may be discontinued by the issuer only if:

(a) The issuer provides notice to the director and to each individual of such discontinuation at least one hundred eighty days prior to the date of the expiration of such coverage; and

(b) All health insurance issued or delivered for issuance in the state in such market is discontinued and coverage under such health insurance coverage in such market is not renewed.

(2) In the case of a discontinuation under subdivision (1) of this subsection, the issuer shall not provide for the issuance of any health insurance coverage in the individual market for a five-year period beginning on the date of the discontinuation of the last health insurance coverage not so renewed.

5. At the time of coverage renewal, a health insurance issuer may modify the health insurance coverage for a policy form offered to individuals in the individual market so long as such modification is consistent with applicable law and effective on a uniform basis among all individuals with that policy form. For purposes of this subsection, renewal shall be deemed to occur not more often than annually on the anniversary of the effective date of the individual's health insurance coverage or as specified in the policy or contract.

6. In applying this section in the case of health insurance coverage that is made available by a health insurance issuer in the individual market to individuals only through one or more associations, a reference to an individual is deemed to include a reference to such an association of which the individual is a member.

7. An insurer shall provide a certification of creditable coverage as required by Public Law 104-191 and regulations pursuant thereto.

376.779. 1. All health plans or policies that are individually underwritten or provide for such coverage for specific individuals and the members of their families, which provide for hospital treatment, shall provide coverage, while confined in a hospital or in a residential or nonresidential facility certified by the department of mental health, for treatment of alcoholism on the same basis as coverage for any other illness, except that coverage may be limited to thirty days in any policy or contract benefit period. All Missouri individual contracts issued on or after January 1, 2005, shall be subject to this section. Coverage required by this section shall be included in the policy or contract and payment provided as for other coverage in the same policy or contract notwithstanding any construction or relationship of interdependent contracts or plans affecting coverage and payment of reimbursement prerequisites under the policy or contract.

2. Insurers, corporations or groups providing coverage may approve for payment or reimbursement vendors and programs providing services or treatment required by this section. Any vendor or person offering services or treatment subject to the provisions of this section and seeking approval for payment or reimbursement shall submit to the department of mental health a detailed description of the services or treatment program to be offered. The department of mental health shall make copies of such descriptions available to insurers, corporations or groups providing coverage under the provisions of this section. Each insurer, corporation or group providing coverage shall notify the vendor or person offering service or treatment as to its acceptance or rejection for payment or reimbursement; provided, however, payment or reimbursement shall be made for any service or treatment program certified by the department of mental health. Any notice of rejection shall contain a detailed statement of the reasons for rejection and the steps and procedures necessary for acceptance. Amended descriptions of services or treatment programs to be offered may be filed with the department of mental health. Any vendor or person rejected for approval of payment or reimbursement may modify their description and treatment program and submit copies of the amended description to the department of mental health and to the insurer, corporation or group which rejected the original description.

3. The department of mental health may issue rules necessary to carry out the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

4. All substance abuse treatment programs in Missouri receiving funding from the Missouri department of mental health must be certified by the department.

5. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

376.781. 1. All group health insurance policies providing coverage on an expense-incurred basis, all group service or indemnity contracts issued by a not-for-profit health service corporation, all self-insured

group health benefit plans of any type or description, and all such health plans or policies that are individually underwritten or provide for such coverage for specific individuals and the members of their families as nongroup policies, which provide for hospital treatment, shall offer coverage for the necessary care and treatment of loss or impairment of speech or hearing subject to the same durational limits, dollar limits, deductibles and coinsurance factors as other covered services in such policies or contracts. All Missouri group contracts issued or renewed on or after December 31, 1984, shall be subject to this section. Notwithstanding any construction or relationship of interdependent contracts or plans affecting coverage and payment of reimbursement prerequisites under the policy or contract, coverage required by this section shall be included in the policy or contract and payment provided as for other coverage in the same policy or contract.

2. The offer of benefits under subsection 1 of this section shall be in writing and may be rejected by the individual or group policyholder.

3. Nothing in this section shall prohibit the insurance company or not-for-profit health service corporation from including any coverage for loss or impairment of speech, language or hearing as standard coverage in their policies or contracts, but same shall not contain terms contrary to this section.

4. The phrase “loss or impairment of speech or hearing” shall include those communicative disorders generally treated by a speech pathologist, audiologist or speech/language pathologist licensed by the state board of healing arts or certified by the American Speech-Language and Hearing Association (ASHA), or both, and which fall within the scope of his or her license or certification.

5. Any provision in a health insurance policy contrary to or in conflict with the provisions of this section shall, to the extent of the conflict, be void, but such invalidity shall not offset the validity of the other provisions of such policy.

6. The department of insurance, financial institutions and professional registration may issue rules necessary to carry out the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

**7. This section shall not apply to short-term major medical policies having a duration of less than one year.**

376.782. 1. As used in this section, the term “low-dose mammography screening” means the X-ray examination of the breast using equipment specifically designed and dedicated for mammography, including the X-ray tube, filter, compression device, films, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with two views for each breast, and any fee charged by a radiologist or other physician for reading, interpreting or diagnosing based on such X-ray.

2. All individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed on or after August 28, 1991, and providing coverage to any resident of this state shall provide benefits or coverage for low-dose mammography screening for any nonsymptomatic woman covered under such policy or contract which meets the minimum requirements of this section. Such benefits or coverage shall include at least the

following:

- (1) A baseline mammogram for women age thirty-five to thirty-nine, inclusive;
- (2) A mammogram for women age forty to forty-nine, inclusive, every two years or more frequently based on the recommendation of the patient's physician;
- (3) A mammogram every year for women age fifty and over;
- (4) A mammogram for any woman, upon the recommendation of a physician, where such woman, her mother or her sister has a prior history of breast cancer.

3. Coverage and benefits related to mammography as required by this section shall be at least as favorable and subject to the same dollar limits, deductibles, and co-payments as other radiological examinations.

**4. The provisions of this section shall not apply to short-term major medical policies having a duration of less than one year.**

376.811. 1. Every insurance company and health services corporation doing business in this state shall offer in all health insurance policies benefits or coverage for chemical dependency meeting the following minimum standards:

- (1) Coverage for outpatient treatment through a nonresidential treatment program, or through partial- or full-day program services, of not less than twenty-six days per policy benefit period;
- (2) Coverage for residential treatment program of not less than twenty-one days per policy benefit period;
- (3) Coverage for medical or social setting detoxification of not less than six days per policy benefit period;
- (4) The coverages set forth in this subsection may be subject to a separate lifetime frequency cap of not less than ten episodes of treatment, except that such separate lifetime frequency cap shall not apply to medical detoxification in a life-threatening situation as determined by the treating physician and subsequently documented within forty-eight hours of treatment to the reasonable satisfaction of the insurance company or health services corporation; and
- (5) The coverages set forth in this subsection:
  - (a) Shall be subject to the same coinsurance, co-payment and deductible factors as apply to physical illness;
  - (b) May be administered pursuant to a managed care program established by the insurance company or health services corporation; and
  - (c) May deliver covered services through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

2. In addition to the coverages set forth in subsection 1 of this section, every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health

insurance policies, benefits or coverages for recognized mental illness, excluding chemical dependency, meeting the following minimum standards:

(1) Coverage for outpatient treatment, including treatment through partial- or full-day program services, for mental health services for a recognized mental illness rendered by a licensed professional to the same extent as any other illness;

(2) Coverage for residential treatment programs for the therapeutic care and treatment of a recognized mental illness when prescribed by a licensed professional and rendered in a psychiatric residential treatment center licensed by the department of mental health or accredited by the Joint Commission on Accreditation of Hospitals to the same extent as any other illness;

(3) Coverage for inpatient hospital treatment for a recognized mental illness to the same extent as for any other illness, not to exceed ninety days per year;

(4) The coverages set forth in this subsection shall be subject to the same coinsurance, co-payment, deductible, annual maximum and lifetime maximum factors as apply to physical illness; and

(5) The coverages set forth in this subsection may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance organization, and covered services may be delivered through a system of contractual arrangements with one or more providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

3. The offer required by sections 376.810 to 376.814 may be accepted or rejected by the group or individual policyholder or contract holder and, if accepted, shall fully and completely satisfy and substitute for the coverage under section 376.779. Nothing in sections 376.810 to 376.814 shall prohibit an insurance company, health services corporation or health maintenance organization from including all or part of the coverages set forth in sections 376.810 to 376.814 as standard coverage in their policies or contracts issued in this state.

4. Every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies mental health benefits or coverage as part of the policy or as a supplement to the policy. Such mental health benefits or coverage shall include at least two sessions per year to a licensed psychiatrist, licensed psychologist, licensed professional counselor, licensed clinical social worker, or, subject to contractual provisions, a licensed marital and family therapist, acting within the scope of such license and under the following minimum standards:

(1) Coverage and benefits in this subsection shall be for the purpose of diagnosis or assessment, but not dependent upon findings; and

(2) Coverage and benefits in this subsection shall not be subject to any conditions of preapproval, and shall be deemed reimbursable as long as the provisions of this subsection are satisfied; and

(3) Coverage and benefits in this subsection shall be subject to the same coinsurance, co-payment and deductible factors as apply to regular office visits under coverages and benefits for physical illness.

5. If the group or individual policyholder or contract holder rejects the offer required by this section, then the coverage shall be governed by the mental health and chemical dependency insurance act as



provided in sections 376.825 to 376.836.

6. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

376.845. 1. For the purposes of this section the following terms shall mean:

(1) “Eating disorder”, pica, rumination disorder, avoidant/restrictive food intake disorder, anorexia nervosa, bulimia nervosa, binge eating disorder, other specified feeding or eating disorder, and any other eating disorder contained in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association where diagnosed by a licensed physician, psychiatrist, psychologist, clinical social worker, licensed marital and family therapist, or professional counselor duly licensed in the state where he or she practices and acting within their applicable scope of practice in the state where he or she practices;

(2) “Health benefit plan”, shall have the same meaning as such term is defined in section 376.1350; however, for purposes of this section “health benefit plan” does not include a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy;

(3) “Health carrier”, shall have the same meaning as such term is defined in section 376.1350;

(4) “Medical care”, health care services needed to diagnose, prevent, treat, cure, or relieve physical manifestations of an eating disorder, and shall include inpatient hospitalization, partial hospitalization, residential care, intensive outpatient treatment, follow-up outpatient care, and counseling;

(5) “Pharmacy care”, medications prescribed by a licensed physician for an eating disorder and includes any health-related services deemed medically necessary to determine the need or effectiveness of the medications, but only to the extent that such medications are included in the insured’s health benefit plan;

(6) “Psychiatric care” and “psychological care”, direct or consultative services provided during inpatient hospitalization, partial hospitalization, residential care, intensive outpatient treatment, follow-up outpatient care, and counseling provided by a psychiatrist or psychologist licensed in the state of practice;

(7) “Therapy”, medical care and behavioral interventions provided by a duly licensed physician, psychiatrist, psychologist, professional counselor, licensed clinical social worker, or family marriage therapist where said person is licensed or registered in the states where he or she practices;

(8) “Treatment of eating disorders”, therapy provided by a licensed treating physician, psychiatrist, psychologist, professional counselor, clinical social worker, or licensed marital and family therapist pursuant to the powers granted under such licensed physician’s, psychiatrist’s, psychologist’s, professional counselor’s, clinical social worker’s, or licensed marital and family therapist’s license in the state where he or she practices for an individual diagnosed with an eating disorder.

2. In accordance with the provisions of section 376.1550, all health benefit plans that are delivered, issued for delivery, continued or renewed on or after January 1, 2017, if written inside the state of Missouri, or written outside the state of Missouri but covering Missouri residents, shall provide coverage for the diagnosis and treatment of eating disorders as required in section 376.1550.

3. Coverage provided under this section is limited to medically necessary treatment that is provided by a licensed treating physician, psychiatrist, psychologist, professional counselor, clinical social worker, or licensed marital and family therapist pursuant to the powers granted under such licensed physician's, psychiatrist's, psychologist's, professional counselor's, clinical social worker's, or licensed marital and family therapist's license and acting within their applicable scope of coverage, in accordance with a treatment plan.

4. The treatment plan, upon request by the health benefit plan or health carrier, shall include all elements necessary for the health benefit plan or health carrier to pay claims. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and duration of treatment, and goals.

5. Coverage of the treatment of eating disorders may be subject to other general exclusions and limitations of the contract or benefit plan not in conflict with the provisions of this section, such as coordination of benefits, and utilization review of health care services, which includes reviews of medical necessity and care management. Medical necessity determinations and care management for the treatment of eating disorders shall consider the overall medical and mental health needs of the individual with an eating disorder, shall not be based solely on weight, and shall take into consideration the most recent Practice Guideline for the Treatment of Patients with Eating Disorders adopted by the American Psychiatric Association in addition to current standards based upon the medical literature generally recognized as authoritative in the medical community.

376.1192. 1. As used in this section, "health benefit plan" and "health carrier" shall have the same meaning as such terms are defined in section 376.1350.

2. Beginning September 1, 2013, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if state mandates were enacted to provide health benefit plan coverage for the following:

(1) Orally administered anticancer medication that is used to kill or slow the growth of cancerous cells charged at the same co-payment, deductible, or coinsurance amount as intravenously administered or injected cancer medication that is provided, regardless of formulation or benefit category determination by the health carrier administering the health benefit plan;

(2) Diagnosis and treatment of eating disorders that include anorexia nervosa, bulimia, binge eating, eating disorders nonspecified, and any other severe eating disorders contained in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. The actuarial analysis shall assume the following are included in health benefit plan coverage:

(a) Residential treatment for eating disorders, if such treatment is medically necessary in accordance with the Practice Guidelines for the Treatment of Patients with Eating Disorders, as most recently published by the American Psychiatric Association; and

(b) Access to medical treatment that provides coverage for integrated care and treatment as

recommended by medical and mental health care professionals, including but not limited to psychological services, nutrition counseling, physical therapy, dietician services, medical monitoring, and psychiatric monitoring.

3. By December 31, 2013, the director of the oversight division of the joint committee on legislative research shall submit a report of the actuarial findings prescribed by this section to the speaker of the house of representatives, the president pro tempore of the senate, and the chairpersons of the house of representatives committee on health insurance and the senate small business, insurance and industry committee, or the committees having jurisdiction over health insurance issues if the preceding committees no longer exist.

4. For the purposes of this section, the actuarial analysis of health benefit plan coverage shall assume that such coverage:

(1) Shall not be subject to any greater deductible or co-payment than other health care services provided by the health benefit plan; and

(2) Shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies [of six months' or less duration] **having a duration of less than one year**, or any other supplemental policy.

5. The cost for each actuarial analysis shall not exceed thirty thousand dollars and the oversight division of the joint committee on legislative research may utilize any actuary contracted to perform services for the Missouri consolidated health care plan to perform the analysis required under this section.

6. The provisions of this section shall expire on December 31, 2013.

376.1199. 1. Each health carrier or health benefit plan that offers or issues health benefit plans providing obstetrical/gynecological benefits and pharmaceutical coverage, which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2002, shall:

(1) Notwithstanding the provisions of subsection 4 of section 354.618, provide enrollees with direct access to the services of a participating obstetrician, participating gynecologist or participating obstetrician/gynecologist of her choice within the provider network for covered services. The services covered by this subdivision shall be limited to those services defined by the published recommendations of the accreditation council for graduate medical education for training an obstetrician, gynecologist or obstetrician/gynecologist, including but not limited to diagnosis, treatment and referral for such services. A health carrier shall not impose additional co-payments, coinsurance or deductibles upon any enrollee who seeks or receives health care services pursuant to this subdivision, unless similar additional co-payments, coinsurance or deductibles are imposed for other types of health care services received within the provider network. Nothing in this subsection shall be construed to require a health carrier to perform, induce, pay for, reimburse, guarantee, arrange, provide any resources for or refer a patient for an abortion, as defined in section 188.015, other than a spontaneous abortion or to prevent the death of the female upon whom the abortion is performed, or to supersede or conflict with section 376.805; and

(2) Notify enrollees annually of cancer screenings covered by the enrollees' health benefit plan and the current American Cancer Society guidelines for all cancer screenings or notify enrollees at intervals consistent with current American Cancer Society guidelines of cancer screenings which are covered by the

enrollees' health benefit plans. The notice shall be delivered by mail unless the enrollee and health carrier have agreed on another method of notification; and

(3) Include coverage for services related to diagnosis, treatment and appropriate management of osteoporosis when such services are provided by a person licensed to practice medicine and surgery in this state, for individuals with a condition or medical history for which bone mass measurement is medically indicated for such individual. In determining whether testing or treatment is medically appropriate, due consideration shall be given to peer-reviewed medical literature. A policy, provision, contract, plan or agreement may apply to such services the same deductibles, coinsurance and other limitations as apply to other covered services; and

(4) If the health benefit plan also provides coverage for pharmaceutical benefits, provide coverage for contraceptives either at no charge or at the same level of deductible, coinsurance or co-payment as any other covered drug.

No such deductible, coinsurance or co-payment shall be greater than any drug on the health benefit plan's formulary. As used in this section, "contraceptive" shall include all prescription drugs and devices approved by the federal Food and Drug Administration for use as a contraceptive, but shall exclude all drugs and devices that are intended to induce an abortion, as defined in section 188.015, which shall be subject to section 376.805. Nothing in this subdivision shall be construed to exclude coverage for prescription contraceptive drugs or devices ordered by a health care provider with prescriptive authority for reasons other than contraceptive or abortion purposes.

2. For the purposes of this section, "health carrier" and "health benefit plan" shall have the same meaning as defined in section 376.1350.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

4. Notwithstanding the provisions of subdivision (4) of subsection 1 of this section to the contrary:

(1) Any health carrier shall offer and issue to any person or entity purchasing a health benefit plan, a health benefit plan that excludes coverage for contraceptives if the use or provision of such contraceptives is contrary to the moral, ethical or religious beliefs or tenets of such person or entity;

(2) Upon request of an enrollee who is a member of a group health benefit plan and who states that the use or provision of contraceptives is contrary to his or her moral, ethical or religious beliefs, any health carrier shall issue to or on behalf of such enrollee a policy form that excludes coverage for contraceptives. Any administrative costs to a group health benefit plan associated with such exclusion of coverage not offset by the decreased costs of providing coverage shall be borne by the group policyholder or group plan holder;

(3) Any health carrier which is owned, operated or controlled in substantial part by an entity that is operated pursuant to moral, ethical or religious tenets that are contrary to the use or provision of contraceptives shall be exempt from the provisions of subdivision (4) of subsection 1 of this section. For purposes of this subsection, if new premiums are charged for a contract, plan or policy, it shall be determined to be a new contract, plan or policy.

5. Except for a health carrier that is exempted from providing coverage for contraceptives pursuant to this section, a health carrier shall allow enrollees in a health benefit plan that excludes coverage for contraceptives pursuant to subsection 4 of this section to purchase a health benefit plan that includes coverage for contraceptives.

6. Any health benefit plan issued pursuant to subsection 1 of this section shall provide clear and conspicuous written notice on the enrollment form or any accompanying materials to the enrollment form and the group health benefit plan application and contract:

(1) Whether coverage for contraceptives is or is not included;

(2) That an enrollee who is a member of a group health benefit plan with coverage for contraceptives has the right to exclude coverage for contraceptives if such coverage is contrary to his or her moral, ethical or religious beliefs;

(3) That an enrollee who is a member of a group health benefit plan without coverage for contraceptives has the right to purchase coverage for contraceptives;

(4) Whether an optional rider for elective abortions has been purchased by the group contract holder pursuant to section 376.805; and

(5) That an enrollee who is a member of a group health plan with coverage for elective abortions has the right to exclude and not pay for coverage for elective abortions if such coverage is contrary to his or her moral, ethical, or religious beliefs.

For purposes of this subsection, if new premiums are charged for a contract, plan, or policy, it shall be determined to be a new contract, plan, or policy.

7. Health carriers shall not disclose to the person or entity who purchased the health benefit plan the names of enrollees who exclude coverage for contraceptives in the health benefit plan or who purchase a health benefit plan that includes coverage for contraceptives. Health carriers and the person or entity who purchased the health benefit plan shall not discriminate against an enrollee because the enrollee excluded coverage for contraceptives in the health benefit plan or purchased a health benefit plan that includes coverage for contraceptives.

8. The departments of health and senior services and insurance, financial institutions and professional registration may promulgate rules necessary to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

376.1200. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a health services corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care

delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1996, shall offer coverage for the treatment of breast cancer by dose-intensive chemotherapy/autologous bone marrow transplants or stem cell transplants when performed pursuant to nationally accepted peer review protocols utilized by breast cancer treatment centers experienced in dose-intensive chemotherapy/autologous bone marrow transplants or stem cell transplants. The offer of benefits under this section shall be in writing and must be accepted in writing by the individual or group policyholder or contract holder.

2. Such health care service shall not be subject to any greater deductible or co-payment than any other health care service provided by the policy, contract or plan, except that the policy, contract or plan may contain a provision imposing a lifetime benefit maximum of not less than one hundred thousand dollars, for dose-intensive chemotherapy/autologous bone marrow transplants or stem cell transplants for breast cancer treatment.

3. Benefits may be administered for such health care service through a managed care program of exclusive and/or preferred contractual arrangements with one or more providers rendering such health care service. These contractual arrangements may provide that the provider shall hold the patient harmless for the cost of rendering such health care service if it is subsequently found by the entity authorized to resolve disputes that:

(1) Such care did not qualify under the protocols established for the providing of care for such health care service;

(2) Such care was not medically appropriate; or

(3) The provider otherwise failed to comply with the utilization management or other managed care provision agreed to in any contract between the entity and the provider.

4. The provisions of this section shall not apply to short-term travel, accident-only, limited or specified disease policies, or to short-term nonrenewable policies [of not more than seven months duration] **having a duration of less than one year.**

5. Nothing in this section shall prohibit an entity from including all or part of such health care services as standard coverage in its policies, contracts or plans.

376.1209. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that provide coverage for the surgical procedure known as a mastectomy, and which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1998, shall provide coverage for prosthetic devices or reconstructive surgery necessary to restore symmetry as recommended by the oncologist or primary care physician for the patient incident to the mastectomy. Coverage for prosthetic devices and reconstructive surgery shall be subject to the same deductible and coinsurance conditions applied to the mastectomy and all other terms and conditions applicable to other benefits with the exception that no time limit shall be imposed on an individual for the receipt of prosthetic devices or reconstructive surgery and if such individual changes his or her insurer, then the new policy subject to the federal Women's Health and Cancer Rights Act (Sections 901-903 of P.L. 105-277), as amended, shall provide coverage consistent with the federal Women's Health and Cancer Rights Act

(Sections 901-903 of P.L. 105-277), as amended, and any regulations promulgated pursuant to such act.

2. As used in this section, the term “mastectomy” means the removal of all or part of the breast for medically necessary reasons, as determined by a physician licensed pursuant to chapter 334.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, **short-term major medical policy having a duration of less than one year**, or long-term care policy.

376.1210. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1997, and providing for maternity benefits, shall provide coverage for a minimum of forty-eight hours of inpatient care following a vaginal delivery and a minimum of ninety-six hours of inpatient care following a cesarean section for a mother and her newly born child in a hospital as defined in section 197.020 or any other health care facility licensed to provide obstetrical care under the provisions of chapter 197.

2. Notwithstanding the provisions of subsection 1 of this section, any entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1997, and providing for maternity benefits, may authorize a shorter length of hospital stay for services related to maternity and newborn care if:

(1) A shorter hospital stay meets with the approval of the attending physician after consulting with the mother. The physician’s approval to discharge shall be made in accordance with the most current version of the “Guidelines for Perinatal Care” prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists, or similar guidelines prepared by another nationally recognized medical organization; and

(2) The entity providing the individual or group health insurance policy provides coverage for post-discharge care to the mother and her newborn.

3. Post-discharge care shall consist of a minimum of two visits at least one of which shall be in the home, in accordance with accepted maternal and neonatal physical assessments, by a registered professional nurse with experience in maternal and child health nursing or a physician. The location and schedule of the post-discharge visits shall be determined by the attending physician. Services provided by the registered professional nurse or physician shall include, but not be limited to, physical assessment of the newborn and mother, parent education, assistance and training in breast or bottle feeding, education and services for complete childhood immunizations, the performance of any necessary and appropriate clinical tests and submission of a metabolic specimen satisfactory to the state laboratory. Such services shall be in accordance with the medical criteria outlined in the most current version of the “Guidelines for Perinatal Care” prepared

by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists, or similar guidelines prepared by another nationally recognized medical organization. Any abnormality, in the condition of the mother or the child, observed by the nurse shall be reported to the attending physician as medically appropriate.

4. For the purposes of this section, “attending physician” shall include the attending obstetrician, pediatrician, or other physician attending the mother or newly born child.

5. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description shall provide notice to policyholders, insured persons and participants regarding the coverage required by this section. Such notice shall be in writing and prominently positioned in the policy, certificate of coverage or summary plan description.

6. Such health care service shall not be subject to any greater deductible or co-payment than other similar health care services provided by the policy, contract or plan.

7. No insurer may provide financial disincentives to, or deselect, terminate the services of, require additional documentation from, require additional utilization review, or reduce payments to, or otherwise penalize the attending physician in retaliation solely for ordering care consistent with the provisions of this section.

**8. The provisions of this section shall not apply to short-term major medical policies having a duration of less than one year.**

9. The department of insurance, financial institutions and professional registration shall adopt rules and regulations to implement and enforce the provisions of this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

376.1215. 1. All individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a health services corporation, individual and group service contracts issued by a health maintenance organization and all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description shall provide coverage for immunizations of a child from birth to five years of age as provided by department of health and senior services regulations.

2. Such coverage shall not be subject to any deductible or co-payment limits.

3. The contract issued by a health maintenance organization may provide that the benefits required pursuant to this section shall be covered benefits only if the services are rendered by a provider who is designated by and affiliated with the health maintenance organization, except that the health maintenance organization shall, as a condition of participation, comply with the immunization requirements of state or federally funded health programs.

4. This section shall not apply to supplemental insurance policies, including life care contracts, accident-only policies, specified disease policies, hospital policies providing a fixed daily benefit only, Medicare supplement policies, long-term care policies, coverage issued as a supplement to liability insurance, short-



term major medical policies [of six months or less duration] **having a duration of less than one year**, and other supplemental policies as determined by the department of insurance, financial institutions and professional registration. 5. The department of health and senior services shall promulgate rules and regulations to determine which immunizations shall be covered by policies, plans or contracts described in this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024. 6. No health care provider shall charge more than one hundred percent of the reasonable and customary charges for providing any immunization.

376.1218. 1. Any health carrier or health benefit plan that offers or issues health benefit plans, other than Medicaid health benefit plans, which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2006, shall provide coverage for early intervention services described in this section that are delivered by early intervention specialists who are health care professionals licensed by the state of Missouri and acting within the scope of their professions for children from birth to age three identified by the Part C early intervention system as eligible for services under Part C of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1431, et seq. Such coverage shall be limited to three thousand dollars for each covered child per policy per calendar year, with a maximum of nine thousand dollars per child.

2. As used in this section, “health carrier” and “health benefit plan” shall have the same meaning as such terms are defined in section 376.1350.

3. In the event that any health benefit plan is found not to be required to provide coverage under subsection 1 of this section because of preemption by a federal law, including but not limited to the act commonly known as ERISA contained in Title 29 of the United States Code, or in the event that subsection 1 of this section is found to be unconstitutional, then the lead agency shall be responsible for payment and provision of any benefit provided under this section.

4. For purposes of this section, “early intervention services” means medically necessary speech and language therapy, occupational therapy, physical therapy, and assistive technology devices for children from birth to age three who are identified by the Part C early intervention system as eligible for services under Part C of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1431, et seq. Early intervention services shall include services under an active individualized family service plan that enhance functional ability without effecting a cure. An individualized family service plan is a written plan for providing early intervention services to an eligible child and the child’s family that is adopted in accordance with 20 U.S.C. Section 1436. The Part C early intervention system, on behalf of its contracted regional Part C early intervention system centers and providers, shall be considered the rendering provider of services for purposes of this section.

5. No payment made for specified early intervention services shall be applied by the health carrier or health benefit plan against any maximum lifetime aggregate specified in the policy or health benefit plan if the carrier opts to satisfy its obligations under this section under subdivision (2) of subsection 7 of this section. A health benefit plan shall be billed at the applicable Medicaid rate at the time the covered benefit is delivered, and the health benefit plan shall pay the Part C early intervention system at such rate for benefits covered by this section. Services under the Part C early intervention system shall be delivered as prescribed by the individualized family service plan and an electronic claim filed in accordance with the carrier’s or plan’s standard format. Beginning January 1, 2007, such claims’ payments shall be made in

accordance with the provisions of sections 376.383 and 376.384.

6. The health care service required by this section shall not be subject to any greater deductible, co-payment, or coinsurance than other similar health care services provided by the health benefit plan.

7. (1) Subject to the provisions of this section, payments made during a calendar year by a health carrier or group of carriers affiliated by or under common ownership or control to the Part C early intervention system for services provided to children covered by the Part C early intervention system shall not exceed one-half of one percent of the direct written premium for health benefit plans as reported to the department of insurance, financial institutions and professional registration on the health carrier's most recently filed annual financial statement.

(2) In lieu of reimbursing claims under this section, a carrier or group of carriers affiliated by or under common ownership or control may, on behalf of all of the carrier's or carriers' health benefit plan or plans providing coverage under this section, directly pay the Part C early intervention system by January thirty-first of the calendar year an amount equal to one-half of one percent of the direct written premium for health benefit plans as reported to the department of insurance, financial institutions and professional registration on the health carrier's most recently filed annual financial statement, or five hundred thousand dollars, whichever is less, and such payment shall constitute full and complete satisfaction of the health benefit plan's obligation for the calendar year. Nothing in this subsection shall require a health carrier or health benefit plan providing coverage under this section to amend or modify any provision of an existing policy or plan relating to the payment or reimbursement of claims by the health carrier or health benefit plan.

8. This section shall not apply to a supplemental insurance policy, including a life care contract, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, hospitalization-surgical care policy, policy that is individually underwritten or provides such coverage for specific individuals and members of their families, long-term care policy, or short-term major medical policies [of six months or less duration] **having a duration of less than one year.**

9. Except for health carriers or health benefit plans making payments under subdivision (2) of subsection 7 of this section, the department of insurance, financial institutions and professional registration shall collect data related to the number of children receiving private insurance coverage under this section and the total amount of moneys paid on behalf of such children by private health carriers or health benefit plans. The department shall report to the general assembly regarding the department's findings no later than January 30, 2007, and annually thereafter.

10. Notwithstanding the provisions of section 23.253 to the contrary, the provisions of this section shall not sunset.

376.1219. 1. Each policy issued by an entity offering individual and group health insurance which provides coverage on an expense-incurred basis, individual and group health service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group health arrangements to the extent not preempted by federal law, and all health care plans provided by managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed in this state on or after September 1, 1997, shall provide coverage for formula and low protein modified food products recommended by a physician for the treatment of a patient with phenylketonuria or any inherited disease of amino and organic acids who is covered under the policy, contract, or plan and who is less than six years of age.

2. For purposes of this section, “low protein modified food products” means foods that are specifically formulated to have less than one gram of protein per serving and are intended to be used under the direction of a physician for the dietary treatment of any inherited metabolic disease. Low protein modified food products do not include foods that are naturally low in protein.

3. The coverage required by this section may be subject to the same deductible for similar health care services provided by the policy, contract, or plan as well as a reasonable coinsurance or co-payment on the part of the insured, which shall not be greater than fifty percent of the cost of the formula and food products, and may be subject to an annual benefit maximum of not less than five thousand dollars per covered child. Nothing in this section shall prohibit a carrier from using individual case management or from contracting with vendors of the formula and food products.

4. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, **short-term major medical policy having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

376.1220. 1. Each policy issued by an entity offering individual and group health insurance which provides coverage on an expense-incurred basis, individual or group health service, or indemnity contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group health arrangements to the extent not preempted by federal law, and all health care plans provided by managed health care delivery entities of any type or description that are delivered, issued for delivery, continued or renewed in this state shall provide coverage for newborn hearing screening, necessary rescreening, audiological assessment and follow-up, and initial amplification.

2. The health care service required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the policy, contract or plan.

3. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

4. Coverage for newborn hearing screening and any necessary rescreening and audiological assessment shall be provided to newborns eligible for medical assistance pursuant to section 208.151, and the children’s health program pursuant to sections 208.631 to 208.660, with payment for the newborn hearing screening required in section 191.925, and any necessary rescreening, audiological assessment and follow-up, and amplification as described in section 191.928.

376.1224. 1. For purposes of this section, the following terms shall mean:

(1) “Applied behavior analysis”, the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationships between environment and behavior;

(2) “Autism service provider”:

(a) Any person, entity, or group that provides diagnostic or treatment services for autism spectrum disorders who is licensed or certified by the state of Missouri; or

(b) Any person who is licensed under chapter 337 as a board-certified behavior analyst by the behavior analyst certification board or licensed under chapter 337 as an assistant board-certified behavior analyst;

(3) “Autism spectrum disorders”, a neurobiological disorder, an illness of the nervous system, which includes Autistic Disorder, Asperger’s Disorder, Pervasive Developmental Disorder Not Otherwise Specified, Rett’s Disorder, and Childhood Disintegrative Disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association;

(4) “Diagnosis of autism spectrum disorders”, medically necessary assessments, evaluations, or tests in order to diagnose whether an individual has an autism spectrum disorder;

(5) “Habilitative or rehabilitative care”, professional, counseling, and guidance services and treatment programs, including applied behavior analysis, that are necessary to develop the functioning of an individual;

(6) “Health benefit plan”, shall have the same meaning ascribed to it as in section 376.1350;

(7) “Health carrier”, shall have the same meaning ascribed to it as in section 376.1350;

(8) “Line therapist”, an individual who provides supervision of an individual diagnosed with an autism diagnosis and other neurodevelopmental disorders pursuant to the prescribed treatment plan, and implements specific behavioral interventions as outlined in the behavior plan under the direct supervision of a licensed behavior analyst;

(9) “Pharmacy care”, medications used to address symptoms of an autism spectrum disorder prescribed by a licensed physician, and any health-related services deemed medically necessary to determine the need or effectiveness of the medications only to the extent that such medications are included in the insured’s health benefit plan;

(10) “Psychiatric care”, direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices;

(11) “Psychological care”, direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices;

(12) “Therapeutic care”, services provided by licensed speech therapists, occupational therapists, or physical therapists;

(13) “Treatment for autism spectrum disorders”, care prescribed or ordered for an individual diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist, including equipment medically necessary for such care, pursuant to the powers granted under such licensed physician’s or licensed psychologist’s license, including, but not limited to:

(a) Psychiatric care;

(b) Psychological care;

(c) Habilitative or rehabilitative care, including applied behavior analysis therapy;

(d) Therapeutic care;

(e) Pharmacy care.

2. All group health benefit plans that are delivered, issued for delivery, continued, or renewed on or after January 1, 2011, if written inside the state of Missouri, or written outside the state of Missouri but insuring Missouri residents, shall provide coverage for the diagnosis and treatment of autism spectrum disorders to the extent that such diagnosis and treatment is not already covered by the health benefit plan.

3. With regards to a health benefit plan, a health carrier shall not deny or refuse to issue coverage on, refuse to contract with, or refuse to renew or refuse to reissue or otherwise terminate or restrict coverage on an individual or their dependent because the individual is diagnosed with autism spectrum disorder.

4. (1) Coverage provided under this section is limited to medically necessary treatment that is ordered by the insured's treating licensed physician or licensed psychologist, pursuant to the powers granted under such licensed physician's or licensed psychologist's license, in accordance with a treatment plan.

(2) The treatment plan, upon request by the health benefit plan or health carrier, shall include all elements necessary for the health benefit plan or health carrier to pay claims. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and duration of treatment, and goals.

(3) Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, a health carrier shall have the right to review the treatment plan not more than once every six months unless the health carrier and the individual's treating physician or psychologist agree that a more frequent review is necessary. Any such agreement regarding the right to review a treatment plan more frequently shall only apply to a particular individual being treated for an autism spectrum disorder and shall not apply to all individuals being treated for autism spectrum disorders by a physician or psychologist. The cost of obtaining any review or treatment plan shall be borne by the health benefit plan or health carrier, as applicable.

5. Coverage provided under this section for applied behavior analysis shall be subject to a maximum benefit of forty thousand dollars per calendar year for individuals through eighteen years of age. Such maximum benefit limit may be exceeded, upon prior approval by the health benefit plan, if the provision of applied behavior analysis services beyond the maximum limit is medically necessary for such individual. Payments made by a health carrier on behalf of a covered individual for any care, treatment, intervention, service or item, the provision of which was for the treatment of a health condition unrelated to the covered individual's autism spectrum disorder, shall not be applied toward any maximum benefit established under this subsection. Any coverage required under this section, other than the coverage for applied behavior analysis, shall not be subject to the age and dollar limitations described in this subsection.

6. The maximum benefit limitation for applied behavior analysis described in subsection 5 of this section shall be adjusted by the health carrier at least triennially for inflation to reflect the aggregate increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially published by the United States Department of Labor, or its successor agency. Beginning January 1, 2012, and annually thereafter, the current value of the maximum benefit limitation for applied behavior analysis coverage adjusted for inflation in accordance with this subsection shall be calculated by the director of the department of insurance, financial institutions and professional registration. The director shall furnish the calculated value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021.

7. Subject to the provisions set forth in subdivision (3) of subsection 4 of this section, coverage provided

under this section shall not be subject to any limits on the number of visits an individual may make to an autism service provider, except that the maximum total benefit for applied behavior analysis set forth in subsection 5 of this section shall apply to this subsection. 8. This section shall not be construed as limiting benefits which are otherwise available to an individual under a health benefit plan. The health care coverage required by this section shall not be subject to any greater deductible, coinsurance, or co-payment than other physical health care services provided by a health benefit plan. Coverage of services may be subject to other general exclusions and limitations of the contract or benefit plan, not in conflict with the provisions of this section, such as coordination of benefits, exclusions for services provided by family or household members, and utilization review of health care services, including review of medical necessity and care management; however, coverage for treatment under this section shall not be denied on the basis that it is educational or habilitative in nature.

9. To the extent any payments or reimbursements are being made for applied behavior analysis, such payments or reimbursements shall be made to either:

(1) The autism service provider, as defined in this section; or

(2) The entity or group for whom such supervising person, who is certified as a board-certified behavior analyst by the Behavior Analyst Certification Board, works or is associated.

Such payments or reimbursements under this subsection to an autism service provider or a board-certified behavior analyst shall include payments or reimbursements for services provided by a line therapist under the supervision of such provider or behavior analyst if such services provided by the line therapist are included in the treatment plan and are deemed medically necessary.

10. Notwithstanding any other provision of law to the contrary, health carriers shall not be held liable for the actions of line therapists in the performance of their duties.

11. The provisions of this section shall apply to any health care plans issued to employees and their dependents under the Missouri consolidated health care plan established pursuant to chapter 103 that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2011. The terms “employees” and “health care plans” shall have the same meaning ascribed to them in section 103.003.

12. The provisions of this section shall also apply to the following types of plans that are established, extended, modified, or renewed on or after January 1, 2011:

(1) All self-insured governmental plans, as that term is defined in 29 U.S.C. Section 1002(32);

(2) All self-insured group arrangements, to the extent not preempted by federal law;

(3) All plans provided through a multiple employer welfare arrangement, or plans provided through another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, or any waiver or exception to that act provided under federal law or regulation; and

(4) All self-insured school district health plans.

13. The provisions of this section shall not automatically apply to an individually underwritten health benefit plan, but shall be offered as an option to any such plan.

14. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit

only, Medicare supplement policy, long-term care policy, short-term major medical policy [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy.

15. Any health carrier or other entity subject to the provisions of this section shall not be required to provide reimbursement for the applied behavior analysis delivered to a person insured by such health carrier or other entity to the extent such health carrier or other entity is billed for such services by any Part C early intervention program or any school district for applied behavior analysis rendered to the person covered by such health carrier or other entity. This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education plan, or an individualized service plan. This section shall not be construed as affecting any obligation to provide reimbursement pursuant to section 376.1218.

16. The provisions of sections 376.383, 376.384, and 376.1350 to 376.1399 shall apply to this section.

17. The director of the department of insurance, financial institutions and professional registration shall grant a small employer with a group health plan, as that term is defined in section 379.930, a waiver from the provisions of this section if the small employer demonstrates to the director by actual claims experience over any consecutive twelve-month period that compliance with this section has increased the cost of the health insurance policy by an amount of two and a half percent or greater over the period of a calendar year in premium costs to the small employer.

18. The provisions of this section shall not apply to the Mo HealthNet program as described in chapter 208.

19. (1) By February 1, 2012, and every February first thereafter, the department of insurance, financial institutions and professional registration shall submit a report to the general assembly regarding the implementation of the coverage required under this section. The report shall include, but shall not be limited to, the following:

- (a) The total number of insureds diagnosed with autism spectrum disorder;
- (b) The total cost of all claims paid out in the immediately preceding calendar year for coverage required by this section;
- (c) The cost of such coverage per insured per month; and
- (d) The average cost per insured for coverage of applied behavior analysis;

(2) All health carriers and health benefit plans subject to the provisions of this section shall provide the department with the data requested by the department for inclusion in the annual report.

376.1225. 1. All individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed on or after August 28, 1998, shall provide coverage for administration of general anesthesia and hospital charges for dental care provided to the following covered persons:

- (1) A child under the age of five;

(2) A person who is severely disabled; or

(3) A person who has a medical or behavioral condition which requires hospitalization or general anesthesia when dental care is provided.

2. Each plan as described in this section must provide coverage for administration of general anesthesia and hospital or office charges for treatment rendered by a dentist, regardless of whether the services are provided in a participating hospital or surgical center or office.

3. Nothing in this section shall prevent a health carrier from requiring prior authorization for hospitalization for dental care procedures in the same manner that prior authorization is required for hospitalization for other covered diseases or conditions.

4. Nothing in this section shall apply to accident-only, dental-only plans or other specified disease, hospital indemnity, Medicare supplement or long-term care policies, or short-term major medical policies [of six months or less in duration] **having a duration of less than one year.**

376.1230. 1. Every policy issued by a health carrier, as defined in section 376.1350, shall provide coverage for chiropractic care delivered by a licensed chiropractor acting within the scope of his or her practice as defined in chapter 331. The coverage shall include initial diagnosis and clinically appropriate and medically necessary services and supplies required to treat the diagnosed disorder, subject to the terms and conditions of the policy. The coverage may be limited to chiropractors within the health carrier's network, and nothing in this section shall be construed to require a health carrier to contract with a chiropractor not in the carrier's network nor shall a carrier be required to reimburse for services rendered by a nonnetwork chiropractor unless prior approval has been obtained from the carrier by the enrollee. An enrollee may access chiropractic care within the network for a total of twenty-six chiropractic physician office visits per policy period, but may be required to provide the health carrier with notice prior to any additional visit as a condition of coverage. A health carrier may require prior authorization or notification before any follow-up diagnostic tests are ordered by a chiropractor or for any office visits for treatment in excess of twenty-six in any policy period. The certificate of coverage for any health benefit plan issued by a health carrier shall clearly state the availability of chiropractic coverage under the policy and any limitations, conditions, and exclusions.

2. A health benefit plan shall provide coverage for treatment of a chiropractic care condition and shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to treatment for a chiropractic care condition than for access to treatment for another physical health condition.

3. The provisions of this section shall not apply to any health plan or contract that is individually underwritten.

4. The provisions of this section shall not apply to benefits provided under the Medicaid program.

5. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy [of six months' or less duration] **having a duration of less than one year**, or any other similar supplemental policy.

376.1232. 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2010, shall offer coverage for prosthetic devices and services, including original and replacement devices, as prescribed by



a physician acting within the scope of his or her practice. 2. For the purposes of this section, “health carrier” and “health benefit plan” shall have the same meaning as defined in section 376.1350.

3. The amount of the benefit for prosthetic devices and services under this section shall be no less than the annual and lifetime benefit maximums applicable to the basic health care services required to be provided under the health benefit plan. If the health benefit plan does not include any annual or lifetime maximums applicable to basic health care services, the amount of the benefit for prosthetic devices and services shall not be subject to an annual or lifetime maximum benefit level. Any co-payment, coinsurance, deductible, and maximum out-of-pocket amount applied to the benefit for prosthetic devices and services shall be no more than the most common amounts applied to the basic health care services required to be provided under the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

376.1235. 1. No health carrier or health benefit plan, as defined in section 376.1350, shall impose a co-payment or coinsurance percentage charged to the insured for services rendered for each date of service by a physical therapist licensed under chapter 334 or an occupational therapist licensed under chapter 324, for services that require a prescription, that is greater than the co-payment or coinsurance percentage charged to the insured for the services of a primary care physician licensed under chapter 334 for an office visit.

2. A health carrier or health benefit plan shall clearly state the availability of physical therapy and occupational therapy coverage under its plan and all related limitations, conditions, and exclusions.

3. Beginning September 1, 2016, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if the provisions of this section regarding occupational therapy coverage were enacted. By December 31, 2016, the director of the oversight division of the joint committee on legislative research shall submit a report of the actuarial findings prescribed by this section to the speaker, the president pro tem, and the chairpersons of both the house of representatives and senate standing committees having jurisdiction over health insurance matters. If the fiscal note cost estimation is less than the cost of an actuarial analysis, the actuarial analysis requirement shall be waived.

**4. This section shall not apply to short-term major medical policies having a duration of less than one year.”; and**

Further amend said bill, Page 2, Section 376.1237, Lines 12-17, by deleting said lines and inserting in lieu thereof the following:

“4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies [of six months’ or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.”; and

Further amend said bill, page, and section, Line 18, by inserting after all of said section and line the following:

“376.1250. 1. All individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed on or after August 28, 1999, and providing coverage to any resident of this state shall provide benefits or coverage for:

(1) A pelvic examination and pap smear for any nonsymptomatic woman covered under such policy or contract, in accordance with the current American Cancer Society guidelines;

(2) A prostate examination and laboratory tests for cancer for any nonsymptomatic man covered under such policy or contract, in accordance with the current American Cancer Society guidelines; and

(3) A colorectal cancer examination and laboratory tests for cancer for any nonsymptomatic person covered under such policy or contract, in accordance with the current American Cancer Society guidelines.

2. Coverage and benefits related to the examinations and tests as required by this section shall be at least as favorable and subject to the same dollar limits, deductible, and co-payments as other covered benefits or services.

3. Nothing in this act shall apply to accident-only, hospital indemnity, Medicare supplement, long-term care, or other limited benefit health insurance policies.

4. The provisions of this section shall not apply to short-term major medical policies [of six months or less duration] **having a duration of less than one year.**

5. The attending physician shall advise the patient of the advantages, disadvantages, and risks, including cancer, associated with breast implantation prior to such operation.

6. Nothing in this section shall alter, impair or otherwise affect claims, rights or remedies available pursuant to law.

376.1253. 1. Each physician attending any patient with a newly diagnosed cancer shall inform the patient that the patient has the right to a referral for a second opinion by an appropriate board-certified specialist prior to any treatment. If no specialist in that specific cancer diagnosis area is in the provider network, a referral shall be made to a nonnetwork specialist in accordance with this section.

2. Each health carrier or health benefit plan, as defined in section 376.1350, that offers or issues health benefit plans which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2003, shall provide coverage for a second opinion rendered by a specialist in that specific cancer diagnosis area when a patient with a newly diagnosed cancer is referred to such specialist by his or her attending physician. Such coverage shall be subject to the same deductible and coinsurance conditions applied to other specialist referrals and all other terms and conditions applicable to other benefits, including the prior authorization and/or referral authorization requirements as specified in the applicable health insurance policy.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only,

Medicare supplement policy, long-term care policy, short-term major medical policies [of six months' or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

376.1257. 1. As used in this section the following terms shall mean:

(1) "Anticancer medications", medications used to kill or slow the growth of cancerous cells;

(2) "Covered person", a policyholder, subscriber, enrollee, or other individual enrolled in or insured by a health benefit plan for health insurance coverage;

(3) "Health benefit plan", shall have the same meaning as defined in section 376.1350.

2. Any health benefit plan that provides coverage and benefits for cancer treatment shall provide coverage of prescribed orally administered anticancer medications on a basis no less favorable than intravenously administered or injected anticancer medications.

3. Coverage of orally administered anticancer medication shall not be subject to any prior authorization, dollar limit, co-payment, deductible, or other out-of-pocket expense that does not apply to intravenously administered or injected anticancer medication, regardless of formulation or benefit category determination by the company administering the health benefit plan.

4. The health benefit plan shall not reclassify or increase any type of cost-sharing to the covered person for anticancer medications in order to achieve compliance with this section. Any change in health insurance coverage, which otherwise increases an out-of-pocket expense to anticancer medications, shall be applied to the majority of comparable medical or pharmaceutical benefits covered by the health benefit plan.

5. Notwithstanding the provisions of subsections 2, 3, and 4 of this section, a health benefit plan that limits the total amounts paid by a covered person through all cost-sharing requirements to no more than seventy-five dollars per thirty-day supply for any orally administered anticancer medication shall be considered in compliance with this section. On January 1, 2016, and on January first of each year thereafter, a health benefit plan may adjust such seventy-five dollar limit. The adjustment shall not exceed the Consumer Price Index for All Urban Consumers Midwest Region for that year. For purposes of this subsection "cost-sharing requirements" shall include co-payments, coinsurance, deductibles, and any other amounts paid by the covered person for that prescription.

6. For a health benefit plan that meets the definition of "high deductible health plan" as defined by 26 U.S.C. 223(c)(2), the provisions of subsection 5 of this section shall only apply after a covered person's deductible has been satisfied for the year.

**7. The provisions of this section shall not apply to short-term major medical policies having a duration of less than one year.**

**8. The provisions of this section shall become effective January 1, 2015.**

376.1275. 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2003, shall include coverage for their members for the cost for human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, for A, B, and DR antigens for utilization in bone marrow transplantation. The testing must be performed in a facility which is accredited by the American Association of Blood Banks or its successors, and is licensed under the Clinical Laboratory Improvement Act, 42 U.S.C.

Section 263a, as amended, and is accredited by the American Association of Blood Banks or its successors, the College of American Pathologists, the American Society for Histocompatibility and Immunogenetics (ASHI) or any other national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists. At the time of testing, the person being tested must complete and sign an informed consent form which also authorizes the results of the test to be used for participation in the National Marrow Donor Program. The health benefit plan may limit each enrollee to one such testing per lifetime to be reimbursed at a cost of no greater than seventy-five dollars by the health carrier or health benefit plan.

2. For the purposes of this section, “health carrier” and “health benefit plan” shall have the same meaning as defined in section 376.1350.

3. The health care service required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies [of six months’ or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

376.1290. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a health services corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements, to the extent not preempted by federal law, and all managed health care delivery entities of any type or description that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2002, shall offer coverage for testing pregnant women for lead poisoning and for all testing for lead poisoning authorized by sections 701.340 to 701.349 or by rule of the department of health and senior services promulgated pursuant to sections 701.340 to 701.349.

2. Health care services required by this section shall not be subject to any greater deductible or co-payment than any other health care service provided by the policy, contract or plan.

3. No entity enumerated in subsection 1 of this section shall reduce or eliminate coverage as a result of the requirements of this section.

4. Nothing in this section shall apply to **short-term major medical policies having a duration of one year or less, or to** accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance policies.

376.1400. 1. Every health insurance carrier offering policies of insurance in this state shall use standardized information for the explanation of benefits given to the health care provider whenever a claim is paid or denied. As used in this section, the term “health insurance carrier” shall have the meaning given to “health carrier” in section 376.1350. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care, short-term major medical policies [of six months or less duration] **having a duration of less than one year**, other limited benefit health insurance policies.

2. The standardized information shall contain the following:

- (1) The name of the insured;
- (2) The insured's identification number;
- (3) The date of service;
- (4) Amount of charge;
- (5) Explanation for any denial;
- (6) The amount paid;
- (7) The patient's full name;
- (8) The name and address of the insurer; and
- (9) The phone number to contact for questions on explanation of benefits.

3. All health insurance carriers shall use the standard explanation of benefits information after January 1, 2002.

376.1550. 1. Notwithstanding any other provision of law to the contrary, each health carrier that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2005, shall provide coverage for a mental health condition, as defined in this section, and shall comply with the following provisions:

(1) A health benefit plan shall provide coverage for treatment of a mental health condition and shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to treatment for a mental health condition than for access to treatment for a physical health condition. Any deductible or out-of-pocket limits required by a health carrier or health benefit plan shall be comprehensive for coverage of all health conditions, whether mental or physical;

(2) The coverages set forth in this subsection:

(a) May be administered pursuant to a managed care program established by the health carrier; and

(b) May deliver covered services through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri;

(3) A health benefit plan that does not otherwise provide for management of care under the plan or that does not provide for the same degree of management of care for all health conditions may provide coverage for treatment of mental health conditions through a managed care organization; provided that the managed care organization is in compliance with rules adopted by the department of insurance, financial institutions and professional registration that assure that the system for delivery of treatment for mental health conditions does not diminish or negate the purpose of this section. The rules adopted by the director shall assure that:

(a) Timely and appropriate access to care is available;

(b) The quantity, location, and specialty distribution of health care providers is adequate; and

(c) Administrative or clinical protocols do not serve to reduce access to medically necessary treatment

for any insured;

(4) Coverage for treatment for chemical dependency shall comply with sections 376.779, 376.810 to 376.814, and 376.825 to 376.836 and for the purposes of this subdivision the term “health insurance policy” as used in sections 376.779, 376.810 to 376.814, and 376.825 to 376.836, the term “health insurance policy” shall include group coverage.

2. As used in this section, the following terms mean:

(1) “Chemical dependency”, the psychological or physiological dependence upon and abuse of drugs, including alcohol, characterized by drug tolerance or withdrawal and impairment of social or occupational role functioning or both;

(2) “Health benefit plan”, the same meaning as such term is defined in section 376.1350;

(3) “Health carrier”, the same meaning as such term is defined in section 376.1350;

(4) “Mental health condition”, any condition or disorder defined by categories listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders except for chemical dependency;

(5) “Managed care organization”, any financing mechanism or system that manages care delivery for its members or subscribers, including health maintenance organizations and any other similar health care delivery system or organization;

(6) “Rate, term, or condition”, any lifetime or annual payment limits, deductibles, co-payments, coinsurance, and other cost-sharing requirements, out-of-pocket limits, visit limits, and any other financial component of a health benefit plan that affects the insured.

3. This section shall not apply to a health plan or policy that is individually underwritten or provides such coverage for specific individuals and members of their families pursuant to section 376.779, sections 376.810 to 376.814, and sections 376.825 to 376.836, a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policies [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

4. Notwithstanding any other provision of law to the contrary, all health insurance policies that cover state employees, including the Missouri consolidated health care plan, shall include coverage for mental illness. Multiyear group policies need not comply until the expiration of their current multiyear term unless the policyholder elects to comply before that time.

5. The provisions of this section shall not be violated if the insurer decides to apply different limits or exclude entirely from coverage the following:

(1) Marital, family, educational, or training services unless medically necessary and clinically appropriate;

(2) Services rendered or billed by a school or halfway house;

(3) Care that is custodial in nature;

- (4) Services and supplies that are not immediately nor clinically appropriate; or
- (5) Treatments that are considered experimental.

6. The director shall grant a policyholder a waiver from the provisions of this section if the policyholder demonstrates to the director by actual experience over any consecutive twenty-four-month period that compliance with this section has increased the cost of the health insurance policy by an amount that results in a two percent increase in premium costs to the policyholder. The director shall promulgate rules establishing a procedure and appropriate standards for making such a demonstration. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

376.1900. 1. As used in this section, the following terms shall mean:

(1) “Electronic visit”, or “e-visit”, an online electronic medical evaluation and management service completed using a secured web-based or similar electronic-based communications network for a single patient encounter. An electronic visit shall be initiated by a patient or by the guardian of a patient with the health care provider, be completed using a federal Health Insurance Portability and Accountability Act (HIPAA)-compliant online connection, and include a permanent record of the electronic visit;

(2) “Health benefit plan” shall have the same meaning ascribed to it in section 376.1350;

(3) “Health care provider” shall have the same meaning ascribed to it in section 376.1350;

(4) “Health care service”, a service for the diagnosis, prevention, treatment, cure or relief of a physical or mental health condition, illness, injury or disease;

(5) “Health carrier” shall have the same meaning ascribed to it in section 376.1350;

(6) “Telehealth” shall have the same meaning ascribed to it in section 208.670.

2. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, shall not deny coverage for a health care service on the basis that the health care service is provided through telehealth if the same service would be covered if provided through face-to-face diagnosis, consultation, or treatment.

3. A health carrier may not exclude an otherwise covered health care service from coverage solely because the service is provided through telehealth rather than face-to-face consultation or contact between a health care provider and a patient.

4. A health carrier shall not be required to reimburse a telehealth provider or a consulting provider for site origination fees or costs for the provision of telehealth services; however, subject to correct coding, a health carrier shall reimburse a health care provider for the diagnosis, consultation, or treatment of an insured or enrollee when the health care service is delivered through telehealth on the same basis that the health carrier covers the service when it is delivered in person.

5. A health care service provided through telehealth shall not be subject to any greater deductible, co-

payment, or coinsurance amount than would be applicable if the same health care service was provided through face-to-face diagnosis, consultation, or treatment.

6. A health carrier shall not impose upon any person receiving benefits under this section any co-payment, coinsurance, or deductible amount, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services that is not equally imposed upon all terms and services covered under the policy, contract, or health benefit plan. 7. Nothing in this section shall preclude a health carrier from undertaking utilization review to determine the appropriateness of telehealth as a means of delivering a health care service, provided that the determinations shall be made in the same manner as those regarding the same service when it is delivered in person.

8. A health carrier or health benefit plan may limit coverage for health care services that are provided through telehealth to health care providers that are in a network approved by the plan or the health carrier.

9. Nothing in this section shall be construed to require a health care provider to be physically present with a patient where the patient is located unless the health care provider who is providing health care services by means of telehealth determines that the presence of a health care provider is necessary.

10. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies [of six months' or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration. “; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 12

Amend House Amendment No. 12 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Line 4, by inserting immediately before the number “208.909” the following:

**“191.250. 1. This section shall be known and may be cited as “Simon’s Law”.**

**2. As used in this section the following terms shall mean:**

**(1) “End-of-life medical decision order for a child under juvenile or family court jurisdiction”, a decision issued by a juvenile or family court pertaining to life-sustaining treatment, including do-not-resuscitate orders, provided on behalf of and in the best interests of a child under juvenile or family court jurisdiction under section 211.031;**

**(2) “Reasonable medical judgment”, a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.**

**3. For a child who is not under juvenile or family court jurisdiction under section 211.031, no health care facility, nursing home, physician, nurse, or medical staff shall institute a do-not-resuscitate order or similar physician’s order, either orally or in writing, without the written or oral consent of at least one parent or legal guardian of the patient or resident under eighteen years of age who is not emancipated. If consent to implement a do-not-resuscitate order or similar physician’s order is granted orally, two witnesses other than the parent, legal guardian, or physician shall be**



present and willing to attest to the consent given by the legal guardian of the patient or at least one parent of the patient. The provision of such consent shall be immediately recorded in the patient's medical record, specifying who provided the information, to whom the information was provided, which parent or legal guardian gave the consent, who the witnesses were, and the date and time the consent was obtained.

4. The requirements of subsection 3 of this section shall not apply if a reasonably diligent effort of at least forty-eight hours without success has been made to contact and inform each known parent or legal guardian of the intent to implement a do-not-resuscitate order or similar physician's order.

5. Consent previously given under subsection 3 of this section may be revoked orally or in writing by the parent or legal guardian of the patient or resident who granted the original permission. Such revocation of prior consent shall take precedence over any prior consent to implement a do-not-resuscitate order or similar physician's order and shall be immediately recorded in the patient's or resident's medical records, specifying who provided the information, to whom the information was provided, which parent or legal guardian revoked consent, who the witnesses were, and the date and time the revocation was obtained.

6. For a child under juvenile court jurisdiction under section 211.031, a juvenile or family court may issue an end-of-life medical decision order, a physician's order, or any other medical decision order, or may appoint a guardian for the child for that purpose. The children's division shall not be appointed as guardian for a child to make end-of-life medical decisions, including do-not-resuscitate orders. In the event a child under the jurisdiction of a juvenile or family court under section 211.031 is returned to the custody of the legal guardian or parent, the legal guardian or parent may revoke the consent for the end-of-life medical decisions, or similar physician's orders ordered by the court, including do-not-resuscitate orders for the child. Revocation may be orally or in writing and shall be immediately recorded in the patient's medical records, specifying who provided the information, to whom the information was provided, which parent or legal guardian revoked consent, who the witnesses were, and the date and time the revocation was obtained.

7. For the purposes of this section, a relative caregiver under the provisions of section 431.058 shall have the same authority given to a parent or legal guardian of a nonemancipated patient or resident under eighteen years of age, provided that such a patient or resident is not under juvenile or family court jurisdiction under section 211.031.

8. Nothing in this section shall be construed to require any health care facility, nursing home, physician, nurse, or medical staff to provide or continue any treatment, including resuscitative efforts, food, medication, oxygen, intravenous fluids, or nutrition that would be:

(1) Medically inappropriate because, in reasonable medical judgement, providing such treatment would create a greater risk of causing or hastening the death of the patient; or

(2) Medically inappropriate because, in reasonable medical judgement, providing such treatment would be potentially harmful or cause unnecessary pain, suffering, or injury to the patient.

9. Nothing in this section shall require health care providers to continue cardiopulmonary resuscitation or manual ventilation beyond a time in which, in their reasonable medical judgment, there is no further benefit to the patient or likely recovery of the patient.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“208.909. 1. Consumers receiving personal care assistance services shall be responsible for:

- (1) Supervising their personal care attendant;
- (2) Verifying wages to be paid to the personal care attendant;
- (3) Preparing and submitting time sheets, signed by both the consumer and personal care attendant, to the vendor on a biweekly basis;
- (4) Promptly notifying the department within ten days of any changes in circumstances affecting the personal care assistance services plan or in the consumer’s place of residence;
- (5) Reporting any problems resulting from the quality of services rendered by the personal care attendant to the vendor. If the consumer is unable to resolve any problems resulting from the quality of service rendered by the personal care attendant with the vendor, the consumer shall report the situation to the department; [and]
- (6) Providing the vendor with all necessary information to complete required paperwork for establishing the employer identification number; **and**
- (7) Allowing the vendor to comply with its quality assurance and supervision process, which shall include, but not be limited to, bi-annual face-to-face home visits and monthly case management activities.**

2. Participating vendors shall be responsible for:

- (1) Collecting time sheets or reviewing reports of delivered services and certifying the accuracy thereof;
- (2) The Medicaid reimbursement process, including the filing of claims and reporting data to the department as required by rule;
- (3) Transmitting the individual payment directly to the personal care attendant on behalf of the consumer;
- (4) Monitoring the performance of the personal care assistance services plan. **Such monitoring shall occur during the bi-annual face-to-face home visits under section 208.918. The vendor shall document whether the attendant was present and if services are being provided to the consumer as set forth in the plan of care.**

3. No state or federal financial assistance shall be authorized or expended to pay for services provided to a consumer under sections 208.900 to 208.927, if the primary benefit of the services is to the household unit, or is a household task that the members of the consumer’s household may reasonably be expected to share or do for one another when they live in the same household, unless such service is above and beyond typical activities household members may reasonably provide for another household member without a disability.

4. No state or federal financial assistance shall be authorized or expended to pay for personal care assistance services provided by a personal care attendant who is listed on any of the background check lists in the family care safety registry under sections 210.900 to [210.937] **210.936**, unless a good cause waiver is first obtained from the department in accordance with section 192.2495.

5. (1) All vendors shall, by July 1, 2015, have, maintain, and use a telephone tracking system for the purpose of reporting and verifying the delivery of consumer-directed services as authorized by the department of health and senior services or its designee. [Use of such a system prior to July 1, 2015, shall be voluntary.] The telephone tracking system shall be used to process payroll for employees and for submitting claims for reimbursement to the MO HealthNet division. At a minimum, the telephone tracking system shall:

- (a) Record the exact date services are delivered;
- (b) Record the exact time the services begin and exact time the services end;
- (c) Verify the telephone number from which the services are registered;
- (d) Verify that the number from which the call is placed is a telephone number unique to the client;
- (e) Require a personal identification number unique to each personal care attendant;

(f) Be capable of producing reports of services delivered, tasks performed, client identity, beginning and ending times of service and date of service in summary fashion that constitute adequate documentation of service; and

(g) Be capable of producing reimbursement requests for consumer approval that assures accuracy and compliance with program expectations for both the consumer and vendor.

(2) [The department of health and senior services, in collaboration with other appropriate agencies, including centers for independent living, shall establish telephone tracking system pilot projects, implemented in two regions of the state, with one in an urban area and one in a rural area. Each pilot project shall meet the requirements of this section and section 208.918. The department of health and senior services shall, by December 31, 2013, submit a report to the governor and general assembly detailing the outcomes of these pilot projects. The report shall take into consideration the impact of a telephone tracking system on the quality of the services delivered to the consumer and the principles of self-directed care.

(3)] As new technology becomes available, the department may allow use of a more advanced tracking system, provided that such system is at least as capable of meeting the requirements of this subsection.

[(4)] **(3)** The department of health and senior services shall promulgate by rule the minimum necessary criteria of the telephone tracking system. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

[6. In the event that a consensus between centers for independent living and representatives from the executive branch cannot be reached, the telephony report issued to the general assembly and governor shall

include a minority report which shall detail those elements of substantial dissent from the main report.

7. No interested party, including a center for independent living, shall be required to contract with any particular vendor or provider of telephony services nor bear the full cost of the pilot program.]

208.918. 1. In order to qualify for an agreement with the department, the vendor shall have a philosophy that promotes the consumer's ability to live independently in the most integrated setting or the maximum community inclusion of persons with physical disabilities, and shall demonstrate the ability to provide, directly or through contract, the following services:

(1) Orientation of consumers concerning the responsibilities of being an employer[, and supervision of personal care attendants including the preparation and verification of time sheets. **Such orientation shall include notifying consumers that falsification of personal care attendant time sheets shall be considered fraud and shall be reported to the department;**

(2) Training for consumers about the recruitment and training of personal care attendants;

(3) Maintenance of a list of persons eligible to be a personal care attendant;

(4) Processing of inquiries and problems received from consumers and personal care attendants;

(5) Ensuring the personal care attendants are registered with the family care safety registry as provided in sections 210.900 to [210.937] **210.936**; and

(6) The capacity to provide fiscal conduit services through a telephone tracking system by the date required under section 208.909.

2. In order to maintain its agreement with the department, a vendor shall comply with the provisions of subsection 1 of this section and shall:

(1) Demonstrate sound fiscal management as evidenced on accurate quarterly financial reports [and annual audit] submitted to the department; [and]

(2) **Attest that all adequate documentation for all information is provided on reports, and billing records have sufficient required documentation to support the amounts claimed;**

(3) Demonstrate a positive impact on consumer outcomes regarding the provision of personal care assistance services as evidenced on accurate quarterly and annual service reports submitted to the department;

[(3)] (4) Implement a quality assurance and supervision process that ensures program compliance and accuracy of records:

(a) **The department of health and senior services shall promulgate by rule a consumer-directed services division provider certification manager course; and**

(b) **The vendor shall perform with the consumer at least bi-annual face-to-face home visits to provide ongoing monitoring of the provision of services in the plan of care and assess the quality of care being delivered. The bi-annual face-to-face home visits do not preclude the vendor's responsibility from its ongoing diligence of case management oversight; [and**

(4)] (5) Comply with all provisions of sections 208.900 to 208.927, and the regulations promulgated thereunder; **and**

**(6) Maintain a proper business location, the criteria for which shall be defined by the department of health and senior services by rule.**

**3. No state or federal funds shall be authorized or expended if the owner, primary operator, certified manager, or any direct employee of the consumer-directed services vendor is also the personal care attendant.**

208.924. A consumer's personal care assistance services may be discontinued under circumstances such as the following:

(1) The department learns of circumstances that require closure of a consumer's case, including one or more of the following: death, admission into a long-term care facility, no longer needing service, or inability of the consumer to consumer-direct personal care assistance service;

(2) The consumer has falsified records; **provided false information of his or her condition, functional capacity, or level of care needs;** or committed fraud;

(3) The consumer is noncompliant with the plan of care. Noncompliance requires persistent actions by the consumer which negate the services provided in the plan of care;

(4) The consumer or member of the consumer's household threatens or abuses the personal care attendant or vendor to the point where their welfare is in jeopardy and corrective action has failed;

(5) The maintenance needs of a consumer are unable to continue to be met because the plan of care hours exceed availability; and

(6) The personal care attendant is not providing services as set forth in the personal care assistance services plan and attempts to remedy the situation have been unsuccessful.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting the following after all of said section and line:

**“208.1070. 1. For purposes of this section, the term “long-acting reversible contraceptive (LARC)” shall include, but not be limited to, intrauterine devices (IUDs) and birth control implants.**

**2. Notwithstanding any other provision of law, any LARC that is prescribed to and obtained for a MO HealthNet participant may be transferred to another MO HealthNet participant if the LARC was not delivered to, implanted in, or used on the original MO HealthNet participant to whom the LARC was prescribed. In order to be transferred to another MO HealthNet participant under the provisions of this section, the LARC shall:**

**(1) Be in the original, unopened package;**

**(2) Have been in the possession of the health care provider for at least twelve weeks. The provisions of this subdivision may be waived upon the written consent of the original MO HealthNet participant to whom the LARC was prescribed;**

**(3) Not have left the possession of the health care provider who originally prescribed the LARC; and**

**(4) Be medically appropriate and not contraindicated for the MO HealthNet participant to whom the LARC is being transferred.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting immediately after said line the following:

**“334.1000. As used in sections 334.1000 to 334.1030, the following terms shall mean:**

**(1) “Advisory committee”, the Missouri radiologic imaging and radiation therapy advisory committee;**

**(2) “Board”, the state board of registration for the healing arts;**

**(3) “Certification organization”, a certification organization that specializes in the certification and registration of radiologic imaging or radiation therapy technical personnel that is accredited by the National Commission for Certifying Agencies, American National Standards Institute, or other accreditation organization recognized by the board;**

**(4) “Ionizing radiation”, radiation that may consist of alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, or other particles capable of producing ions. Ionizing radiation does not include non-ionizing radiation, such as radiofrequency or microwaves, visible infrared or ultraviolet light, or ultrasound;**

**(5) “Licensed practitioner”, a person licensed to practice medicine, chiropractic medicine, podiatry, or dentistry in this state with education and specialist training in the medical or dental use of radiation who is deemed competent to independently perform or supervise radiologic imaging or radiation therapy procedures by their respective state licensure board;**

**(6) “Limited x-ray machine operator”, a person who is licensed to perform only x-ray or bone densitometry procedures not involving the administration or utilization of contrast media on selected specific parts of human anatomy under the supervision of a licensed practitioner;**

**(7) “Nuclear medicine technologist”, a person who is licensed to perform a variety of nuclear medicine and molecular imaging procedures using sealed and unsealed radiation sources, ionizing radiation, adjunctive medicine and pharmaceuticals associated with nuclear medicine procedures, and therapeutic procedures using unsealed radioactive sources;**

**(8) “Radiation therapist”, a person who is licensed to administer ionizing radiation to human beings for therapeutic purposes;**

**(9) “Radiation therapy”, the use of ionizing radiation for the purpose of treating disease;**

**(10) “Radiographer”, a person who is licensed to perform a comprehensive set of diagnostic radiographic procedures using external ionizing radiation to produce radiographic, fluoroscopic, or digital images;**

**(11) “Radiologic imaging”, any procedure or article intended for use in the diagnosis or visualization of disease or other medical conditions in human beings, including, but not limited to**

computed tomography, fluoroscopy, nuclear medicine, radiography, and other procedures using ionizing radiation;

(12) “Radiologist”, a physician licensed in this state and certified by or board-eligible to be certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian College of Physicians and Surgeons in that medical specialty;

(13) “Radiologist assistant”, a person who is licensed to perform a variety of activities under the supervision of a radiologist in the areas of patient care, patient management, radiologic imaging, or interventional procedures guided by radiologic imaging, and who does not interpret images, render diagnoses or prescribe medications or therapies.

**334.1005. 1.** Except as provided in this section, after January 1, 2020, only a person licensed under the provisions of sections 334.1000 to 334.1030 or a licensed practitioner may perform radiologic imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes.

**2.** The board shall issue licenses to persons certified by a certification organization to perform nuclear medicine technology, radiation therapy, radiography, and radiologist assistant procedures and to limited x-ray machine operators meeting licensure standards established by the board.

**3.** No person, corporation, or facility shall knowingly employ a person who does not hold a license or who is not exempt from the provisions of sections 334.1000 to 334.1030 to perform radiologic imaging or radiation therapy procedures for more than one hundred eighty days.

**4.** Nothing in this section relating to radiologic imaging or radiation therapy shall limit or enlarge the practice of a licensed practitioner.

**5.** The provisions of section 334.1000 to 334.1030 shall not apply to the following:

(1) A dental hygienist or dental assistant licensed by this state;

(2) A resident physician enrolled in and attending a school or college of medicine, chiropractic, podiatry, dentistry, radiologic imaging, or radiation therapy who performs radiologic imaging or radiation therapy procedures on humans;

(3) A student enrolled in and attending a school or college of medicine, chiropractic, podiatry, dentistry, radiologic imaging, or radiation therapy who performs radiologic imaging or radiation therapy procedures on humans while under the supervision of a licensed practitioner or a person holding a nuclear medicine technologist, radiation therapist, radiographer, or radiologist assistant license;

(4) A person who is employed by the United States government when performing radiologic imaging or radiation therapy associated with that employment; or

(5) A person performing radiologic imaging procedures on nonhuman subjects or cadavers.

**334.1010. 1.** There is hereby created the “Missouri Radiologic Imaging and Radiation Therapy Advisory Committee”. The board shall provide administrative support to the advisory committee. The advisory committee shall guide, advise, and make recommendations to the board, and shall consist of five members appointed by the director of the division of professional registration, a

majority of whom shall be licensed practitioners, individuals certified or registered by a certification organization, or individuals licensed under sections 334.1000 to 334.1030.

2. The board, based on recommendations, guidance, and advice from the advisory committee, shall:

(1) Establish scopes of practice for limited x-ray machine operators, nuclear medicine technologists, radiation therapists, radiographers, and radiologist assistants;

(2) Promulgate rules for issuance of licenses;

(3) Establish minimum requirements for the issuance of licenses and recognition of licenses issued by other states;

(4) Establish minimum requirements for continuing education;

(5) Determine fees and requirements for the issuance of new licenses and renewal of licenses;

(6) Contract to use a competency based examination that shall provide for a virtually administered option for the determination of limited x-ray machine operator qualifications for licensure;

(7) Promulgate rules for acceptance of certification and registration by a certification organization recognized by the board as qualification for licensure;

(8) Promulgate rules for issuance of licenses to retired military personnel and spouses of active-duty military personnel;

(9) Establish ethical, moral, and practice standards; and

(10) Promulgate rules and procedures for the denial or refusal to renew a license, and the suspension, revocation, or other discipline of active licensees.

3. The board shall create alternative licensure requirements for individuals working in rural health clinics as defined in P.L. 95-210 and for areas of this state that the board deems too remote to contain a sufficient number of qualified persons licensed under sections 334.1000 to 334.1030 to perform radiologic imaging or radiation therapy procedures.

4. All fees payable pursuant to the provisions of sections 334.1000 to 334.1030 shall be collected by the division of professional registration, which shall transmit such funds to the department of revenue for deposit in the state treasury to the credit of the board of registration for the healing arts fund. The division of professional registration and the board of registration for the healing arts may use these funds as necessary for the administration of sections 334.1000 to 334.1030.

5. The fee charged for a limited x-ray machine operator examination shall not exceed the actual cost to administer the examination.

334.1015. 1. To be eligible for licensure by the board, at the time of application an applicant shall be at least eighteen years of age.

2. The board shall accept nuclear medicine technology, radiation therapy, radiography, or radiologist assistant certification and registration by a certification organization recognized by the board as a qualification for licensure.



**3. The board may issue limited x-ray machine operator licenses in the following areas:**

- (1) Chest radiography: radiography of the thorax, heart, and lungs;**
- (2) Extremity radiography: radiography of the upper and lower extremities, including the pectoral girdle;**
- (3) Spine radiography: radiography of the vertebral column;**
- (4) Skull/sinus radiography: radiography of the skull and facial structures;**
- (5) Podiatric radiography: radiography of the foot, ankle, and lower leg below the knee;**
- (6) Bone densitometry: performance and analysis of bone density scans; or**
- (7) Other areas the board deems necessary to ensure necessary services throughout the state.**

**4. The board may require a limited x-ray machine operator to verify training in x-ray procedures at their place of employment, including a minimum of one hundred hours of supervised experience performing x-ray procedures.**

**(1) The hours shall be sufficient for individuals to be licensed in any limited machine operator area for which they pass an examination;**

**(2) The hours shall be documented by the licensee and verified by the licensee's supervisor.**

**5. Individuals shall be licensed in any limited machine operator area for which they successfully pass an examination as defined by the board.**

**6. The board shall not require, but may recommend, any advance class work, either remote or in person, prior to a limited x-ray machine operator candidate taking such examination.**

**7. No additional testing requirements or other stipulations shall be imposed after the initial examination for limited x-ray machine operator licensure provided the licensee maintain required continuing education and is not disciplined under rules promulgated pursuant to subdivision (10) of subsection 2 of section 334.1010.**

**8. The board shall require limited x-ray machine operators to complete a minimum of twelve hours biannually of continuing education that may be fulfilled by approved continuing education activities at the licensee's place of employment.**

**9. The board may accept certification from the American Chiropractic Registry of Radiologic Technologists for persons applying for a limited x-ray machine operator license in spine radiography.**

**10. The board may accept certification from the American Society of Podiatric Medical Assistants for persons applying for a limited x-ray machine operator license in podiatric radiography.**

**11. The board may accept certification from the International Society of Clinical Densitometry for persons applying for a limited x-ray machine operator license in bone densitometry.**

**334.1020. 1. A licensee who violates any provision of sections 334.1000 to 334.1030 shall be guilty of a class A misdemeanor. Each act of such unlawful practice shall constitute a distinct and separate offense.**

**2. The board may assess a civil penalty not in excess of two hundred dollars for each violation of sections 334.1000 to 334.1030 or any rules adopted by the board. The clear proceeds of any civil penalty assessed under this section shall be remitted to the credit of the public school fund of the state.**

**334.1025. A person who has been engaged in the practice of radiologic imaging and radiation therapy, other than a radiologist assistant, and who does not hold a current certification and registration by a certification organization recognized by the board may continue to practice in the radiologic imaging or radiation therapy modality in which they are currently employed, provided that such person:**

- (1) Registers with the board on or before January 1, 2020;**
- (2) Does not change the scope of their current practice or current place of employment;**
- (3) Completes all continuing education requirements for their modality biennially as prescribed by the board;**
- (4) Practices only under the supervision of a licensed practitioner; and**
- (5) Meets all licensure requirements of sections 334.1000 to 334.1030 and the rules adopted by the board and obtains a license from the board on or before October 1, 2023.**

**334.1030. The board may promulgate rules to implement the provisions of sections 334.1000 to 334.1030. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 15

Amend House Amendment No. 15 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 5, Lines 6 through 9, by deleting all of said lines and inserting in lieu thereof the following:

**“3. [This section shall not be construed to limit the rights provided under law for a patient to bring a civil action for damages against a physician, hospital, registered or licensed practical nurse, pharmacist, any other individual or entity providing health care services, or an employee of any entity listed in this subsection] Notwithstanding the provisions of section 538.210 or any other law to the contrary, any physician licensed under chapter 334, any hospital licensed under chapter 197, any pharmacist licensed under chapter 338, any nurse licensed under chapter 335, or any other person employed or directed by any of the above, which provides care, treatment or professional services to any patient under section 192.945 shall not be liable for any civil damages for acts or omissions unless the damages were occasioned by gross negligence or by willful or wanton acts or omissions by such physician, hospital, pharmacist, nurse or person in rendering such care and treatment.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting after said section and line the following:

“191.480. 1. For purposes of this section, the following terms shall mean:

(1) **“Dispensing organization”, an entity licensed under chapter 261 to distribute medical cannabis;**

(2) **“Eligible patient”, a person who meets all of the following:**

(a) Has a terminal illness;

(b) Has considered all other treatment options currently approved by the [United States] **federal** Food and Drug Administration and all relevant clinical trials conducted in this state;

(c) Has received a prescription or recommendation from the person’s physician for an investigational drug, biological product, or device;

(d) Has given written informed consent which shall be at least as comprehensive as the consent used in clinical trials for the use of the investigational drug, biological product, or device or, if the patient is a minor or lacks the mental capacity to provide informed consent, a parent or legal guardian has given written informed consent on the patient’s behalf; and

(e) Has documentation from the person’s physician that the person has met the requirements of this subdivision;

[(2)] (3) **“Investigational drug, biological product, or device”, a drug, biological product, or device, any of which are used to treat the patient’s terminal illness, that has successfully completed phase one of a clinical trial but has not been approved for general use by the [United States] federal Food and Drug Administration and remains under investigation in a clinical trial. The term shall not include Schedule I controlled substances except for medical cannabis. The term shall include medical cannabis from a dispensing organization;**

[(3)] (4) **“Terminal illness”, a disease that without life-sustaining procedures will result in death in the near future or a state of permanent unconsciousness from which recovery is unlikely.**

2. A **dispensing organization or** manufacturer of an investigational drug, biological product, or device may make available the **dispensing organization’s or** manufacturer’s investigational drug, biological product, or device to eligible patients under this section. This section does not require that a **dispensing organization or** manufacturer make available an investigational drug, biological product, or device to an eligible patient. A **dispensing organization or** manufacturer may:

(1) Provide an investigational drug, biological product, or device to an eligible patient without receiving compensation; or

(2) Require an eligible patient to pay the costs of or associated with the manufacture of the investigational drug, biological product, or device.

3. This section does not require a health care insurer to provide coverage for the cost of any

investigational drug, biological product, or device. A health care insurer may provide coverage for an investigational drug, biological product, or device.

4. This section does not require the department of corrections to provide coverage for the cost of any investigational drug, biological product, or device.

5. Notwithstanding any other provision of law to the contrary, no state agency or regulatory board shall revoke, fail to renew, or take any other action against a physician's license issued under chapter 334 based solely on the physician's recommendation to an eligible patient regarding prescription for or treatment with an investigational drug, biological product, or device. Action against a health care provider's Medicare certification based solely on the health care provider's recommendation that a patient have access to an investigational drug, biological product, or device is prohibited.

6. [If a provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable] **Notwithstanding any other provision of law to the contrary, no state agency or regulatory board shall revoke, fail to renew, or take any other action against a dispensing organization's license issued under chapter 261 based solely on the dispensing organization's sale of medical cannabis to an eligible patient under this section.**

7. If the clinical trial is closed due to lack of efficacy or toxicity, the drug shall not be offered. If notice is given on a drug, product, or device taken by a patient outside of a clinical trial, the pharmaceutical company or patient's physician shall notify the patient of the information from the safety committee of the clinical trial.

8. Except in the case of gross negligence or willful misconduct, any person who manufactures, imports, distributes, prescribes, dispenses, or administers an investigational drug or device to an eligible patient with a terminal illness in accordance with this section shall not be liable in any action under state law for any loss, damage, or injury arising out of, relating to, or resulting from:

(1) The design, development, clinical testing and investigation, manufacturing, labeling, distribution, sale, purchase, donation, dispensing, prescription, administration, or use of the drug or device; or

(2) The safety or effectiveness of the drug or device.

**9. Any official, employee, or agent of this state who blocks or attempts to block access of an eligible patient to an investigational drug, biological product, or device is guilty of a class A misdemeanor.**

**10. If any provision of this section or its application to any person or circumstance is held invalid, such determination shall not affect the provisions or applications of this section which may be given effect without the invalid provision or application, and to that end the provisions of this section are severable.**

192.945. 1. As used in this section, the following terms shall mean:

(1) "Department", the department of health and senior services;

(2) "Hemp extract", as such term is defined in section 195.207;

(3) "Hemp extract registration card", a card issued by the department under this section;

(4) “Intractable epilepsy”, epilepsy that as determined by a neurologist does not respond to three or more treatment options overseen by the neurologist;

(5) **“Medical cannabis”, as such term is defined in section 195.207;**

(6) **“Medical cannabis registration card”, a card issued by the department under this section;**

[(5)] (7) “Neurologist”, a physician who is licensed under chapter 334 and board certified in neurology;

[(6)] (8) “Parent”, a parent or legal guardian of a minor who is responsible for the minor’s medical care;

[(7)] (9) “Registrant”, an individual to whom the department issues a hemp extract **or medical cannabis** registration card under this section;

(10) **“Terminal illness”, a disease or condition as defined in section 191.480.**

2. The department shall issue a hemp extract **or medical cannabis** registration card to an individual who:

(1) Is eighteen years of age or older;

(2) Is a Missouri resident;

(3) Provides the department with a statement signed by a neurologist **or physician** that:

(a) Indicates that the individual suffers from intractable epilepsy and may benefit from treatment with hemp extract **or that the individual suffers from a terminal illness and may benefit from treatment with medical cannabis at the same dosage and with the same method of smokeless administration used in a clinical trial;** [and]

(b) **Indicates that the individual has considered all other treatment options currently approved by the federal Food and Drug Administration and all relevant clinical trials conducted in this state; and**

(c) Is consistent with a record from the neurologist **or physician** concerning the individual contained in the database described in subsection [9] **11** of this section;

(4) Pays the department a fee in an amount established by the department under subsection [6] **8** of this section; and

(5) Submits an application to the department on a form created by the department that contains:

(a) The individual’s name and address;

(b) A copy of the individual’s valid photo identification; and

(c) Any other information the department considers necessary to implement the provisions of this section.

3. The department shall issue a hemp extract **or medical cannabis** registration card to a parent who:

(1) Is eighteen years of age or older;

(2) Is a Missouri resident;

(3) Provides the department with a statement signed by a neurologist **or physician** that:

(a) Indicates that a minor in the parent's care suffers from intractable epilepsy and may benefit from treatment with hemp extract **or suffers from a terminal illness and may benefit from medical cannabis at the same dosage and with the same method of smokeless administration used in a clinical trial;** [and]

(b) **Indicates that the individual has considered all other treatment options currently approved by the federal Food and Drug Administration and all relevant clinical trials conducted in this state; and**

(c) Is consistent with a record from the neurologist **or physician** concerning the minor contained in the database described in subsection [9] **11** of this section;

(4) Pays the department a fee in an amount established by the department under subsection [6] **8** of this section; and

(5) Submits an application to the department on a form created by the department that contains:

(a) The parent's name and address;

(b) The minor's name;

(c) A copy of the parent's valid photo identification; and

(d) Any other information the department considers necessary to implement the provisions of this section.

4. The department shall maintain a record of the name of each registrant and the name of each minor receiving care from a registrant.

5. The department shall promulgate rules to:

(1) Implement the provisions of this section including establishing the information the applicant is required to provide to the department and establishing in accordance with recommendations from the department of public safety the form and content of the hemp extract **and medical cannabis** registration [card] **cards**; and

(2) Regulate the distribution of hemp extract from a cannabidiol oil care center **and medical cannabis from a cannabis care center, as defined in section 261.265**, to a registrant, which shall be in addition to any other state or federal regulations[; and].

**6. The department shall publish a list of diseases and conditions for which a medical cannabis registration card may be issued. The list shall only contain terminal illnesses as defined under section 191.480. The department shall publish a list of diseases and conditions for which a hemp extract registration card may be issued. The list shall only contain intractable epilepsy.**

7. The department may promulgate rules to authorize clinical trials involving hemp extract **and medical cannabis**.

[6.] **8.** The department shall establish fees that are no greater than the amount necessary to cover the cost the department incurs to implement the provisions of this section.

[7.] **9.** The registration cards issued under this section shall be valid for one year and renewable if at the time of renewal the registrant meets the requirements of either subsection 2 or 3 of this section.

[8.] **10.** The neurologist **or physician** who signs the statement described in subsection 2 or 3 of this section shall:

(1) Keep a record of the neurologist's **or physician's** evaluation and observation of a patient who is a registrant or minor under a registrant's care including the patient's response to hemp extract **or medical cannabis**; and

(2) Transmit the record described in subdivision (1) of this subsection to the department.

[9.] **11.** The department shall maintain a database of the records described in subsection [8] **10** of this section and treat the records as identifiable health data.

[10.] **12.** The department may share the records described in subsection [9] **11** of this section with a higher education institution for the purpose of studying hemp extract **or medical cannabis**.

[11.] **13.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 14, 2014, shall be invalid and void.

192.947. 1. No individual or health care entity organized under the laws of this state shall be subject to any adverse action by the state or any agency, board, or subdivision thereof, including civil or criminal prosecution, denial of any right or privilege, the imposition of a civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission if such individual or health care entity, in its normal course of business and within its applicable licenses and regulations, acts in good faith upon or in furtherance of any order or recommendation by a neurologist **or physician** authorized under section 192.945 relating to the medical use and administration of hemp extract **or medical cannabis** with respect to an eligible patient.

2. The provisions of subsection 1 of this section shall apply to the recommendation, possession, handling, storage, transfer, destruction, dispensing, or administration of hemp extract **and medical cannabis**, including any act in preparation of such dispensing or administration.

3. This section shall not be construed to limit the rights provided under law for a patient to bring a civil action for damages against a physician, hospital, registered or licensed practical nurse, pharmacist, any other individual or entity providing health care services, or an employee of any entity listed in this subsection.

195.207. 1. As used in sections 192.945, 261.265, 261.267, and this section, the term ["hemp extract"] **"medical cannabis"** shall mean [an] **a noncombustible** extract from a cannabis plant or a **noncombustible** mixture or preparation containing cannabis plant material. **"Hemp extract" shall mean the same, except that it:**

(1) Is composed of no more than three-tenths percent tetrahydrocannabinol by weight;

(2) Is composed of at least five percent cannabidiol by weight; and

(3) Contains no other psychoactive substance.

2. Notwithstanding any other provision of this chapter, an individual who has been issued a valid hemp extract **or medical cannabis** registration card under section 192.945, or is a minor under a registrant's care, and possesses or uses hemp extract **or medical cannabis** is not subject to the penalties described in this chapter for possession or use of the hemp extract **or medical cannabis** if the individual:

(1) Possesses or uses the hemp extract only to treat intractable epilepsy **or medical cannabis only to treat a terminal illness**, as **such terms are** defined in section 192.945;

(2) Originally obtained the hemp extract **or medical cannabis** from a sealed container with a label indicating the hemp extract's **or medical cannabis'** place of origin and a number that corresponds with a certificate of analysis **and a warning label with all possible side effects**;

(3) Possesses, in close proximity to the hemp extract **or medical cannabis**, a certificate of analysis that:

(a) Has a number that corresponds with the number on the label described in subdivision (2) of this subsection;

(b) Indicates the hemp extract's **or medical cannabis'** ingredients including its percentages of tetrahydrocannabinol and cannabidiol **and all other cannabinoid compounds, terpenes, and solvents** by weight;

(c) Is created by a laboratory that is not affiliated with the producer of the hemp extract **or medical cannabis** and is licensed in the state where the hemp extract **or medical cannabis** was produced; and

(d) Is transmitted by the laboratory to the department of health and senior services; and

(4) Has a current hemp extract **or medical cannabis** registration card issued by the department of health and senior services under section 192.945.

3. Notwithstanding any other provision of this chapter, an individual who possesses hemp extract **or medical cannabis** lawfully under subsection 2 of this section and administers hemp extract **or medical cannabis** to a minor suffering from intractable epilepsy **or a terminal illness** is not subject to the penalties described in this chapter for administering the hemp extract **or medical cannabis** to the minor if:

(1) The individual is the minor's parent or legal guardian; and

(2) The individual is registered with the department of health and senior services as the minor's parent under section 192.945.

4. An individual who has been issued a valid hemp extract **or medical cannabis** registration card under section 192.945, or is a minor under a registrant's care, may possess up to twenty ounces of hemp extract **or medical cannabis** pursuant to this section. Subject to any rules or regulations promulgated by the department of health and senior services, an individual may apply for a waiver if a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the physician's professional judgment, twenty ounces is an insufficient amount to properly alleviate the patient's medical condition or symptoms associated with such medical condition.

261.265. 1. For purposes of this section, the following terms shall mean:

(1) "Cannabidiol oil care center", the premises specified in an application for a cultivation and production facility license in which the licensee is authorized to distribute processed hemp extract to persons possessing a hemp extract registration card issued under section 192.945;



(2) “Cannabis care center”, the premises specified in an application for a cultivation and production facility license in which the licensee is authorized to distribute processed medical cannabis to persons possessing a medical cannabis registration card issued under section 192.945;

(3) “Cannabis cultivation and production facility”, the land and premises in which the licensee is authorized to distribute processed medical cannabis to persons possessing a medical cannabis registration card issued under section 192.945;

(4) “Cannabis cultivation and production facility license”, a license that authorizes the licensee to grow, cultivate, process, and possess medical cannabis;

(5) “Cannabis grower”, an entity issued a cultivation and production facility license by the department of agriculture that produces medical cannabis for the treatment of terminal illnesses;

(6) “Department”, the department of agriculture;

(7) “Hemp”:

(a) All nonseed parts and varieties of the cannabis sativa plant, whether growing or not, that contain a crop-wide average tetrahydrocannabinol (THC) concentration that does not exceed the lesser of:

a. Three-tenths of one percent on a dry weight basis; or

b. The percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801, et seq.; and

(b) Any cannabis sativa seed that is:

a. Part of a growing crop;

b. Retained by a grower for future planting; or

c. For processing into or use as agricultural hemp seed.

**This term shall not include industrial hemp commodities or products;**

(8) “Hemp cultivation and production facility”, the land and premises specified in an application for a cultivation and production facility license on which the licensee is authorized to grow, cultivate, process, and possess hemp and hemp extract;

[(3)] (9) “Hemp cultivation and production facility license”, a license that authorizes the licensee to grow, cultivate, process, and possess hemp and hemp extract, and distribute hemp extract to its cannabidiol oil care centers;

[(4)] “Department”, the department of agriculture;

(5)] (10) “Hemp grower”, a nonprofit entity issued a cultivation and production facility license by the department of agriculture that produces hemp extract for the treatment of intractable epilepsy;

[(6)] “Hemp”:

(a) All nonseed parts and varieties of the cannabis sativa plant, whether growing or not, that contain a crop-wide average tetrahydrocannabinol (THC) concentration that does not exceed the lesser of:

- a. Three-tenths of one percent on a dry weight basis; or
- b. The percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801, et seq.;
- (b) Any cannabis sativa seed that is:
  - a. Part of a growing crop;
  - b. Retained by a grower for future planting; or
  - c. For processing into or use as agricultural hemp seed.

This term shall not include industrial hemp commodities or products;]

[ (7) ] **(11)** “Hemp monitoring system”, an electronic tracking system that includes, but is not limited to, testing and data collection established and maintained by the cultivation and production facility and is available to the department for the purposes of documenting the hemp extract production and retail sale of the hemp extract;

**(12) “Medical cannabis”:**

**(a) All nonseed parts and varieties of the cannabis plant, whether growing or not; and**

**(b) Any cannabis seed that is:**

- a. Part of a growing crop;**
- b. Retained by a grower for future planting; or**
- c. For processing into or use as agricultural cannabis seed.**

**2. The department shall issue a cultivation and production facility license to an entity to grow or cultivate the cannabis plant used to make medical cannabis, as defined in subsection 1 of section 195.207, on the entity’s property if the entity has submitted to the department an application as required by the department under subsection 9 of this section and the entity meets all requirements of this section and the department’s rules.**

**3. A cannabis grower may produce, manufacture, and distribute medical cannabis as defined in section 195.207 for the treatment of persons suffering from a terminal illness consistent with any and all state and local regulations regarding the production, manufacture, or distribution of such product.**

**4. The department shall issue a hemp cultivation and production facility license to a nonprofit entity to grow or cultivate the cannabis plant used to make hemp extract as defined in subsection 1 of section 195.207 or hemp on the entity’s property if the entity has submitted to the department an application as required by the department under subsection [7] 9 of this section[, and the entity meets all requirements of this section and the department’s rules], and there are fewer than two licensed cultivation and production facilities operating in the state].**

**[3.] 5. A hemp grower may produce and manufacture hemp and hemp extract, and distribute hemp extract as defined in section 195.207 for the treatment of persons suffering from intractable epilepsy as defined in section 192.945 consistent with any and all state or federal regulations regarding the production, manufacture, or distribution of such product. [The department shall not issue more than two cultivation and**

production facility licenses for the operation of such facilities at any one time.]

[4.] 6. The department shall maintain a list of growers.

[5.] 7. All growers shall keep records in accordance with rules adopted by the department. Upon at least three days' notice, the director of the department may audit the required records during normal business hours. The director may conduct an audit for the purpose of ensuring compliance with this section.

[6.] 8. In addition to an audit conducted in accordance with subsection [5] 7 of this section, the director may inspect independently, or in cooperation with the state highway patrol or a local law enforcement agency, any hemp **or medical cannabis** crop during the crop's growth phase and take a representative composite sample for field analysis. If a **hemp** crop contains an average tetrahydrocannabinol (THC) concentration exceeding the lesser of:

(1) Three-tenths of one percent on a dry weight basis; or

(2) The percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801, et seq.,

the director may detain, seize, or embargo the **hemp** crop.

[7.] 9. The department shall promulgate rules including, but not limited to:

(1) Application requirements for licensing, including requirements for the submission of fingerprints and the completion of a criminal background check;

(2) Security requirements for cultivation and production facility premises, including, at a minimum, lighting, physical security, video and alarm requirements;

(3) Rules relating to hemp **and cannabis** monitoring systems as defined in this section;

(4) Other procedures for internal control as deemed necessary by the department to properly administer and enforce the provisions of this section, including reporting requirements for changes, alterations, or modifications of the premises;

(5) Requirements that any hemp extract **or medical cannabis** received from a legal source be submitted to a testing facility designated by the department to ensure that such hemp extract **or medical cannabis** complies with the provisions of section 195.207 and to ensure that the hemp extract **or medical cannabis** does not contain any pesticides. **The department shall only designate testing facilities that maintain internal standard operating procedures, maintain quality control and quality assurance programs, and are certified by the International Organization for Standardization and agree to have the inspections and reports of the International Organization for Standardization made available to the department. The department or an independent third party authorized by the department may conduct an inspection of the practices, procedures, and programs adopted, followed, and maintained pursuant to this subdivision and inspect all records of the independent testing facility that are related to the inspection.** Any hemp extract **or medical cannabis** that is not submitted for testing or which after testing is found not to comply with the provisions of section 195.207 shall not be distributed or used and shall be submitted to the department for destruction; [and]

**(6) Requirements that each independent testing facility shall:**

**(a) Follow the most recent version of the Cannabis Inflorescence: Standards of Identity, Analysis,**

**and Quality Control monograph published by the American Herbal Pharmacopoeia; or**

**(b) Notify the department of the alternative testing methodology that the facility is following for each quality assurance test it conducts. The department may require the independent testing facility to have the testing methodology followed under this paragraph validated by an independent third party to ensure that the methodology followed by the facility produces scientifically accurate results before the facility may use the methodology when conducting testing services;**

**(7) Rules for an independent testing facility to have its basic proficiency to execute correctly the analytical testing methodologies used by the facility validated and monitored on an ongoing basis by an independent third party; and**

**[(6)] (8) Rules regarding the manufacture, storage, and transportation of hemp, [and] hemp extract, and medical cannabis, which shall be in addition to any other state or federal regulations.**

**[8.] 10.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 14, 2014.

**[9.] 11.** All hemp **and cannabis** waste from the production of hemp extract **or medical cannabis** shall either be destroyed, recycled by the licensee at the hemp **or medical cannabis** cultivation and production facility, or donated to the department or an institution of higher education for research purposes, and shall not be used for commercial purposes.

**[10.] 12.** In addition to any other liability or penalty provided by law, the director may revoke or refuse to issue or renew a cultivation and production facility license and may impose a civil penalty on a grower for any violation of this section, or section 192.945 or 195.207. The director may not impose a civil penalty under this section that exceeds two thousand five hundred dollars.

**13. Notwithstanding any other provision of law to the contrary, a person who commits any acts that are unlawful under section 191.480, 192.945, 192.947, 195.207, 261.265, or 263.250 with the intent to distribute medical cannabis to minors shall be guilty of a class D felony.**

**14. Any manufacturing, storage, or testing of medical cannabis or any medical cannabis product shall meet all requirements of the department of health and senior services and all local health departments.**

263.250. 1. The plant “marijuana”, botanically known as cannabis sativa, is hereby declared to be a noxious weed and all owners and occupiers of land shall destroy all such plants growing upon their land. Any person who knowingly allows such plants to grow on his land or refuses to destroy such plants after being notified to do so shall allow any sheriff or such other persons as designated by the county commission to enter upon any land in this state and destroy such plants.

2. Entry to such lands shall not be made, by any sheriff or other designated person to destroy such plants, until fifteen days’ notice by certified mail shall be given the owner or occupant to destroy such plants or a search warrant shall be issued on probable cause shown. In all such instances, the county commission shall bear the cost of destruction and notification.

**3. The provisions of this section shall not apply to the licensed production of hemp oil or medical cannabis under chapter 261.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

**“21.790. 1. There is hereby established a joint committee of the general assembly, which shall be known as the “Joint Committee on Substance Abuse Prevention and Treatment”. The committee shall be composed of six members from the house of representatives, six members from the senate, and four members appointed by the governor. The senate members of the committee shall be appointed by the president pro tempore of the senate and the house members by the speaker of the house of representatives. There shall be at least two members from the minority party of the senate and at least two members from the minority party of the house of representatives. The members appointed by the governor shall include one member from the health care industry, one member who is a first responder or law enforcement officer, one member who is a member of the judiciary or a prosecuting attorney, and one member representing a substance abuse prevention advocacy group.**

**2. The committee shall select a chairperson and a vice-chairperson, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. The committee shall meet at least once during each legislative session and at all other times as the chairperson may designate.**

**3. The committee shall:**

**(1) Conduct hearings on current and estimated future drug and substance use and abuse within the state;**

**(2) Explore solutions to substance abuse issues; and**

**(3) Draft or modify legislation as necessary to effectuate the goals of finding and funding education and treatment solutions to curb drug and substance use and abuse.**

**4. The committee shall report annually to the general assembly and the governor. The report shall include recommendations for legislation pertaining to substance abuse prevention and treatment.**

**190.096. 1. This section shall be known and may be cited as the “Tactical Response to Traumatic Injuries Act”.**

**2. For purposes of this section, “trauma public access kit” or “trauma PAK” means a first aid response kit that contains at least all of the following:**

**(1) Two tourniquets;**

**(2) Two pressure dressings that are inspected for replacement no less than every three years;**

**(3) Four chest seals that are inspected for replacement no less than every three years;**

**(4) Medical materials and equipment similar to those described in subdivisions (1), (2), and (3) of this subsection, and any additional items that are approved by local law enforcement or first**

responders, that adequately treat a traumatic injury, and can be stored in a readily available kit; and

(5) Instructional documents based upon nationally or internationally recognized evidence-based treatment recommendations, guidelines, and programs.

3. In order to ensure public safety, a person or entity that supplies a trauma kit may provide the person or entity that acquires the trauma kit with all information governing the use, installation, operation, training, and maintenance of the trauma kit.

4. The placement of trauma PAKs in public or private buildings, facilities, or structures is voluntary, but this shall not preclude any state agency or political subdivision from adopting mandatory building standards requiring the placement of PAKs in public buildings, facilities, or structures. If any person or entity places or requires the placement of PAKs in private buildings, facilities, or structures, then such persons or entities shall comply with the requirements of subsection 5 of this section in order for such person or entity, or any agents thereof, to claim immunity from civil damages under subsection 6 of this section.

5. In order to ensure public safety, the entity responsible for managing the building, facility, or tenants of a structure in which a trauma PAK is placed that is an occupied structure shall do all of the following:

(1) Comply with all regulations governing the placement of a trauma PAK;

(2) Inspect all trauma PAKs acquired and placed on the premises of a building, facility, or structure every three years from the date of installation to ensure that all materials, supplies, and equipment contained in the trauma PAK are not expired, and replace any expired materials, supplies, and equipment as necessary;

(3) Restock the trauma PAK after each use and replace any materials, supplies, and equipment as necessary to ensure that all materials, supplies, and equipment required to be contained in the trauma PAK are contained in the trauma PAK;

(4) At least once per year, notify tenants of the building, facility, or structure of the location of the trauma PAK and provide information to tenants regarding contact information for training in the use of the trauma PAK; and

(5) Provide tenants with instructions in the use of the trauma PAK from the training programs described in subdivision (5) of subsection 2 of this section.

6. Notwithstanding any other provision of law, a person or entity that acquires and places a trauma kit for emergency care in a structure shall not be liable for any civil damages resulting from any acts or omissions in the rendering of emergency care by use of the trauma kit if that person or entity has complied with subsection 5 of this section.

7. Any person who gratuitously and in good faith renders emergency care or treatment by the use of a trauma PAK at the scene of an emergency shall not be held liable for any civil damages as a result of such care or treatment, unless the person acts in a willful and wanton or reckless manner in providing the care or treatment. The person or entity who provides appropriate training to the person using the trauma PAK, the person or entity responsible for the site where the trauma PAK is located, the person or entity that owns the trauma PAK, the person or entity that provided clinical protocol

for trauma PAK sites or programs, and the person or entity that reviews and approves the clinical protocol shall likewise not be held liable for civil damages resulting from the use of a trauma PAK. Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538. The protections specified in this section shall not apply in the case of personal injury or wrongful death that results from the gross negligence or willful or wanton misconduct of the person who renders emergency care or treatment by the use of a trauma PAK.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

Titling change adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed HCS for SB 687, entitled:

An Act to repeal sections 160.530 and 304.060, RSMo, and to enact in lieu thereof two new sections relating to student transportation.

With House Amendment Nos. 1 and 2.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 687, Page 3, Section 160.530, Line 82, by inserting immediately after said line the following:

“162.064. **1.** Each school district shall have on file a statement from a medical examiner which indicates that the driver is physically qualified to operate a school bus for the purpose of transporting pupils. Such statement shall be made on an annual basis, **unless a statement is issued by a department of transportation certified medical examiner, in which case such examiner may issue a statement for up to a two-year duration, subject to rules promulgated by the department of transportation.** The term “medical examiner” includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic. For new drivers, such statement shall be on file prior to the driver’s initial operation of a school bus. This section shall apply to drivers employed by the school district or under contract with the school district.

**2. The director of the department of transportation may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and**

Further amend said bill, Page 4, Section 304.060, Line 34, by inserting immediately after said line the following:

“302.272. 1. No person shall operate any school bus owned by or under contract with a public school or the state board of education unless such driver has qualified for a school bus endorsement under this section and complied with the pertinent rules and regulations of the department of revenue and any final rule issued by the secretary of the United States Department of Transportation or has a valid school bus endorsement on a valid commercial driver’s license issued by another state. A school bus endorsement shall be issued to any applicant who meets the following qualifications:

(1) The applicant has a valid state license issued under this chapter;

(2) The applicant is at least twenty-one years of age; and

(3) The applicant has successfully passed an examination for the operation of a school bus as prescribed by the director of revenue. The examination shall include any examinations prescribed by the secretary of the United States Department of Transportation, and a driving test in the type of vehicle to be operated. The test shall be completed in the appropriate class of vehicle to be driven. For purposes of this section classes of school buses shall comply with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570). For drivers who are at least seventy years of age, such examination, **excluding the pre-trip inspection portion of the commercial driver’s license skills test**, shall be completed annually **to retain the school bus endorsement**.

2. The director of revenue, to the best of the director’s knowledge, shall not issue or renew a school bus endorsement to any applicant whose driving record shows that such applicant’s privilege to operate a motor vehicle has been suspended, revoked or disqualified or whose driving record shows a history of moving vehicle violations.

3. The director may adopt any rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

4. Notwithstanding the requirements of this section, an applicant who resides in another state and possesses a valid driver’s license from his or her state of residence with a valid school bus endorsement for the type of vehicle being operated shall not be required to obtain a Missouri driver’s license with a school bus endorsement.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 687, Page 3, Section 160.530, Line 82, by inserting after all of said section and line the following:

“168.133. 1. The school district shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, authorized to have contact with pupils and prior to the individual having contact with any pupil. Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, and nurses. The school district shall also ensure that a criminal background check is conducted for school bus drivers. The district may allow such drivers



to operate buses pending the result of the criminal background check. For bus drivers, the school district shall be responsible for conducting the criminal background check on drivers employed by the school district. For drivers employed by a pupil transportation company, **a municipality, or any other entity** under contract with the school district, the criminal background check shall be conducted pursuant to section 43.540 and conform to the requirements established in the National Child Protection Act of 1993, as amended by the Volunteers for Children Act. Personnel who have successfully undergone a criminal background check and a check of the family care safety registry as part of the professional license application process under section 168.021 and who have received clearance on the checks within one prior year of employment shall be considered to have completed the background check requirement. A criminal background check under this section shall include a search of any information publicly available in an electronic format through a public index or single case display.

2. In order to facilitate the criminal history background check, the applicant shall submit a set of fingerprints collected pursuant to standards determined by the Missouri highway patrol. The fingerprints shall be used by the highway patrol to search the criminal history repository and shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

3. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when he or she applies for a position authorized to have contact with pupils pursuant to this section. The department shall distribute the fees collected for the state and federal criminal histories to the Missouri highway patrol.

4. The department of elementary and secondary education shall facilitate an annual check of employed persons holding current active certificates under section 168.021 against criminal history records in the central repository under section 43.530, the sexual offender registry under sections 589.400 to [589.475] **589.426**, and child abuse central registry under sections 210.109 to 210.183. The department of elementary and secondary education shall facilitate procedures for school districts to submit personnel information annually for persons employed by the school districts who do not hold a current valid certificate who are required by subsection 1 of this section to undergo a criminal background check, sexual offender registry check, and child abuse central registry check. The Missouri state highway patrol shall provide ongoing electronic updates to criminal history background checks of those persons previously submitted, both those who have an active certificate and those who do not have an active certificate, by the department of elementary and secondary education. This shall fulfill the annual check against the criminal history records in the central repository under section 43.530.

5. The school district may adopt a policy to provide for reimbursement of expenses incurred by an employee for state and federal criminal history information pursuant to section 43.530.

6. If, as a result of the criminal history background check mandated by this section, it is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a similar crime or offense committed in another state, the United States, or any other country, regardless of imposition of sentence, such information shall be reported to the department of elementary and secondary education.

7. Any school official making a report to the department of elementary and secondary education in conformity with this section shall not be subject to civil liability for such action.

8. For any teacher who is employed by a school district on a substitute or part-time basis within one year of such teacher's retirement from a Missouri school, the state of Missouri shall not require such teacher to be subject to any additional background checks prior to having contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise restricting a school district from requiring additional background checks for such teachers employed by the school district.

9. A criminal background check and fingerprint collection conducted under subsections 1 and 2 of this section shall be valid for at least a period of one year and transferrable from one school district to another district. A school district may, in its discretion, conduct a new criminal background check and fingerprint collection under subsections 1 and 2 for a newly hired employee at the district's expense. A teacher's change in type of certification shall have no effect on the transferability or validity of such records.

10. Nothing in this section shall be construed to alter the standards for suspension, denial, or revocation of a certificate issued pursuant to this chapter.

11. The state board of education may promulgate rules for criminal history background checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and void.”; and

Further amend said bill, Page 4, Section 304.060, Line 25, by inserting after all of said line the following:

**“3. Notwithstanding the provisions of subsection 1 of this section, any school board in the state of Missouri may contract with any municipality for the purpose of transporting school children attending a grade or grades not lower than the ninth nor higher than the twelfth grade. Such contract shall require the presence of an adult supervisor who is approved by the school board on any municipal vehicle while such vehicle is transporting children under this subsection. Any time school children are being transported by a municipal vehicle under this subsection, such vehicle shall include a section of seating designated solely for use by school children. Municipalities entering into any such contract shall comply with the requirements of this section and sections 162.064, 162.065, 168.133, and 307.375.”; and**

Further amend said bill and section, by renumbering subsequent subsections accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 806**, entitled:

An Act to repeal sections 473.730, 473.770, 473.771, 475.010, 475.016, 475.050, 475.060, 475.061, 475.062, 475.070, 475.075, 475.078, 475.079, 475.080, 475.082, 475.083, 475.094, 475.120, 475.123,

475.125, 475.130, 475.145, 475.230, 475.270, 475.276, 475.290, 475.320, 475.322, 475.355, and 630.005, RSMo, and to enact in lieu thereof thirty-seven new sections relating to guardianship proceedings.

With House Amendment Nos. 1, 2, 3, 5 and 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 806, Page 18, Section 475.075, Line 112, by deleting the words **“with such assistance”**; and

Further amend said bill, Page 23, Section 475.082, Line 28, by inserting immediately after the word “guardian;” the word **“and”**; and

Further amend said bill, page, and section, Line 29, by deleting the number **“(9)”**; and

Further amend said bill, page, and section, Line 30, by deleting said line; and

Further amend said bill, page, and section, Lines 31-34, by deleting said lines and inserting in lieu thereof the following:

**“(9) A summarized plan for the coming year. If an individual support plan, treatment plan, or plan of care is in place, such plan may be submitted in lieu of the requirements of this subdivision.”**; and

Further amend said bill, Page 27, Section 475.094, Lines 44-46, by deleting said lines and inserting in lieu thereof the following:

**“durable power of attorney of which the protectee is the principal.”**; and

Further amend said bill, Page 28, Section 475.123, Lines 1-5, by deleting said lines and inserting in lieu thereof the following:

**“1. No medical or surgical procedure shall be performed on any ward unless consent is obtained from the guardian of his person except as provided in subsections 2 and 3 hereof.”**; and

Further amend said bill and section, Pages 28-29, Lines 18-34, by deleting said lines; and

Further amend said bill and section, Page 29, Line 35, by deleting the number **“(2)”** and inserting in lieu thereof the number **“5.”**; and

Further amend said bill, page, and section, Line 38, by deleting the number **“8.”** and inserting in lieu thereof the number **“6.”**; and

Further amend said bill, Page 31, Section 475.130, Lines 61-63, by deleting said lines; and

Further amend said bill, page, and section, Line 64, by deleting said line and inserting in lieu thereof the following:

**“(12) Deposit funds in a bank;”**; and

Further amend said bill, page, and section, Lines 65-67, by deleting said lines; and

Further amend said bill, page, and section, by renumbering subsequent subdivisions accordingly; and

Further amend said bill and section, Page 32, Lines 70-73, by deleting said lines; and

Further amend said bill, page, and section, Lines 75-76, by deleting said lines and inserting in lieu thereof the words “**protection of estate assets;**”; and

Further amend said bill, page, and section, by renumbering subsequent subdivisions accordingly; and

Further amend said bill, Page 33, Section 475.270, Lines 31-32, by deleting said lines and inserting in lieu thereof the following:

“(7) **A plan for the coming year; and**”; and

Further amend said bill, Pages 35-36, Section 475.322, Lines 1-46, by deleting all of said section and lines from the bill; and

Further amend said bill, Pages 37-38, Section 475.344, Lines 1-13, by deleting all of said section and lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 806, Page 10, Section 475.050, Lines 19-20, by deleting said lines and inserting in lieu thereof the following:

“**disabled person. If the incapacitated or disabled person is a minor under the care of the children’s division and is entering adult guardianship or conservatorship, it shall be a rebuttable presumption that he or she has no relative suitable and willing to serve as guardian or conservator.**”; and

Further amend said bill, Page 16, Section 475.075, Lines 23-27, by deleting said lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 806, Page 1, Section A, Line 9, by inserting after all of said section and line the following:

“473.397. All claims and statutory allowances against the estate of a decedent shall be divided into the following classes:

- (1) Costs;
- (2) Expenses of administration;
- (3) Exempt property, family and homestead allowances;
- (4) Funeral expenses;
- (5) Debts and taxes due the United States of America;
- (6) **Debts for medical assistance due to the state of Missouri under section 473.398;**

(7) Expenses of the last sickness, wages of servants, claims for medicine and medical attendance during the last sickness, and the reasonable cost of a tombstone;

[ (7) ] (8) Debts and taxes due the state of Missouri, any county, or any political subdivision of the state

of Missouri;

~~[(8)]~~ **(9)** Judgments rendered against the decedent in his lifetime and judgments rendered upon attachments levied upon property of decedent during his lifetime;

~~[(9)]~~ **(10)** All other claims not barred by section 473.360.

473.398. 1. Upon the death of a person, who has been a participant of aid, assistance, care, services, or who has had moneys expended on his behalf by the department of health and senior services, department of social services, or the department of mental health, or by a county commission, the total amount paid to the decedent or expended upon his behalf after January 1, 1978, shall be a debt due the state or county, as the case may be, from the estate of the decedent. The debt shall be collected as provided by the probate code of Missouri, chapters 472, 473, 474 and 475.

2. Procedures for the allowance of such claims shall be in accordance with this chapter, and such claims shall be allowed as a claim of ~~[the seventh]~~ **either the sixth or eighth** class under ~~[subdivision (7)] subdivisions (6) and (8)~~ of section 473.397.

3. Such claim shall not be filed or allowed if it is determined that:

(1) The cost of collection will exceed the amount of the claim;

(2) The collection of the claim will adversely affect the need of the surviving spouse or dependents of the decedent to reasonable care and support from the estate.

4. Claims consisting of moneys paid on the behalf of a participant as defined in 42 U.S.C. 1396 shall be allowed, except as provided in subsection 3 of this section, upon the showing by the claimant of proof of moneys expended. Such proof may include but is not limited to ~~[the following items which are deemed to be competent and substantial evidence of payment:~~

~~(1)] computerized records maintained by any governmental entity as described in subsection 1 of this section of a request for payment for services rendered to the participant[; and~~

~~(2) The certified statement of the treasurer or his designee that the payment was made],~~ **which shall be deemed to be competent and substantial evidence of payment.**

5. The provisions of this section shall not apply to any claims, adjustments or recoveries specifically prohibited by federal statutes or regulations duly promulgated thereunder. Further, the federal government shall receive from the amount recovered any portion to which it is entitled.

6. Before any probate estate may be closed under this chapter, with respect to a decedent who, at the time of death, was enrolled in MO HealthNet, the personal representative of the estate shall file with the clerk of the court exercising probate jurisdiction a release from the MO HealthNet division evidencing payment of all MO HealthNet benefits, premiums, or other such costs due from the estate under law, unless waived by the MO HealthNet division.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 806, Page 25, Section 475.083, Line 59, by inserting immediately after said section and line the following:

**“475.084. If a guardian has been appointed for a minor under the provisions of subdivision (2) of subsection 4 of section 475.030, then a parent of the minor may petition the court for periods of visitation. The court may order visitation if visitation is in the best interest of the child.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 806, Page 1, Section A, Line 9, by inserting immediately after all of said section and line the following:

**“451.090. 1. No recorder shall, in any event except as herein provided, issue a license authorizing the marriage of any person under [fifteen] seventeen years of age; provided, however, that such license may be issued on order of a circuit or associate circuit judge of the county in which the license is applied for, such license being issued only [for good cause shown and by reason of such unusual conditions as to] after a hearing has been held in which the parties present evidence to the court that would make such marriage advisable. The court, in its order, shall determine that there is no evidence of coercion or abuse of either person entering the marriage.**

**2. No recorder shall issue a license authorizing the marriage of any male under the age of eighteen years or of any female under the age of eighteen years, except with the consent of his or her custodial parent or guardian, which consent shall be given at the time, in writing, stating the residence of the person giving such consent, signed and sworn to before an officer authorized to administer oaths. In no instance shall a license be issued authorizing the marriage of any person twenty-one years of age or older if the other party to the marriage is under seventeen years of age or if either party is under fifteen years of age.**

**3. The recorder shall state in every license whether the parties applying for same, one or either or both of them, are of age, or whether the male is under the age of eighteen years or the female under the age of eighteen years, and if the male is under the age of eighteen years or the female is under the age of eighteen years, the name of the custodial parent or guardian consenting to such marriage. Applicants shall provide proof of age to the recorder in the form of a certified copy of the applicant's birth certificate, passport, or other government-issued identification, which shall then be documented by the recorder.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

#### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on SCS for **SB 892**, with **HA 1**, **HA 2**, **HA 3**, **HA 4** and **HA 5**: Senators Walsh, Sifton, Munzlinger, Cunningham and Crawford.

#### REFERRALS

President Pro Tem Richard referred **SCR 55** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Richard referred **HCS** for **HB 1456**, with **SCS**; **HCS** for **HB 1872**; **HB 1516**; **HCS** for **HB 1388**, with **SCS**; and **HB 1719**, with **SCS**, to the Committee on Fiscal Oversight.

## INTRODUCTION OF GUESTS

Senator Kehoe introduced to the Senate, Ella Glaser, Jefferson City.

Senator Walsh introduced to the Senate, Brett A. Combs, Wichita, Kansas; and Nickolas Allison, Eldorado Springs.

On motion of Senator Kehoe, the Senate adjourned under the rules.

## SENATE CALENDAR

---

SIXTY-SIXTH DAY—TUESDAY, MAY 8, 2018

---

## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HB 2538-Pietzman  
HB 2499-Hansen  
HB 2438-Remole  
HCS for HB 2407

HCS for HB 1739  
HCS for HB 1554  
HCB 23-Dogan  
HCS for HB 2019

### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

1. SJR 36-Schatz, with SCS  
2. SB 678-Eigel  
3. SB 1102-Kehoe, with SCS  
4. SB 1015-Wieland, with SCS  
5. SB 709-Schatz, with SCS  
6. SB 640-Sater  
7. SB 963-Wieland, with SCS  
8. SB 952-Rowden

9. SB 864-Hoskins  
10. SB 998-Schatz, with SCS  
11. SB 703-Hegeman  
12. SB 915-Crawford  
13. SB 934-Hegeman  
14. SB 988-Rowden, with SCS  
15. SB 790-Cierpiot, with SCS  
16. SB 734-Schatz, with SCS

### HOUSE BILLS ON THIRD READING

1. HB 1267-Lichtenegger (Munzlinger)  
2. HB 1415-Lauer (Wasson)  
3. HB 1968-Grier (Schatz)  
4. HB 2330-Beck (Sifton)

5. HB 1887-Bahr (Onder)  
6. HB 1247-Pike (Onder)  
7. HB 1831-Ruth (Wieland)  
8. HCS for HB 1635, with SCS (Wallingford)

- |  |   |
|--|---|
| 9. HCS for HB 2171 (Sater)   | 30. HB 1998-Bondon, with SCS (Emery)                            |
| 10. HCS for HB 1364, with SCS<br>(Munzlinger) (In Fiscal Oversight)  | 31. HB 1516-Wiemann (Riddle)<br>(In Fiscal Oversight)           |
| 11. HB 1646-Eggleston (Hegeman)                                      | 32. HCS for HB 1388, with SCS (Schatz)<br>(In Fiscal Oversight) |
| 12. HB 1809-Tate (Schatz)  | 33. HB 1719-Grier, with SCS (Riddle)<br>(In Fiscal Oversight)   |
| 13. HB 1252-Plocher (Riddle)   | 34. HB 2179-Richardson (Kehoe)                                  |
| 14. HCS for HB 1251, with SCS (Crawford)                             | 35. HB 2043-Tate (Wasson)                                       |
| 15. HCS#2 for HB 1503, with SCS (Hoskins)                            | 36. HB 1558-Neely, with SCS (Romine)                            |
| 16. HCS for HB 1614 (Hegeman)  | 37. HB 1389-Fitzpatrick, with SCS (Schatz)                      |
| 17. HCS for HB 1264 (Hegeman)  | 38. HB 1633-Corlew, with SCS (Dixon)                            |
| 18. HCS for HB 1611 (Riddle)   | 39. HB 1250-Plocher, with SCS (Dixon)                           |
| 19. HCS for HB 2119 (Rowden)   | 40. HCS for HB 2042, with SCS (Dixon)                           |
| 20. HCS for HB 2079, with SCS (Crawford)                             | 41. HCS for HB 1868, with SCS (Riddle)                          |
| 21. HCS for HB 1710, with SCS (Eigel)                                | 42. HCS for HB 2249, with SCS (Riddle)                          |
| 22. HB 1484-Brown (57) (Romine)                                      | 43. HCS for HB 2540, with SCS (Eigel)                           |
| 23. HJR 59-Brown (57) (Romine)                                       | 44. HCS for HB 2129 (Romine)                                    |
| 24. HCS for HB 2017 (Brown)  | 45. HB 1446-Eggleston, with SCS (Sater)                         |
| 25. HCS for HB 2018 (Brown)  | 46. HCS for HBs 2337 & 2272, with SCS<br>(Wieland)              |
| 26. HB 2183-Bondon (Crawford)  | 47. HCS for HBs 2277 & 1983, with SCS                           |
| 27. HCS for HB 2216, with SCS (Emery)                                | 48. HCS for HB 2031 (Hoskins)                                   |
| 28. HCS for HB 1456, with SCS<br>(Wallingford) (In Fiscal Oversight) |   |
| 29. HCS for HB 1872 (Hegeman)<br>(In Fiscal Oversight)               |   |

## INFORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 &  
667-Eigel (In Fiscal Oversight)

### SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 546-Munzlinger, with SS#4 (pending)                                    | SB 599-Schatz  |
| SB 550-Wasson, with SCS   | SB 602-Onder, with SCS   |
| SBs 555 & 609-Brown, with SCS   | SB 612-Koenig, with SCS, SS#2 for SCS,<br>SA 2, SSA 1 for SA 2 & SA 1 to SSA 1<br>for SA 2 (pending) |
| SB 556-Brown, with SA 1 (pending)   | SB 663-Schatz, with SCS, SS for SCS & SA 1<br>(pending)  |
| SB 561-Sater, with SA 1 (pending)   | SB 730-Wallingford, with SCS & SA 1<br>(pending)   |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending) | SB 751-Schatz  |
| SB 578-Romine   |  |
| SB 591-Hegeman, with SCS  |  |
| SB 596-Riddle, with SCS   |  |



SB 767-Hoskins, with SCS, SS for SCS & SA 2 (pending)  
 SB 774-Munzlinger  
 SB 813-Riddle, with SCS & SA 1 (pending)  
 SB 822-Hegeman, with SCS & SS for SCS (pending)  
 SB 832-Rowden, with SCS, SS#2 for SCS & point of order (pending)  
 SB 837-Rowden  
 SB 848-Riddle  
 SB 849-Kehoe and Schupp, with SCS, SA 1 & SA 1 to SA 1 (pending)  
 SB 859-Koenig, with SCS & SS for SCS (pending)

SB 860-Koenig, with SCS, SS for SCS & SA 1 (pending)  
 SB 861-Hegeman, with SCS  
 SB 865-Kehoe  
 SB 893-Sater, with SCS, SS for SCS & SA 1 (pending)  
 SB 912-Rowden, with SCS & SS#3 for SCS (pending)  
 SB 920-Riddle, with SS & SA 2 (pending)  
 SB 928-Onder, with SCS  
 SB 949-Emery, with SCS, SS for SCS & SA 2 (pending)  
 SB 1003-Wasson, with SS & SA 1 (pending)  
 SB 1021-Dixon and Wallingford, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HBs 1288, 1377 & 2050, with SCS (Dixon)  
 HB 1303-Alferman, with SCS (Rowden)  
 HB 1329-Remole, with SCS, SS for SCS & SA 5 (pending) (Munzlinger)  
 SS for SCS for HB 1350-Smith (163) (Rowden)  
 SS for SCS for HB 1355-Phillips (Schatz)  
 HB 1409-Fitzpatrick (Kehoe)  
 HB 1413-Taylor, with SCS, SS for SCS & SA 1 (pending) (Onder)  
 HB 1428-Muntzel, with SS, SA 1 & SSA 1 for SA 1 (pending) (Munzlinger)  
 HB 1442-Alferman, with SCS, SS for SCS & SA 1 (pending) (Schatz)  
 HCS for HB 1443, with SCS (Sater)  
 HCS for HB 1461 (Rowden)  
 HB 1578-Kolkmeier (Munzlinger)

HCS for HB 1597, with SCS (Dixon)  
 HCS for HB 1605, with SCS (Kehoe)  
 SS for HCS for HB 1606 (Romine) (In Fiscal Oversight)  
 HCS for HB 1617, with SCS, SS#2 for SCS & SA 1 (pending) (Onder)  
 HB 1630-Evans (Rowden)  
 HCS for HB 1645 (Rowden)  
 HB 1691-Miller, with SCS & SS for SCS (pending) (Emery)  
 HCS for HBs 1729, 1621 & 1436 (Brown)  
 HB 1769-Mathews, with SCS (Schatz)  
 HCS for HB 1796, with SS (pending) (Rowden)  
 HCS for HB 1991, with SCS (Rowden)  
 HB 2026-Wilson, with SCS (Rowden)  
 HB 2044-Taylor, with SCS (pending) (Dixon)  
 HB 2122-Engler, with SCS (Schatz)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SB 660-Riddle, with HCS, as amended  
 SB 687-Sater, with HCS, as amended  
 SCS for SB 718-Eigel, with HCS, as amended

SB 768-Hoskins, with HA 1 & HA 2, as amended  
 SB 806-Crawford, with HCS, as amended

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SB 569-Cunningham, with HCS, as amended  
 SS for SB 608-Hoskins, with HCS  
 SS for SCS for SB 707-Schatz, with HCS,  
     as amended  
 SS for SCS for SB 775-Brown, with HCS,  
     as amended  
 SS for SCS for SB 826-Sater, with HCS,  
     as amended  
 SS for SB 870-Hegeman, with HCS,  
     as amended  
 SCS for SB 892-Walsh, with HA 1, HA 2,  
     HA 3, HA 4 & HA 5  
 HB 1291-Henderson, with SS for SCS,  
     as amended (Romine)  
     (House adopted CCR and passed CCS)  
 HB 1858-Christofanelli, with SS (Eigel)

HCS for HB 1879, with SS for SCS,  
     as amended (Cunningham)  
 HCS for HB 2002, with SCS (Brown)  
 HCS for HB 2003, with SCS (Brown)  
 HCS for HB 2004, with SCS (Brown)  
 HCS for HB 2005, with SCS (Brown)  
 HCS for HB 2006, with SCS, as amended  
     (Brown)  
 HCS for HB 2007, with SCS, as amended  
     (Brown)  
 HCS for HB 2008, with SCS (Brown)  
 HCS for HB 2009, with SCS (Brown)  
 HCS for HB 2010, with SS for SCS (Brown)  
 HCS for HB 2011, with SCS (Brown)  
 HCS for HB 2012, with SCS (Brown)  
 HCS for HB 2013, with SCS (Brown)

RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)  
 SCR 35-Hegeman  
 SCR 50-Hegeman

SCR 52-Emery  
 HCR 70-Franks, Jr. (Nasheed)

✓

# Journal of the Senate

SECOND REGULAR SESSION

---

**SIXTY-SIXTH DAY—TUESDAY, MAY 8, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Thus far the Lord has helped us.” (1 Samuel 7:12b)

Loving God, we know that thus far we have completed the work that has come before us for which we are most grateful that Your guidance has brought us to this point. Now we pray for Your continual help in all that remains to be done, mindful of the obligations we have taken on both here and at home. So we call upon You to strengthen and help us to give fully of ourselves knowing it is the right thing to do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Riddle offered Senate Resolution No. 2019, regarding the death of Gary L. Hahn, Mexico, which was adopted.

Senator Schaaf offered the following resolution:

**SENATE RESOLUTION NO. 2020****Notice of Proposed Rule Change**

Notice is hereby given by the Senator from the Thirty-fourth District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, First Regular Session, that the Senate Rules be amended by adding Senate Rule 103 to read as follows:

**“Rule 103. All staff of a senator and senate staff shall disclose to the secretary of the senate any relationship, financial or otherwise, that such person has with an organization exempt from taxation under Section 501(c)(4) of the Internal Revenue Code. Such disclosure information shall be made available to all senators upon request.”**

President Pro Tem Richard assumed the Chair.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: The House of Representatives neglected to adopt the House Committee Substitute for Senate Committee Substitute for Senate Bill 718 as amended. Therefore, the House is requesting the Senate return Senate Committee Substitute for Senate Bill No. 718 as amended in order for the House of Representatives to take up and adopt the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718 as amended.

**PRIVILEGED MOTIONS**

Senator Eigel moved that **SCS** for **SB 718** be returned to the House of Representatives per their request.

At the request of Senator Eigel, the above motion was withdrawn.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HCR 77**.

**HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE CONCURRENT RESOLUTION NO. 77**

WHEREAS, the Bangert Island riverfront transformational project will transform the St. Charles riverfront into a center for economic prosperity; and

WHEREAS, the Bangert Island riverfront transformational project will provide a unique Missouri river island recreational attraction; and

WHEREAS, the Bangert Island riverfront transformational project will provide Missouri river aquatic habitat restoration; and

WHEREAS, the Bangert Island riverfront transformational project will provide 4,000 new jobs; and

WHEREAS, the Bangert Island riverfront transformational project, according to economic modeling, will result in a \$1.5 billion economic impact; and

WHEREAS, a modeling study produced by the United States Army Corps of Engineers for restoration of Bangert Island concluded that

navigation will not be disturbed by the proposed side channel project; and

WHEREAS, the City of St. Charles desires to work with the United States Army Corps of Engineers to advance a Section 1135 project, which would improve aquatic habitats and restore Bangert Island; and

WHEREAS, the City of St. Charles will cost share toward construction of the Bangert Island project:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby endorse the Bangert Island riverfront transformational project; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Governor and all elected federal delegates of Missouri.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 793**, entitled:

An Act to repeal sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, 221.044, 567.020, 567.030, 567.050, 567.060, and 589.400, RSMo, and to enact in lieu thereof twenty-eight new sections relating to juvenile court proceedings, with penalty provisions and a delayed effective date for certain sections.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2 and House Amendment No. 2 as amended.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 793, Page 22, Section 221.044, Line 5, by inserting immediately after said section and line the following:

“478.625. 1. Beginning on January 1, 2003, there shall be three circuit judges in the nineteenth judicial circuit consisting of the county of Cole.

2. One circuit judge shall be first elected in 1982. The second circuit judge shall be first elected in 1984. The third circuit judge shall be first elected in 2002.

3. Effective January 1, [2003] **2021, in compliance with section 478.320**, there shall be [one less] **two** associate circuit [judge] **judges** in Cole County [than is provided pursuant to section 478.320]. **The second associate circuit judge shall be first elected in 2020.**”; and

Further amend said bill, Page 29, Section 1, Line 3, by inserting immediately after said section and line the following:

“[478.375. At such time as a new jail or law enforcement center is constructed within the sixth judicial circuit, a new circuit judgeship shall be added.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 793, Page 1, Line 1, by deleting said line and inserting in lieu thereof the following:

“Amend House Committee Substitute for Senate Bill No. 793, Page 22, Section 211.435, Line 7, by deleting the word “used” and inserting in lieu thereof the following:

**“distributed to the judicial circuits of the state based upon the increased workload created by sections 211.021 to 211.425”**; and

Further amend said bill, Page 29, Section 610.131, Line 20,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 793, Page 29, Section 610.131, Line 20, by inserting after said section and line the following:

“610.140. 1. Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was charged or found guilty of any offenses, violations, or infractions for an order to expunge records of such arrest, plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person may apply to have one or more offenses, violations, or infractions expunged if such offense, violation, or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person lists all the offenses, violations, and infractions he or she is seeking to have expunged in the petition and so long as all such offenses, violations, and infractions are not excluded under subsection 2 of this section. If the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed as part of the same course of criminal conduct, the person may include all the related offenses, violations, and infractions in the petition, regardless of the limits of subsection 12 of this section, and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.

2. The following offenses, violations, and infractions shall not be eligible for expungement under this section:

(1) Any class A felony offense;

(2) Any dangerous felony as that term is defined in section 556.061;

(3) Any offense that requires registration as a sex offender;

(4) Any felony offense where death is an element of the offense;

(5) Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping;

(6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.100, 569.160, 570.025, 570.030, 570.090, 570.100, 570.130, 570.180, 570.223, 570.224, 570.310, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130,

575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;

(7) Any offense eligible for expungement under section 577.054 or 610.130;

(8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;

(9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section; and

(10) Any violations of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state.

3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses, violations, and infractions listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.

4. The petition shall include the following information:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Driver's license number, if applicable; and

(e) Current address;

(2) Each offense, violation, or infraction for which the petitioner is requesting expungement;

(3) The approximate date the petitioner was charged for each offense, violation, or infraction; and

(4) The name of the county where the petitioner was charged for each offense, violation, or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the name of the municipality for each offense, violation, or infraction; and

(5) The case number and name of the court for each offense.

5. The clerk of the court shall give notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed within thirty days after receipt of service, the court may set a hearing on the matter and shall give reasonable notice of the hearing to each entity named in the petition. At any hearing, the court

may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses, violations, or infractions listed in the petition for expungement:

(1) **At the time the petition is filed**, it has been at least seven years if the offense is a felony, or at least three years if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;

(2) The person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters 304 and 307, during the time period specified for the underlying offense, violation, or infraction in subdivision (1) of this subsection;

(3) The person has satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;

(4) The person does not have charges pending;

(5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and

(6) The expungement is consistent with the public welfare and the interests of justice warrant the expungement.

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at any hearing held under this section, and the court may make a determination based solely on such victim's testimony.

6. A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

7. If the court determines that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses, violations, or infractions listed in the petition for expungement, the court shall enter an order of expungement. In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition. A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall close any record in its possession relating to any offense, violation, or infraction listed in the petition, in the manner established by section 610.120. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense, infraction, or violation ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.



8. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, violation, or infraction to any court when asked or upon being charged with any subsequent offense, violation, or infraction. The expunged offense, violation, or infraction may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, violation, or infraction when the disclosure of such information is necessary to complete any application for:

(1) A license, certificate, or permit issued by this state to practice such individual's profession;

(2) Any license issued under chapter 313 or permit issued under chapter 571;

(3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency;

(4) Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

(5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from employment; or

(6) Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection. Notwithstanding any provision of law to the contrary, an expunged offense, violation, or infraction shall not be grounds for automatic disqualification of an applicant, but may be a factor for denying employment, or a professional license, certificate, or permit; except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude

applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that the petitioner has not met the criteria for any of the offenses, violations, or infractions listed in the petition for expungement or the petitioner has knowingly provided false information in the petition, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

12. A person may be granted more than one expungement under this section provided that during his or her lifetime, the total number of offenses, violations, or infractions for which orders of expungement are granted to the person shall not exceed the following limits:

(1) Not more than two misdemeanor offenses or ordinance violations that have an authorized term of imprisonment; and

(2) Not more than one felony offense.

A person may be granted expungement under this section for any number of infractions. Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense, violation, or infraction.

13. The court shall make available a form for pro se petitioners seeking expungement, which shall include the following statement: "I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief."

14. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SCS** for **SB 892**, with **HA 1**, **HA 2**, **HA 3**, **HA 4** and **HA 5**. Representatives: Walker (3), Bondon, Taylor, Anders, Morgan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2644**, entitled:

An Act to repeal section 178.930, RSMo, and to enact in lieu thereof one new section relating to sheltered workshops, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HB 1858**, and has taken up and passed **CCS** for **SS** for **HB 1858**.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HBs 1288, 1377** and **2050**, with **SCS**, entitled:

An Act to repeal sections 135.090, 135.341, 135.562, 135.600, 135.630, and 135.647, RSMo, and to enact in lieu thereof six new sections relating to tax credits for contributions to certain benevolent organizations, with an effective date.

Was taken up by Senator Dixon.

**SCS** for **HCS** for **HBs 1288, 1377** and **2050**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NOS. 1288, 1377 and 2050

An Act to repeal sections 135.090, 135.341, 135.562, 135.600, 135.630, and 135.647, RSMo, and to enact in lieu thereof seven new sections relating to tax credits for contributions to certain benevolent organizations.

Was taken up.

Senator Dixon moved that **SCS** for **HCS** for **HBs 1288, 1377** and **2050** be adopted.

Senator Dixon offered **SS** for **SCS** for **HCS** for **HBs 1288, 1377** and **2050**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NOS. 1288, 1377 and 2050

An Act to repeal sections 135.090, 135.341, 135.562, 135.600, 135.621, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof nine new sections relating to tax credits for contributions to certain benevolent organizations.

Senator Dixon moved that **SS** for **SCS** for **HCS** for **HBs 1288, 1377** and **2050** be adopted.

President Parson assumed the Chair.

Senator Schupp offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1288, 1377 and 2050, Page 11, Section 135.600, Line 6 of said page, by inserting immediately

after “(3)” the following: “ **“Medically accurate information”, information that is:**

**(a) Verified or supported by the weight of medical research conducted in compliance with accepted scientific methods;**

**(b) Recognized as correct and objective by leading medical organizations with relevant expertise or government agencies, including, but not limited to:**

- a. American Medical Association;**
- b. American Academy of Pediatrics;**
- c. Centers for Disease Control and Prevention;**
- d. Food and Drug Administration;**
- e. National Cancer Institute;**
- f. American Psychological Association; or**
- g. National Institute for Health;**

**(4)”**; and renumber the remaining subdivision accordingly; and

Further amend said bill and section, page 14, line 21 of said page, by inserting immediately after “9.” the following: “**In order to be eligible for tax credits under this section, a maternity home or its officers, agents, employees, or volunteers shall provide medically accurate information to its clients.**

**10.”**; and

Further amend said bill, page 19, section 135.630, line 13 of said page, by inserting immediately after “(3)” the following: “ **“Medically accurate information”, information that is:**

**(a) Verified or supported by the weight of medical research conducted in compliance with accepted scientific methods;**

**(b) Recognized as correct and objective by leading medical organizations with relevant expertise or government agencies, including, but not limited to:**

- a. American Medical Association;**
- b. American Academy of Pediatrics;**
- c. Centers for Disease Control and Prevention;**
- d. Food and Drug Administration;**
- e. National Cancer Institute;**
- f. American Psychological Association; or**
- g. National Institute for Health;**

**(4)”**; and renumber the remaining subdivisions accordingly; and

Further amend said bill and section, page 23, line 20 of said page, by inserting immediately after “9.” the following: “**In order to be eligible for tax credits under this section, a pregnancy resource center**

or its officers, agents, employees, or volunteers shall provide medically accurate information to its clients.

10.”.

Senator Schupp moved that the above amendment be adopted.

Senator Rowden assumed the Chair.

Senator Dixon requested a roll call vote be taken on the adoption of SA 1. He was joined in his request by Senators Eigel, Koenig, Onder and Schupp.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Chappelle-Nadal	Curls	Holsman	Hummel	Nasheed	Rizzo	Schupp
Sifton	Walsh—9					

NAYS—Senators

Brown	Crawford	Cunningham	Dixon	Eigel	Emery	Hegeman
Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder	Richard
Riddle	Romine	Rowden	Sater	Schatz	Wallingford	Wasson
Wieland—22						

Absent—Senators

Cierpiot	Schaaf—2
----------	----------

Absent with leave—Senators—None

Vacancies—1

Senator Schupp offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1288, 1377 and 2050, Page 35, Section 135.1125, Line 11, by inserting after all of said line the following:

**“135.2500. 1. As used in this section, the following terms mean:**

**(1) “Approved emergency generator”, an emergency generator that provides emergency power to life support systems as required by the 1993 NFPA 99;**

**(2) “Department”, the department of health and senior services;**

**(3) “Qualifying facility”, any intermediate care facility or skilled nursing facility, as those terms are defined in section 198.006, which was built according to plans approved by the department on or before December 31, 1998, and which does not maintain an approved emergency generator.**

**2. For all tax years beginning on or after January 1, 2019, a qualifying facility shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the cost of installing or upgrading to an approved emergency generator.**

**3. Any amount of tax credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed a total of five years.**

**4. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

**5. Pursuant to section 23.253 of the Missouri sunset act:**

**(1) The program authorized under this section shall expire on December 31, 2022, unless reauthorized by the general assembly; and**

**(2) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and**

**(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a qualified facility's ability to redeem such tax credits.”; and**

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted.

Senator Dixon raised the point of order that **SA 2** is out of order as it goes beyond the scope and title of the underlying bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Dixon, the point of order was withdrawn.

**SA 2** was again taken up.

At the request of Senator Dixon, **SS** for **SCS** for **HCS** for **HBs 1288, 1377 and 2050** was withdrawn, rendering **SA 2** moot.

Senator Dixon offered **SS No. 2** for **SCS** for **HCS** for **HBs 1288, 1377 and 2050**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NOS. 1288, 1377 and 2050

An Act to repeal sections 135.341, 135.600, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof seven new sections relating to tax credits for contributions to certain benevolent organizations.

Senator Dixon moved that **SS No. 2** for **SCS** for **HCS** for **HBs 1288, 1377 and 2050** be adopted, which motion prevailed.

President Parson assumed the Chair.

Senator Dixon moved that **SS No. 2** for **SCS** for **HCS** for **HBs 1288, 1377 and 2050** be read the 3rd time and passed and was recognized to close.

President Pro Tem Richard referred **SS No. 2** for **SCS** for **HCS** for **HBs 1288, 1377 and 2050** to the Committee on Fiscal Oversight.

### **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 49**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 53**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 96**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 69**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 63**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 2538**—Agriculture, Food Production and Outdoor Resources.

**HB 2499**—Judiciary and Civil and Criminal Jurisprudence.

**HB 2438**—Small Business and Industry.

**HCS** for **HB 2407**—Health and Pensions.

**HCS** for **HB 1739**—Judiciary and Civil and Criminal Jurisprudence.

**HCS** for **HB 1554**—Health and Pensions.

**HCB 23**—Local Government and Elections.

**HCS for HB 2019**—Appropriations.

### **PRIVILEGED MOTIONS**

Senator Riddle moved that the Senate refuse to concur in **HCS**, as amended, for **SB 660** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### **RESOLUTIONS**

Senator Cunningham offered Senate Resolution No. 2021, regarding Jeff Head, West Plains, which was adopted.

Senator Hoskins offered Senate Resolution No. 2022, regarding Terry Bond, Leeton, which was adopted.

Senator Hoskins offered Senate Resolution No. 2023, regarding Penelope Kuhn, Concordia, which was adopted.

Senator Romine offered Senate Resolution No. 2024, regarding Eagle Scout Aaron Robert Wright, Mineral Point, which was adopted.

Senator Romine offered Senate Resolution No. 2025, regarding Lisa Roberts, De Soto, which was adopted.

Senator Romine offered Senate Resolution No. 2026, regarding Eileen Bell, De Soto, which was adopted.

Senator Romine offered Senate Resolution No. 2027, regarding Jack E. Kienzle, Saint Louis, which was adopted.

Senator Romine offered Senate Resolution No. 2028, regarding Cynthia Shropshire, Dittmer, which was adopted.

Senator Romine offered Senate Resolution No. 2029, regarding Denise Corio, Hillsboro, which was adopted.

Senator Romine offered Senate Resolution No. 2030, regarding Margie Coleman, Park Hills, which was adopted.

Senator Romine offered Senate Resolution No. 2031, regarding Christopher Goodwin, Potosi, which was adopted.

Senator Sifton offered Senate Resolution No. 2032, regarding Brooke Frost, Saint Louis, which was adopted.

Senator Sifton offered Senate Resolution No. 2033, regarding Sabreena Colleen Leach, Saint Louis, which was adopted.

Senator Walsh offered Senate Resolution No. 2034, regarding Nickolas Allison, Eldorado Springs, which was adopted.

Senator Walsh offered Senate Resolution No. 2035, regarding Brett A. Combs, Wichita, which was adopted.



Senator Chappelle-Nadal offered Senate Resolution No. 2036, regarding Malik Henry, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2037, regarding Justin A. McPherson, Ellisville, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2038, regarding Tori L. Jones, Jefferson City, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2039, regarding Sierra N. Baxter, Columbia, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 2040, regarding Sikudhani McCowan, which was adopted.

Senator Hummel offered Senate Resolution No. 2041, regarding Estella Marie Daly, St. Louis, which was adopted.

On motion of Senator Kehoe, the Senate recessed until 4:00 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

### **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

May 8, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments:

Daniel B. Oerther, 200 Lovers Lane, Rolla, Phelps County, Missouri 65401, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2019, and until his successor is duly appointed and qualified; vice, Adrienne A. Fly, term expired.

Sandra McLaughlin, 3724 North Indiana Avenue, Kansas City, Clay County, Missouri 64117, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until her successor is duly appointed and qualified; vice, John Young, term expired.

Jamie S. Kondis, 250 South Brentwood Boulevard, Unit 1-A, Clayton, Saint Louis County, Missouri 63105, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Jamie S. Kondis, reappointed.

Nicole E. Wood, Republican, 583 East Capri Drive, Bonne Terre, Saint Francois County, Missouri 63628, as a member of the Conservation Commission, for a term ending June 30, 2023, and until her successor is duly appointed and qualified; vice, Nicole E. Wood, withdrawn.

Respectfully submitted,  
Eric R. Greitens  
Governor

Senator Richard moved that the above appointments be returned to the Governor per his request, which motion prevailed.

## GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

May 8, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Victor E. Callahan, Democrat, 132 East Short, Independence, Jackson County, 64050, as a member of the State Tax Commission, for a term ending January 23, 2024, and until his successor is duly appointed and qualified; vice, Victor E. Callahan, reappointed.

Respectfully submitted,  
Eric R. Greitens  
Governor

President Pro Tem Richard referred the above reappointment to the Committee on Gubernatorial Appointments.

**REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **HCS** for **HB 1364**, with **SCS** and **SS** for **HCS** for **HB 1606**, as amended, begs leave to report that it has considered the same and recommends that the bills do pass.

**PRIVILEGED MOTIONS**

Senator Hoskins moved that **SB 768**, with **HA 1** and **HA 2**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Schaaf—1

Absent—Senator Rowden—1

Absent with leave—Senators—None

Vacancies—1

**HA 2**, as amended, was taken up.

Senator Hoskins moved that the above amendment be adopted, which motion prevailed by the following

## vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Sifton	Wallingford	Walsh	Wasson

Wieland—29

## NAYS—Senators

Chappelle-Nadal	Nasheed	Schaaf	Schupp—4
-----------------	---------	--------	----------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Hoskins, **SB 768**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Dixon	Emery	Hegeman	Holsman
Hoskins	Hummel	Kehoe	Koenig	Libla	Munzlinger	Nasheed
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Sifton	Wallingford	Walsh	Wasson	Wieland—26		

## NAYS—Senators

Chappelle-Nadal	Cunningham	Schaaf	Schupp—4
-----------------	------------	--------	----------

Absent—Senators

Curls	Eigel	Schatz—3
-------	-------	----------

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### HOUSE BILLS ON THIRD READING

At the request of Senator Munzlinger, **HB 1267** was placed on the Informal Calendar.

At the request of Senator Wasson, **HB 1415** was placed on the Informal Calendar.

**SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HB 2015**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

**HOUSE BILLS ON THIRD READING**

**HB 1968** was placed on the Informal Calendar.

At the request of Senator Sifton, **HB 2330** was placed on the Informal Calendar.

At the request of Senator Onder, **HB 1887** was placed on the Informal Calendar.

At the request of Senator Onder, **HB 1247** was placed on the Informal Calendar.

At the request of Senator Wieland, **HB 1831** was placed on the Informal Calendar.

At the request of Senator Wallingford, **HCS** for **HB 1635**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sater, **HCS** for **HB 2171** was placed on the Informal Calendar.

At the request of Senator Munzlinger, **HCS** for **HB 1364**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Hegeman, **HB 1646** was placed on the Informal Calendar.

**HB 1809** was placed on the Informal Calendar.

**HB 1252** was placed on the Informal Calendar.

At the request of Senator Crawford, **HCS** for **HB 1251**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Hoskins, **HCS No. 2** for **HB 1503**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Hegeman, **HCS** for **HB 1614** was placed on the Informal Calendar.

At the request of Senator Hegeman, **HCS** for **HB 1264** was placed on the Informal Calendar.

At the request of Senator Riddle, **HCS** for **HB 1611** was placed on the Informal Calendar.

At the request of Senator Rowden, **HCS** for **HB 2119** was placed on the Informal Calendar.

At the request of Senator Crawford, **HCS** for **HB 2079**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 1710**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Romine, **HB 1484** was placed on the Informal Calendar.

At the request of Senator Romine, **HJR 59** was placed on the Informal Calendar.

At the request of Senator Brown, **HCS** for **HB 2017** was placed on the Informal Calendar.

At the request of Senator Brown, **HCS** for **HB 2018** was placed on the Informal Calendar.

At the request of Senator Crawford, **HB 2183** was placed on the Informal Calendar.

At the request of Senator Emery, **HCS** for **HB 2216**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Emery, **HB 1998**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kehoe, **HB 2179** was placed on the Informal Calendar.

At the request of Senator Wasson, **HB 2043** was placed on the Informal Calendar.

At the request of Senator Romine, **HB 1558**, with **SCS**, was placed on the Informal Calendar.

**HB 1389**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 1364**, with **SCS**, entitled:

An Act to repeal section 292.606, RSMo, and to enact in lieu thereof one new section relating to transportation and delivery of petroleum products.

Was called from the Informal Calendar and taken up by Senator Munzlinger.

**SCS** for **HCS** for **HB 1364**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1364

An Act repeal sections 292.606, 319.129, and 414.032, RSMo, and to enact in lieu thereof three new sections relating to petroleum products.

Was called from the Informal Calendar and taken up.

Senator Munzlinger moved that **SCS** for **HCS** for **HB 1364** be adopted.

Senator Munzlinger offered **SS** for **SCS** for **HCS** for **HB 1364**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1364

An Act to repeal sections 292.606, 319.129, and 414.032, RSMo, and to enact in lieu thereof four new sections relating to petroleum products.

Senator Munzlinger moved that **SS** for **SCS** for **HCS** for **HB 1364** be adopted, which motion prevailed.

On motion of Senator Munzlinger, **SS** for **SCS** for **HCS** for **HB 1364** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Schaaf	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senator Koenig—1

Absent—Senators

Cierpiot                      Sater—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HB 1415**, introduced by Representative Lauer, entitled:

An Act to amend chapters 160 and 168, RSMo, by adding thereto two new sections relating to educational workforce development.

Was called from the Informal Calendar and taken up by Senator Wasson.

Senator Wasson offered **SS** for **HB 1415**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 1415

An Act to repeal sections 162.1115, 178.550, 620.809, and 620.2020, RSMo, and to enact in lieu thereof seven new sections relating to workforce development.

Senator Wasson moved that **SS** for **HB 1415** be adopted.

Senator Romine offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1415, Page 10, Section 178.550, Line 19 of said page, by inserting after all of said line the following:

**“178.931. 1. Beginning July 1, 2018, and thereafter, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to the amount calculated under subsection 2 of this section but at least the amount necessary to ensure that at least twenty-one dollars is paid for each six hour or longer day worked by a handicapped employee.**

**2. In order to calculate the monthly amount due to each sheltered workshop, the department shall:**

**(1) Determine the quotient obtained by dividing the appropriation for the fiscal year by twelve; and**

**(2) Divide the amount calculated under subdivision (1) of this subsection among the sheltered workshops in proportion to each sheltered workshop’s number of hours submitted to the department for the preceding calendar month.**

**3. The department shall accept, as prima facie proof of payment due to a sheltered workshop, information as designated by the department, either in paper or electronic format. A statement signed by the president, secretary, and manager of the sheltered workshop, setting forth the dates worked and the number of hours worked each day by each handicapped person employed by that sheltered workshop during the preceding calendar month, together with any other information required by the rules or regulations of the department, shall be maintained at the workshop location.”; and**

Further amend said bill, page 30, section 620.2020, line 23 of said page, by inserting after all of said line the following:

“[178.930. 1. (1) Beginning July 1, 2009, and until June 30, 2010, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to ninety dollars for each standard workweek (Monday through Friday) of up to and including thirty hours worked during the preceding calendar month. Eighteen dollars shall be paid for each six-hour or longer day worked by a handicapped employee on Saturdays or Sundays. For each handicapped worker employed by a sheltered workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee.

(2) Beginning July 1, 2010, and thereafter, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to ninety-five dollars for each standard workweek (Monday through Friday) of up to and including thirty hours worked during the preceding calendar month. Nineteen dollars shall be paid for each six-hour or longer day worked by a handicapped employee on Saturdays or Sundays. For each handicapped worker employed by a sheltered workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee.

2. The department shall accept, as prima facie proof of payment due to a sheltered workshop, information as designated by the department, either in paper or electronic format. A statement signed by the president, secretary, and manager of the sheltered workshop, setting forth the dates worked and the number of hours worked each day by each handicapped person employed by that sheltered workshop during the preceding calendar month, together with any other information required by the rules or regulations of the department, shall be maintained at the workshop location.

3. There is hereby created in the state treasury the “Sheltered Workshop Per Diem Revolving Fund” which shall be administered by the commissioner of the department of elementary and secondary education. All moneys appropriated pursuant to subsection 1 of this section shall be deposited in the fund and expended as described in subsection 1 of this section.

4. The balance of the sheltered workshop per diem revolving fund shall not exceed five hundred thousand dollars at the end of each fiscal year and shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund. Any unexpended balance in the sheltered workshop per diem revolving fund

at the end of each fiscal year exceeding five hundred thousand dollars shall be deposited in the general revenue fund.]

Section B. Because immediate action is necessary to ensure that as many people can be employed in sheltered workshops as possible, and that the employment of people can occur as soon as possible, the repeal of section 178.930 and the enactment of section 178.931 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal of section 178.930 and the enactment of section 178.931 of this act shall be in full force and effect on July 1, 2018, or upon its passage and approval, whichever occurs later.”; and

Further amend the title and enacting clause accordingly.

Senator Romine moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Wasson, **HB 1415**, with **SS**, as amended, was placed on the Informal Calendar.

**HB 2330**, introduced by Representative Beck, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Was taken up by Senator Sifton.

President Pro Tem Richard assumed the Chair.

On motion of Senator Sifton, **HB 2330** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators

Eigel                      Schaaf—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Sifton, title to the bill was agreed to.

Senator Sifton moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HB 1769**, introduced by Representative Mathews, with **SCS**, entitled:

An Act to repeal section 400.9-501, RSMo, and to enact in lieu thereof two new sections relating to the



offense of filing false documents, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Schatz.

**SCS for HB 1769**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1769

An Act to repeal sections 303.025, 400.9-501, 488.029, 556.061, 565.252, 566.147, 577.001, 577.010, 577.013, 577.014, 579.020, 579.065, 579.068, and 595.045, RSMo, and to enact in lieu thereof fifteen new sections relating to criminal offenses, with penalty provisions.

Was taken up.

Senator Schatz moved that **SCS for HB 1769** be adopted.

President Parson assumed the Chair.

Senator Schatz offered **SS for SCS for HB 1769**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1769

An Act to repeal section 400.9-501, RSMo, and to enact in lieu thereof two new sections relating to the offense of filing false documents, with penalty provisions.

Senator Schatz moved that **SS for SCS for HB 1769** be adopted.

Senator Nasheed offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1769, Page 2, Section 400.9-501, Line 2 of said page, by inserting immediately after said line the following:

“565.027. 1. A person commits the offense of involuntary manslaughter in the second degree if he or she

**(1) Acts with criminal negligence to cause the death of any person; or**

**(2) Knowingly incites any person to commit self-murder, including through the use of telephone or electronic communications, and such incitement results in the death of such person.**

2. The offense of involuntary manslaughter in the second degree is a class E felony, unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class D felony.”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted.

Senator Schatz raised the point of order that **SA 1** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Schatz moved that **SS for SCS for HB 1769** be adopted, which motion prevailed.

Senator Schatz moved that **SS for SCS for HB 1769** be read the 3rd time and passed and was recognized to close.

President Pro Tem Richard referred **SS for SCS for HB 1769** to the Committee on Fiscal Oversight.

Senator Wasson moved that **HB 1415**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS for HB 1415** was again taken up.

Senator Schupp offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for House Bill No. 1415, Page 4, Section 162.1115, Line 5, by inserting after all of said line the following:

**“167.910. 1. There is hereby established the “Career Readiness Course Task Force” to explore the possibility of a course covering the topics described in this section being offered in the public schools to students in eighth grade or ninth grade. Task force members shall be chosen to represent the geographic diversity of the state. All task force members shall be appointed before October 31, 2018. The task force members shall be appointed as follows:**

**(1) A parent of a student attending elementary school, appointed by a statewide association of parents and teachers;**

**(2) A parent of a student attending a grade not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of parents and teachers;**

**(3) A parent of a student attending high school, appointed by a statewide association of parents and teachers;**

**(4) An elementary education professional from an accredited school district, appointed by agreement among the Missouri State Teachers Association, the Missouri National Education Association, and the American Federation of Teachers of Missouri;**

**(5) An education professional giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade in an accredited school district, appointed by agreement among the Missouri State Teachers Association, the Missouri National Education Association, and the American Federation of Teachers of Missouri;**

**(6) A secondary education professional from an accredited school district, appointed by agreement among the Missouri State Teachers Association, the Missouri National Education Association, and the American Federation of Teachers of Missouri;**

**(7) A career and technical education professional who has experience serving as an advisor to a statewide career and technical education organization, appointed by a statewide career and technical education organization;**

**(8) An education professional from an accredited technical high school, appointed by a statewide career and technical education organization;**

**(9) A public school board member, appointed by a statewide association of school boards;**

**(10) A secondary school principal, appointed by a statewide association of secondary school principals;**

- (11) A principal of a school giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of secondary school principals;**
- (12) An elementary school counselor, appointed by a statewide association of school counselors;**
- (13) A school counselor from a school giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of school counselors;**
- (14) A secondary school counselor, appointed by a statewide association of school counselors;**
- (15) A secondary school career and college counselor, appointed by a statewide association of school counselors;**
- (16) An apprenticeship professional, appointed by the division of workforce development of the department of economic development;**
- (17) A representative of Missouri Project Lead the Way, appointed by the statewide Project Lead the Way organization;**
- (18) A representative of the State Technical College of Missouri, appointed by the State Technical College of Missouri;**
- (19) A representative of a public community college, appointed by a statewide organization of community colleges; and**
- (20) A representative of a public four-year institution of higher education, appointed by the commissioner of higher education.**

**2. The members of the task force established under subsection 1 of this section shall elect a chair from among the membership of the task force. The task force shall meet as needed to complete its consideration of the course described in subsection 5 of this section and provide its findings and recommendations as described in subsection 6 of this section. Members of the task force shall serve without compensation. No school district policy or administrative action shall require any education employee member to use personal leave or incur a reduction in pay for participating on the task force.**

**3. The task force shall hold at least three public hearings to provide an opportunity to receive public testimony including, but not limited to, testimony from educators, local school boards, parents, representatives from business and industry, labor and community leaders, members of the general assembly, and the general public.**

**4. The department of elementary and secondary education shall provide such legal, research, clerical, and technical services as the task force may require in the performance of its duties.**

**5. The task force established under subsection 1 of this section shall consider a course that:**

- (1) Gives students an opportunity to explore various career and educational opportunities by:**
  - (a) Administering career surveys to students and helping students use Missouri Connections to determine their career interests and develop plans to meet their career goals;**
  - (b) Explaining the differences between types of colleges, including two-year and four-year colleges, and noting the availability of registered apprenticeship programs as alternatives to college for students;**
  - (c) Describing technical degrees offered by colleges;**

- (d) Explaining the courses and educational experiences offered at community colleges;**
  - (e) Describing the various certificates and credentials available to earn at the school or other schools including, but not limited to, career and technical education certificates described under section 170.029 and industry-recognized certificates and credentials;**
  - (f) Advising students of any advanced placement courses that they may take at the school;**
  - (g) Describing any opportunities at the school for dual enrollment;**
  - (h) Advising students of any Project Lead the Way courses offered at the school and explaining how Project Lead the Way courses help students learn valuable skills;**
  - (i) Informing students of the availability of funding for postsecondary education through the A+ schools program described under section 160.545;**
  - (j) Describing the availability of virtual courses;**
  - (k) Describing the types of skills and occupations most in demand in the current job market and those skills and occupations likely to be in high demand in future years;**
  - (l) Describing the typical salaries for occupations, salary trends, and opportunities for advancement in various occupations;**
  - (m) Emphasizing the opportunities available in careers involving science, technology, engineering, and math;**
  - (n) Advising students of the resources offered by workforce or job centers;**
  - (o) Preparing students for the ACT assessment or the ACT WorkKeys assessments required for the National Career Readiness Certificate;**
  - (p) Administering a practice ACT assessment or practice ACT WorkKeys assessments required for the National Career Readiness Certificate to students;**
  - (q) Advising students of opportunities to take the SAT and the Armed Services Vocational Aptitude Battery;**
  - (r) Administering a basic math test to students so that they can assess their math skills;**
  - (s) Administering a basic writing test to students so that they can assess their writing skills;**
  - (t) Helping each student prepare a personal plan of study that outlines a sequence of courses and experiences that concludes with the student reaching his or her postsecondary goals; and**
  - (u) Explaining how to complete college applications and the Free Application for Federal Student Aid;**
- (2) Focuses on career readiness and emphasizes the importance of work ethic, communication, collaboration, critical thinking, and creativity;**
- (3) Demonstrates that graduation from a four-year college is not the only pathway to success by describing to students at least sixteen pathways to success in detail and including guest visitors who represent each pathway described. In exploring how these pathways could be covered in the course, the task force shall consider how instructors for the course may be able to rely on assistance from Missouri Career Pathways within the department of elementary and secondary education;**

**(4) Provides student loan counseling; and**

**(5) May include parent-student meetings.**

**6. Before December 1, 2019, the task force established under subsection 1 of this section shall present its findings and recommendations to the speaker of the house of representatives, the president pro tempore of the senate, the joint committee on education, and the state board of education. Upon presenting the findings and recommendations as described in this subsection, the task force shall dissolve.”; and**

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Wasson moved that SS for **HB 1415**, as amended, be adopted, which motion prevailed.

Senator Wasson moved that SS for **HB 1415**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Richard referred SS for **HB 1415**, as amended, to the Committee on Fiscal Oversight.

**HB 1831**, introduced by Representative Ruth, entitled:

An Act to repeal section 144.049, RSMo, and to enact in lieu thereof one new section relating to a sales tax holiday.

Was called from the Informal Calendar and taken up by Senator Wieland.

Senator Schupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1831, Page 1, Section 144.049, Line 8, by inserting immediately after “(2)” the following:

“ **“Feminine hygiene products”, tampons, pads, liners, and cups;**

**(3)”**; and further amend line 14, by striking “(3)” and inserting in lieu thereof “**(4)”**; and

Further amend said bill and section, page 2, line 26, by striking “and”; and further amend line 28, by inserting immediately after “dollars,” the following: “**and all retail sales of feminine hygiene products,”**.”

Senator Schupp moved that the above amendment be adopted.

Senator Schaaf offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Bill No. 1831, Page 1, Line 9, by striking the word “and”; and further amend line 10 by inserting after the word “products,” the following: “**automobiles, motorcycles, and yachts,”**.”

Senator Schaaf moved that the above amendment be adopted.

At the request of Senator Wieland, **HB 1831**, with **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

**HB 1887**, introduced by Representative Bahr, entitled:

An Act to amend chapter 442, RSMo, by adding thereto one new section relating to restrictive covenants.

Was called from the Informal Calendar and taken up by Senator Onder.

On motion of Senator Onder, **HB 1887** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Sater—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Onder, title to the bill was agreed to.

Senator Onder moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 1635**, with **SCS**, entitled:

An Act to repeal section 198.070, RSMo, and to enact in lieu thereof twelve new sections relating to sexual assault reporting in long-term care facilities, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Wallingford.

**SCS** for **HCS** for **HB 1635**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO.1635

An Act to repeal section 198.070, RSMo, and to enact in lieu thereof one new section relating to abuse or neglect reporting in long-term care facilities, with existing penalty provisions.

Was taken up.

Senator Wallingford moved that **SCS** for **HCS** for **HB 1635** be adopted, which motion prevailed.

On motion of Senator Wallingford, **SCS** for **HCS** for **HB 1635** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Cunningham requested unanimous consent of the Senate that **SS** for **SCS** for **HB 1769** be returned by the Committee on Fiscal Oversight as it was inadvertently referred to such committee, which request was granted.

### PRIVILEGED MOTIONS

Senator Eigel moved that the Senate return **SCS** for **SB 718** to the House for adoption of **HCS** for **SCS** for **SB 718**, as amended, per their request, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 2171**, entitled:

An Act to repeal sections 209.030 and 209.040, RSMo, and to enact in lieu thereof two new sections relating to the blind pension fund.

Was called from the Informal Calendar and taken up by Senator Sater.

Senator Schupp offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 2171, Page 2, Section 209.030, Line 19, by inserting immediately after “services” the following: “**. The department of social services shall notify eligible blind persons with valid driver’s licenses that they shall surrender such licenses within sixty days of approval for a blind pension. Upon receipt of a relinquished license under this subdivision, the department of revenue shall, if requested by the person, issue a nondriver’s license card compliant with the provisions of chapter 302 at no charge to the person. The department of social services and the department of revenue shall jointly establish procedures and shall share any information necessary to implement this subdivision**”.

Senator Schupp moved that the above amendment be adopted.

At the request of Senator Sater, **HCS** for **HB 2171**, with **SA 1** (pending), was placed on the Informal

## Calendar.

Senator Romine moved that **SS** for **HCS** for **HB 1606**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **HCS** for **HB 1606**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senator Schaaf—1

## Absent—Senators

Nasheed Richard—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Rowden moved that **SS** for **SCS** for **HB 1350**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HB 1350**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

## NAYS—Senators

Eigel Schaaf—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1



The President declared the bill passed.

On motion of Senator Rowden, title to the bill was agreed to.

Senator Rowden moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Schatz moved that **SS** for **SCS** for **HB 1769** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HB 1769** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators

Eigel	Koenig	Schaaf—3
-------	--------	----------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Schatz moved that **SS** for **SCS** for **HB 1355**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HB 1355**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for “, entitled:

An Act to repeal sections 162.401 and 163.018, RSMo, and to enact in lieu thereof two new sections relating to elementary and secondary education.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, House Amendment No. 1 to House Amendment No. 9, House Amendment No. 9, as amended, House Amendment Nos. 10, 11, 12, House Substitute Amendment No. 1 for House Amendment No. 13, House Amendment Nos. 14, 15, 16, House Amendment No. 1 to House Amendment No. 17, House Amendment No. 17, as amended, and House Amendment Nos. 18, 19, 20, 22, 23, 24, 25.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 743, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“161.106. 1. The department of elementary and secondary education shall provide staffing support including but not limited to statewide coordination for career and technical student organizations’ activities that are an integral part of the instructional educational curriculum for career and technical education programs approved by the department. Such career and technical organizations shall include, but not be limited to, the nationally recognized organizations of DECA, FBLA, FFA, FCCLA, HOSA, SkillsUSA, and TSA.

2. The department of elementary and secondary education shall [continue to] handle the funds from the **career and technical student** organizations [in the same manner as it did during school year 2011-12], with department personnel maintaining responsibility for the receipt and disbursement of funds. The department may ensure accountability and transparency by requiring the career and technical student organizations to provide sworn affidavits annually by personnel in the organization who are responsible for such funds as to the proper receipt and disbursement of such funds.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 743, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“**160.430. 1. For purposes of this section and sections 160.432 and 160.435, “school of innovation” means a program approved by the school board of a school district with a curriculum, delivery method, or instructional model different from the traditional school model. A program qualifies as a school of innovation even if it does not have a building or facility that is separate from other district grade-level school buildings.**

**2. Students may attend a school of innovation and still be considered enrolled in a traditional**

school building for the purposes of cocurricular activities, extracurricular activities, and general courses available to both students in the school of innovation and students in the traditional public school setting.

3. The board of education of a school district may, by a majority vote of the entire board, establish a school of innovation. Before the vote, the board members shall prepare and distribute to all members a written description of the educational mission of the school of innovation, the research that supports that mission, the educational goals for the school of innovation, and the process the district intends to use to determine if the school of innovation is meeting those goals.

4. The school day, school hours, and school term of a school of innovation may be different from other schools in the district. Schools of innovation shall be required to meet the minimum school day or school term requirements in sections 160.011, 160.041, 171.031, and 171.033.

5. For purposes of calculation and distribution of state school funding, attendance of a student enrolled in a school of innovation shall equal, upon completion of the school year, one hundred five percent of the hours of attendance possible for the same or similar program delivered in the traditional school setting offered in the district. State funding shall be calculated in two increments, fifty percent completion and one hundred percent completion, based on the student's completion of the program, with distribution of state funding to a school district at each increment equal to fifty-two and one-half percent of hours of attendance possible for the same or similar program delivered in the traditional program in the district.

6. For the first three years a school of innovation exists, the graduation rates, attendance rates, and scores on the statewide assessments established under section 160.518 of the students enrolled in the school of innovation shall not be considered when determining a district's accreditation status, unless the district chooses for those scores and rates to be considered.

7. The board of a school district that has established a school of innovation shall annually review the overall academic performance of the school of innovation and the progress the school of innovation has made toward achieving the educational goals set when the school was established. The board may, by a majority vote of the entire board, alter, amend, extend, or change the goals or educational mission of the school of innovation. The board may at any time vote to revoke the school's status as a school of innovation.

8. A superintendent of a school district with a school of innovation, or his or her designee, may assign specific teachers and district employees to a school of innovation, regardless of existing policies, practices, or collective bargaining agreements.

9. (1) The board of a school district that has established a school of innovation may, at its discretion, pay a teacher assigned to and teaching in the school of innovation more than what the teacher would otherwise receive on the teacher salary schedule in order to compensate for the additional training, alternative lesson plans, extended hours, and additional duties associated with the position.

(2) Teachers assigned to a school of innovation may earn tenure in the district, but the teachers have no right or entitlement to continue to work in a school of innovation.

(3) Teaching contracts for teachers assigned to a school of innovation shall not include a set number of days, months, or working hours. A teacher assigned to a school of innovation shall receive

a school calendar outlining general attendance expectations.

(4) If a district reassigns a teacher from a school of innovation and then pays the teacher on the teacher salary schedule for the district, the reassignment shall not be considered a demotion under sections 168.102 to 168.130, even if the teacher's compensation is reduced.

10. Notwithstanding any provision of chapter 169 or any other provision of law, a teacher receiving retirement benefits under chapter 169 may, without losing his or her retirement benefits, teach on a full-time or part-time basis in a school of innovation if the teacher is certificated and has teaching experience in a subject that is essential to the mission of the school of innovation and the district can demonstrate that it has been unsuccessful in employing a teacher with the same certification and relevant experience in the subject area. A retired teacher who is employed to work at a school of innovation under this subsection shall not be eligible to earn tenure.

11. A school district that establishes a school of innovation may allow students who are not residents of the district to attend the school of innovation upon payment of tuition by the student, parents, or the student's resident school district or charter school. The school district that establishes the school of innovation shall not be responsible for the transportation of nonresident students. A school district may enter into an agreement with the district that has established the school of innovation to share staff, facilities, or other resources in lieu of or in addition to tuition.

12. (1) The board of a school district that has established or that seeks to establish a school of innovation may apply to the state board of education for a waiver of a state statute or regulation that impedes the establishment of a school of innovation or that is otherwise a barrier to the innovative educational mission.

(2) The state board of education shall hold a public hearing to determine if a waiver should be granted. The state board of education may, by a majority vote of the entire state board, waive a state statute or regulation for the limited purpose of operating the school of innovation. Such waiver shall last three years and may be extended by the state board of education for three-year terms upon evidence that the waiver has resulted in the desired educational innovation and opportunity.

13. The department of elementary and secondary education shall review all existing laws, regulations, and processes and take action to remove any identified barriers to school districts using innovative education models. The department of elementary and secondary education shall report to the governor before December 1, 2018, any state or federal statutes or regulations that could impede the establishment of schools of innovation.

14. Subject to appropriation, the governor, or a task force appointed by the governor, shall annually award ten competitive grants to school districts for the establishment, implementation, or expansion of schools of innovation.

160.432. A school district may enter into an agreement with one or more other school districts to provide students access to courses or schools, including schools of innovation. School districts may enter into agreements to share staff, facilities, or other resources in lieu of or in addition to tuition paid by a district for its students to access the courses or schools, including schools of innovation. The school district sponsoring the course or school, including the school of innovation, shall retain financial and legal responsibility unless determined otherwise in the agreement.

160.435. 1. A school district may enter into an agreement with one or more other school districts

to cooperatively provide schools to educate resident students of all participating districts. Such schools shall be known as “cooperative schools”. Cooperative school services may be provided in the facilities of any of the cooperating districts or in facilities leased by the cooperating districts or through a third-party vendor. The agreement shall describe the nature of the services to be provided. Services may include full-day instruction, individual courses, a specialized program of studies, or the establishment of a shared school of innovation.

2. Districts participating in a cooperative school shall equally share financial and legal responsibility for the school, courses, and employees assigned to such schools and courses, unless otherwise determined in the agreement. Participating districts shall contribute funds, facilities, staff, or other resources to operate the cooperative school as determined in the agreement.

3. A cooperative school shall be governed by a committee, with one appointed representative from each participating school district. The committee shall have the legal authority to create and oversee a budget, enter into contracts, employ staff, and pay bills associated with the cooperative school. The financial resources devoted to the cooperative school by the participating districts shall be kept in a separate account, shall be solely devoted to the cooperative school, and shall carry over from year to year to the benefit of the cooperative school.

4. If an agreement under this section expires and no new agreement is reached, a cooperative school may be dissolved by a unanimous vote of the representatives on the committee governing the cooperative school or by a vote of the boards of education of all the participating school districts. If dissolved, all resources, debt, or legal liability incurred shall be divided in accordance with the agreement.

5. Eligible students from participating districts shall have an equal opportunity to attend the cooperative school, as determined by the agreement. Any student enrolled in a participating district shall be reported by the sending participating district for state aid purposes. The cooperative school shall share information and student records with the school districts in which students are enrolled.

6. The committee governing the cooperative school shall employ teachers and other staff necessary to operate the cooperative school. The teaching or administrative contracts shall be with the committee governing the cooperative school rather than with the participating school districts. Teachers teaching at a cooperative school may earn tenure in the cooperative school in accordance with sections 168.102 to 168.130 but shall not earn tenure with any participating district based on employment in the cooperative school.

7. Teachers who were employed by a participating school district immediately before their employment with the cooperative school shall not lose years toward tenure in the participating district or lose tenure previously earned in the participating school district. However, the teacher shall not continue to earn years toward tenure in the participating district during his or her employment with the cooperative school.

8. If the committee governing the cooperative school determines that the school needs to reduce or rearrange staff due to a decrease in student enrollment, reorganization of the program, or financial conditions, teaching staff shall be placed on leaves of absence from the cooperative school in accordance with section 168.124. If a teacher is placed on leave of absence from the cooperative school but has previously earned tenure in a participating district immediately before his or her employment in the cooperative school, the participating district may reemploy the tenured teacher, and the teacher

**shall be considered tenured upon reemployment. If a teacher is placed on leave of absence from the cooperative school but was a probationary teacher in a participating district immediately before his or her employment with the cooperative school, and the participating district reemploys the teacher, the teacher shall not have lost years toward tenure previously earned with the participating district.**

160.545. 1. There is hereby established [within the department of elementary and secondary education] the “A+ Schools Program” to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

(1) All students be graduated from school;

(2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and

(3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) [Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4)] Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

[(5)] (4) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. Any nonpublic school in this state may apply to the state board of education for certification that it meets the requirements of this section subject to the same criteria as public high schools. Every nonpublic school that applies and has met the requirements of this section shall have its students eligible for reimbursement of postsecondary education under subsection 8 of this section on an equal basis to students who graduate from public schools that meet the requirements of this section. Any nonpublic school that

applies shall not be eligible for any grants under this section. Students of certified nonpublic schools shall be eligible for reimbursement of postsecondary education under subsection 8 of this section so long as they meet the other requirements of such subsection. For purposes of subdivision [(5)] (4) of subsection 2 of this section, the nonpublic school shall be included in the partnership plan developed by the public school district in which the nonpublic school is located. For purposes of subdivision (1) of subsection 2 of this section, the nonpublic school shall establish measurable performance standards for the goals of the program for every school and grade level over which the nonpublic school maintains control.

4. A school district may participate in the program irrespective of its accreditation classification by the state board of education, provided it meets all other requirements.

5. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

6. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092 and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

7. For any school year, grants authorized by subsections 1, 2, and 5 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 8 of this section.

8. The department of higher education shall, by rule, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or vocational or technical school or within the limits established in subsection [10] 11 of this section for any two-year private vocational or technical school for any student:

(1) Who has attended a high school in the state for at least [three] **two** years [immediately prior to graduation] that meets the requirements of subsection 2 of this section; except that, students who are active duty military dependents, and students who are [dependants] **dependents** of retired military who relocate

to Missouri within one year of the date of the parent's retirement from active duty, who[, in the school year immediately preceding graduation,] meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the [three-year] **two-year** attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school **or through the semester immediately before taking the course for which he or she seeks reimbursement** as determined by rule of the department of higher education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of the department; and

(4) Who is a citizen or permanent resident of the United States.

**9. A student who meets the requirements established in subsection 8 of this section immediately before taking the course for which he or she seeks reimbursement shall receive reimbursement of the cost of tuition, books, and fees for any dual credit or dual enrollment course offered in a high school in association with a public community college or vocational or technical school, subject to the requirements of subsection 11 of this section. Eligible students who qualify for reimbursement under this subsection shall also receive reimbursement for the costs associated with an advanced placement course or test.**

**10.** The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

[10.] **11.** For a two-year private vocational or technical school to obtain reimbursements under subsection 8 of this section, the following requirements shall be satisfied:

(1) Such two-year private vocational or technical school shall be a member of the North Central Association and be accredited by the Higher Learning Commission as of July 1, 2008, and maintain such accreditation;

(2) Such two-year private vocational or technical school shall be designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

(3) No two-year private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such college; and

(4) The reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri Constitution or the first amendment of the United States Constitution.”; and

Further amend said bill and page, Section 162.401, Line 9, by inserting immediately after said line the following:

“162.1250. 1. School districts shall receive state school funding under sections 163.031, 163.043, and 163.087 for resident students who are enrolled in the school district and who are taking a virtual course or full-time virtual program offered by the school district. The school district may offer instruction in a virtual setting using technology, intranet, and internet methods of communications that could take place outside



of the regular school district facility. The school district may develop a virtual program for any grade level, kindergarten through twelfth grade, with the courses available in accordance with district policy to any resident student of the district who is enrolled in the school district. Nothing in this section shall preclude a private, parochial, or home school student residing within a school district offering virtual courses or virtual programs from enrolling in the school district in accordance with the combined enrollment provisions of section 167.031 for the purposes of participating in the virtual courses or virtual programs.

2. Charter schools shall receive state school funding under section 160.415 for students enrolled in the charter school who are completing a virtual course or full-time virtual program offered by the charter school. Charter schools may offer instruction in a virtual setting using technology, intranet, and internet methods of communications. The charter school may develop a virtual program for any grade level, kindergarten through twelfth grade, with the courses available in accordance with school policy and the charter school's charter to any student enrolled in the charter school.

3. For purposes of calculation and distribution of state school funding, attendance of a student enrolled in a district or charter school virtual class shall equal, upon course completion, ~~[ninety-four]~~ **ninety-five** percent of the hours of attendance possible for such class delivered in the nonvirtual program in the student's resident district or charter school. Course completion shall be calculated in two increments, fifty percent completion and one hundred percent completion, based on the student's completion of defined assignments and assessments, with distribution of state funding to a school district or charter school at each increment equal to forty-seven **and one-half** percent of hours of attendance possible for such course delivered in the nonvirtual program in a student's school district of residence or charter school.

4. When courses are purchased from an outside vendor, the district or charter school shall ensure that they are aligned with the ~~[show-me curriculum]~~ **state learning** standards and comply with state requirements for teacher certification. The state board of education reserves the right to request information and materials sufficient to evaluate the online course. Online classes should be considered like any other class offered by the school district or charter school.

5. Any school district or charter school that offers instruction in a virtual setting, develops a virtual course or courses, or develops a virtual program of instruction shall ensure that the following standards are satisfied:

- (1) The virtual course or virtual program utilizes appropriate content-specific tools and software;
- (2) Orientation training is available for teachers, instructors, and students as needed;
- (3) Privacy policies are stated and made available to teachers, instructors, and students;
- (4) Academic integrity and internet etiquette expectations regarding lesson activities, discussions, electronic communications, and plagiarism are stated to teachers, instructors, and students prior to the beginning of the virtual course or virtual program;
- (5) Computer system requirements, including hardware, web browser, and software, are specified to participants;
- (6) The virtual course or virtual program architecture, software, and hardware permit the online teacher or instructor to add content, activities, and assessments to extend learning opportunities;
- (7) The virtual course or virtual program makes resources available by alternative means, including but not limited to, video and podcasts;

(8) Resources and notes are available for teachers and instructors in addition to assessment and assignment answers and explanations;

(9) Technical support and course management are available to the virtual course or virtual program teacher and school coordinator;

(10) The virtual course or virtual program includes assignments, projects, and assessments that are aligned with students' different visual, auditory, and hands-on learning styles;

(11) The virtual course or virtual program demonstrates the ability to effectively use and incorporate subject-specific and developmentally appropriate software in an online learning module; and

(12) The virtual course or virtual program arranges media and content to help transfer knowledge most effectively in the online environment.

6. Any special school district shall count any student's completion of a virtual course or program in the same manner as the district counts completion of any other course or program for credit.

7. A school district or charter school may contract with multiple providers of virtual courses or virtual programs, provided they meet the criteria for virtual courses or virtual programs under this section.

**162.1251. 1. Any individual, organization, company, or charter school that offers a virtual course in Missouri, other than a school district, may request certification of the course by the department of elementary and secondary education. The department shall certify only courses that meet the following requirements as well as other factors determined relevant by the department to verify quality:**

**(1) The course is aligned with the state learning standards;**

**(2) The course is taught by a teacher who is certificated to teach in the state of Missouri;**

**(3) The course and its delivery method meet federal accessibility requirements to accommodate those who are disabled;**

**(4) The course complies with state and federal privacy requirements for student records;**

**(5) The course meets the same requirements imposed on virtual courses under section 162.1250;**

**(6) The course provider does not discriminate on the basis of race, color, religion, sex, national origin, ancestry, disability, English language learner status, or income level; and**

**(7) If the department requires that school districts administer a statewide assessment or end-of-course assessment in relation to the course, the course provider pays for and administers the assessment to students enrolled in the course.**

**2. The department of elementary and secondary education may charge a fee to all virtual course providers to pay for the costs of certification and recertification of virtual courses. The department may at any time request information and materials or interview staff or students to evaluate or reevaluate the virtual course or to verify continuing compliance with the requirements established by the department. The department shall investigate any complaint made against a virtual course provider. The department may revoke certification of a course or refuse to recertify a course if the course does not meet the requirements of this section or other relevant laws, the course provider does not comply with requests for information, or the department has articulable concerns regarding the quality of the course or the instruction provided in the course.**

3. Each virtual course provider offering a course certified under this section shall annually report to the department of elementary and secondary education and post on the provider's website a report card detailing the number of students who have enrolled in the course and the number of students who have completed the course with a passing grade. If there is a statewide assessment or end-of-course assessment related to the course, the report card shall include the aggregate assessment scores of the students who took the assessment.

4. A virtual course provider offering a course certified under this section shall immediately transfer records upon the request of the parent, the student, or the school district or charter school that has paid for part or all of the virtual course for which the records are requested, regardless of whether additional tuition or fees are owed for the course. School districts and charter schools are required to accept transferred credit from any virtual course certified by the department of elementary and secondary education upon receipt of adequate records verifying completion of the course by the student.

5. The department of elementary and secondary education may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

162.1252. 1. (1) If a school district or charter school does not offer a particular course a student wishes to take or a course substantially similar to the course a student wishes to take in the school the student attends and the school the student attends gives instruction in a grade or grades not lower than the sixth nor higher than the twelfth grade, the student or his or her parent may submit a written request to the superintendent or his or her designee or the principal of the charter school for the district or charter school to provide the course to the student virtually or otherwise. The written request shall explain why the district or charter school should provide the course to the student. The superintendent or his or her designee or the principal of the charter school shall notify the student or parent of his or her decision with respect to the request within forty-five days of receipt.

(2) If the superintendent or his or her designee or the principal of the charter school declines to offer the course virtually or otherwise, the parent or student may submit a written request to the school board or the governing board of the charter school to provide the course to the student. The school board or the governing board of the charter school shall act on the request within forty-five days of receipt. If the request is denied or not acted upon, and there is a certified virtual course offered in accordance with section 162.1251, the district or charter school shall pay the tuition for the student to take the course if the student meets the requirements of subsection 2 of this section; except that, the district or charter school is required to pay for only one virtual course each semester for a student.

2. To qualify for payment of a virtual course by the district or charter school, the student shall be currently enrolled in the school district or charter school and shall have been enrolled in and regularly attending the school district or charter school for at least one school year. If the student is receiving special educational services, as defined in section 162.675, the student's individualized

education program team shall approve the course as appropriate for the student. The district or charter school is not required to pay the tuition for a student to take a virtual course if the student has dropped out of or failed to complete a virtual course within the past three years.

3. No school district or charter school shall pay, for any one course for a student, more than fourteen percent of the state adequacy target, as defined in section 163.011. The virtual course provider shall bill the school district or charter school on a monthly basis. If a student discontinues enrollment in the district or charter school, drops out of the course, or fails to adequately participate in the course, the district or charter school may stop making monthly payments to the virtual course provider.

4. If a school district or charter school pays for a virtual course as required in this section, the district or charter school may collect state aid for the course. For purposes of calculation and distribution of state school funding, attendance of a student enrolled in a virtual course shall equal, upon course completion, ninety-five percent of the hours of attendance possible for a similar course delivered in the nonvirtual program in the student's resident district or charter school. Course completion shall be calculated in two increments, fifty percent completion and one hundred percent completion, based on the student's completion of defined assignments and assessments, with distribution of state funding to a school district or charter school at each increment equal to forty-seven and one-half percent of hours of attendance possible for such course delivered in the nonvirtual program in the student's school district of residence or charter school.

5. The virtual course provider shall provide the school district or charter school all student records and progress reports regarding the performance and attendance of the district or charter school students taking the course.

6. Nothing in this section shall require any school district, any charter school, or the state to provide computers, equipment, or internet access to any student.

7. For purposes of this section, "charter school" shall mean a charter school that has declared itself a local educational agency."; and

Further amend said bill, Page 2, Section 163.018, Line 39, by inserting immediately after said line the following:

"167.231. 1. Within all school districts except metropolitan districts the board of education shall provide transportation to and from school for all pupils living more than three and one-half miles from school and may provide transportation for all pupils. State aid for transportation shall be paid as provided in section 163.161 only on the basis of the cost of pupil transportation for those pupils living one mile or more from school, including transportation provided to and from publicly operated university laboratory schools. The board of education may provide transportation for pupils living less than one mile from school at the expense of the district and may prescribe reasonable rules and regulations as to eligibility of pupils for transportation, and, notwithstanding any other provision of law, no such district shall be subject to an administrative penalty when the district demonstrates pursuant to rule established by the state board of education that such students are required to cross a state highway or county arterial in the absence of sidewalks, traffic signals, or a crossing guard and that no existing bus stop location has been changed to permit a district to evade such penalty. If no increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from the school, the board may transport said pupils. If an increase in the tax levy of the school district is required to provide transportation for pupils

living less than one mile from school, the board shall submit the question at a public election. If a two-thirds majority of the voters voting on the question at the election are in favor of providing the transportation, the board shall arrange and provide therefor.

2. The proposal and the ballots may be in substantially the following form:

Shall the board of education of the school district provide transportation at the expense of the district for pupils living less than one mile from school and be authorized to levy an additional tax of cents on the one hundred dollars assessed valuation to provide funds to pay for such transportation service?

☐ YES

☐ NO

(If you are in favor of the proposition (or question), place an X in the box opposite "YES". If you are opposed to the proposition (or question), place an X in the box opposite "NO".)

3. The board of education of any school district may provide transportation to and from school for any public school pupil not otherwise eligible for transportation under the provisions of state law, and may prescribe reasonable rules and regulations as to eligibility for transportation, if the parents or guardian of the pupil agree in writing to pay the actual cost of transporting the pupil. The minimum charge would be the actual cost of transporting the pupil for ninety school days, which actual cost is to be determined by the average per-pupil cost of transporting children in the school district during the preceding school year. The full actual cost shall be paid by the parent or guardian of the pupil and shall not be paid out of any state school aid funds or out of any other revenues of the school district. The cost of transportation may be paid in installments, and the board of education shall establish the cost of the transportation and the time or times and method of payment.

**4. A school district or charter school may arrange to have students transported using alternative methods such as existing public transportation or vehicles other than a school bus, as long as the district or charter school pays the cost of the transportation or provides for the transportation without cost to the student.**

168.011. 1. No person shall be employed to teach in any position in a public school until he **or she** has received a valid certificate of license entitling him **or her** to teach in that position.

2. Teaching in the state of Missouri, performing other related education duties, school administration, and teacher education are hereby declared to be professions with all the appropriate rights, responsibilities and privileges accorded to other recognized professions.

**3. A district may collect state aid for a student attending a course virtually, through videoconferencing or electronically, even if the supervising employee in the classroom is not a certificated employee as long as the person teaching the course has a valid certificate of license entitling him or her to teach in that position or is employed by a postsecondary institution and is teaching a dual credit, dual enrollment, or advanced placement course.**

168.021. 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

(1) By the state board, under rules and regulations prescribed by it:

(a) Upon the basis of college credit;

(b) Upon the basis of examination;

(2) By the state board, under rules and regulations prescribed by the state board with advice from the

advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (1) of subsection 3 of this section;

(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check as prescribed in section 168.133 and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed;

(4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's degree, or higher degree, and a passing score for the designated exit examination, for individuals whose academic degree and professional experience are suitable to provide a basis for instruction solely in the subject matter of banking or financial responsibility, at the discretion of the state board. Such certificate shall be limited to the major area of study of the holder and shall be restricted to those certificates established under subdivision (1) of subsection 3 of this section. Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district shall have the decision-making authority on whether to hire the holders of such certificates; [or]

(5) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach, except that such certificate shall not be granted for the areas of early childhood education, or special education. For certification in the area of elementary education, ninety contact hours in the classroom shall be required, of which at least thirty shall be in an elementary classroom. Upon the completion of the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (2) of subsection 3 of this section:

(a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;

(b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;

(c) Attainment of a successful performance-based teacher evaluation; and

(d) [Participate] **Participation** in a beginning teacher assistance program; **or**

**(6) By the state board, under rules and regulations prescribed by it, on the basis of specialized knowledge and experience in a discrete subject area for which the certificate is issued.**

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall include completion of a background check as prescribed in section 168.133. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(1) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

(a) Participate in a mentoring program approved and provided by the district for a minimum of two years;

(b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum, or for holders of a certificate under subdivision (4) of subsection 1 of this section, an amount of professional development in proportion to the certificate holder's hours in the classroom, if the certificate holder is employed less than full time; and

(c) Participate in a beginning teacher assistance program.

(2) (a) The career continuous professional certificate shall be issued upon verification of completion of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

- a. Has ten years of teaching experience as defined by the state board of education;
- b. Possesses a master's degree; or
- c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon completion of a background check as prescribed in section 168.133, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state or certification under subdivision (4) of subsection 1 of this section, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate of license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall allow the holder to assume classroom duties pending the completion of a criminal background check under section 168.133, for any applicant who:

- (1) Is the spouse of a member of the Armed Forces stationed in Missouri;
- (2) Relocated from another state within one year of the date of application;
- (3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and
- (4) Otherwise qualifies under this section.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment



with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.

**170.039. 1. (1) School districts and charter schools sponsored by local boards of education may award an enrolled student credit for a high school course if the student is able to demonstrate proficiency in the knowledge, skills, and competencies in the subject area to the satisfaction of the district or charter school sponsored by a local board of education, regardless of whether the student has enrolled in the course with the district or charter school sponsored by a local board of education or completed the course.**

**(2) Districts and charter schools sponsored by local boards of education that offer proficiency-based credit as described in this section shall notify parents and students in the student handbook or, if a district or charter school sponsored by a local board of education does not provide a student handbook, through other means determined by the district or charter school sponsored by a local board of education.**

**(3) A student who chooses to demonstrate competency to earn credit as described in this section shall take any statewide assessments associated with any course for which the student earns proficiency-based credit.**

**2. A student who earns proficiency-based credits shall not be required to graduate earlier than his or her age-related cohorts even if the student earns more credits than necessary to graduate. However, if a student graduates from high school earlier than his or her age-related cohorts due to proficiency-based credits earned by the student, the district may continue to collect state aid for the student until the student's age-related cohorts graduate. The state aid earned in this manner shall be used to provide services to students who are at risk of not graduating on time or at all or to increase the number of students attending a career center from the number of students who attended in the 2017-18 school year.**

**3. If a student graduates early due to proficiency-based credits earned by the student, the district's collection of state aid for the student as described in subsection 2 of this section shall be determined by counting each course for which the student earned proficiency-based credit as equaling ninety-five percent of the hours of attendance possible for such course even though the student never actually attended the course. The district shall count only those courses necessary for the district to claim full-time status for the student until the student's age-related cohorts graduate.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 743, Page 2, Section 163.018, Line 39, by inserting immediately after all of said section and line the following:

**“610.031. 1. If the attorney general concludes that any person may have engaged in any act, conduct, or practice that violates any provision of chapter 109 or this chapter, the attorney general may apply for an order issued by a judge of the circuit court of Cole County to serve a civil investigative demand on any person who the attorney general believes may have information or evidence relevant to the suspected violation. A judge shall issue the order to serve the civil**

investigative demand if the judge finds that probable cause exists that a violation of chapter 109 or this chapter has occurred. Once a judge has issued an order to serve a civil investigative demand, the demand issued under this section may seek any information and documents that could be obtained by means of a subpoena duces tecum issued by a court of this state. A civil investigative demand issued under this section may also require answers to written interrogatories that would be permitted by the Missouri supreme court rules.

**2. A civil investigative demand issued under this section shall:**

**(1) State the statute or statutes that the attorney general believes may have been violated;**

**(2) Describe the class or classes of information and evidence to be produced with sufficient specificity so as to fairly indicate the material demanded;**

**(3) Prescribe a return date, which shall be at least thirty days, by which the information and evidence is to be produced;**

**(4) Identify the members of the attorney general's staff to whom the information and evidence requested is to be produced; and**

**(5) Provide notice to the recipient of the demand of the recipient's ability to file a petition in the circuit court of Cole County to extend the return date for good cause or to quash or modify any portion of the demand.**

**3. Service of a civil investigative demand issued under this section may be made by:**

**(1) Delivering a duly executed copy thereof to the person to be served, or to a partner or any officer or agent authorized by appointment or by law to receive service of process on behalf of such person;**

**(2) Delivering a duly executed copy thereof to the principal place of business or the residence in this state of the person to be served;**

**(3) Mailing by registered or certified mail a duly executed copy thereof addressed to the person to be served, at the person's principal place of business or residence in this state, or if such person has no place of business or residence in this state, to his or her principal office, place of business, or his or her residence; or**

**(4) Mailing by registered or certified mail a duly executed copy thereof, requesting a return receipt signed by the addressee only, to the last known place of business, residence, or abode within or without this state of such person.**

**4. At any time prior to the return date specified in a civil investigative demand issued under this section or within twenty days after the civil investigative demand is served, whichever is earlier, the recipient of the civil investigative demand may file a petition in the circuit court of Cole County seeking to extend the return date for good cause or to quash or modify any portion of the civil investigative demand. A civil investigative demand issued under this section shall only be quashed or modified on the same basis as a subpoena duces tecum issued by a court of this state.**

**5. If any person fails to comply with any portion of a civil investigative demand served under this section, the attorney general may file a petition for an order to enforce the civil investigative demand. The attorney general may file such petition in the circuit court of Cole County or in any circuit court where such person has his or her principal place of business or residence. Any person who refuses to**

comply with an order enforcing a civil investigative demand shall be found in contempt.

6. Any person who, with the intent to avoid, evade, or prevent compliance with a civil investigative demand issued under this section, removes, conceals, withholds, destroys, alters, or falsifies any information or evidence responsive to a civil investigative demand served under this section shall be guilty of a class A misdemeanor. The attorney general shall have concurrent jurisdiction to enforce the provisions of this subsection.

7. No information, documentary material, or physical evidence requested pursuant to a civil investigative demand issued under this section shall, unless otherwise ordered by a court for good cause shown, be produced for or the contents thereof be disclosed to, any person other than the authorized employee of the attorney general without the consent of the person who produced such information, documentary material or physical evidence; provided, that under such reasonable terms and conditions as the attorney general shall prescribe, such information, documentary material or physical evidence shall be made available for inspection and copying by the person who produced such information, documentary material or physical evidence, or any duly authorized representative of such person. The attorney general, or any attorney designated by him or her, may use the information, documentary material, or physical evidence in the enforcement of chapter 109 or this chapter, by presentation before any court or by disclosure to law enforcement agencies of this state.

610.033. There is created within the office of the attorney general a transparency division. No assistant attorney general while assigned to the transparency division shall participate in the prosecution or defense of any civil claim on behalf of the state, any agency of the state, or any officer of the state, except the prosecution of an action alleging a violation of any provision of chapter 109 or this chapter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 743, Page 1, Section A, Line 2, by inserting immediately after all of said section and line and the following:

“161.026. 1. Notwithstanding the provisions of section 161.032 or any other provision of law, the governor shall, by and with the advice and consent of the senate, appoint a teacher representative to the state board of education who shall attend all meetings and participate in all deliberations of the board. The teacher representative shall not have the right to vote on any matter before the board or be counted in establishing a quorum under section 161.082.

2. The teacher representative shall be an active classroom teacher. For purposes of this section, “active classroom teacher” means a resident of the state of Missouri who is a full-time teacher with at least five years of teaching experience in the state of Missouri, who is certified to teach under the laws governing the certification of teachers in Missouri, and who is not on leave at the time of the appointment to the position of teacher representative. The teacher representative shall have the written support of the local school board prior to accepting the appointment.

3. The term of the teacher representative shall be four years, and appointments made under this section shall be made in rotation from each congressional district beginning with the first congressional district and continuing in numerical order.

4. If a vacancy occurs for any reason in the position of teacher representative, the governor shall

appoint, by and with the advice and consent of the senate, a replacement for the unexpired term. Such replacement shall be a resident of the same congressional district as the teacher representative being replaced, shall meet the qualifications set forth under subsection 2 of this section, and shall serve until his or her successor is appointed and qualified. If the general assembly is not in session at the time for making an appointment, the governor shall make a temporary appointment until the next session of the general assembly, when the governor shall nominate a person to fill the position of teacher representative.

5. If the teacher representative ceases to be an active classroom teacher, as defined under subsection 2 of this section, or fails to follow the board's attendance policy, the teacher representative's position shall immediately become vacant unless an absence is caused by sickness or some accident preventing the teacher representative's arrival at the time and place appointed for the meeting.

6. The teacher representative shall receive the same reimbursement for expenses as members of the state board of education receive under section 161.022.

7. At no time shall more than one nonvoting member serve on the state board of education.

8. The provisions of this section shall expire on August 28, 2025.

161.072. 1. The state board of education shall meet semiannually in December and in June in Jefferson City. Other meetings may be called by the president of the board on seven days' written notice to the members. In the absence of the president, the commissioner of education shall call a meeting on request of three members of the board, and if both the president and the commissioner of education are absent or refuse to call a meeting, any three members of the board may call a meeting by similar notices in writing. The business to come before the board shall be available by free electronic record at least seven business days prior to the start of each meeting. All records of any decisions, votes, exhibits, or outcomes shall be available by free electronic media within forty-eight hours following the conclusion of every meeting. Any materials prepared for the members of the board by the staff shall be delivered to the members at least five days before the meeting, and to the extent such materials are public records as defined in section 610.010 and are not permitted to be closed under section 610.021, shall be made available by free electronic media at least five business days in advance of the meeting.

2. Upon an affirmative vote of the members of the board who are present and who are not teacher representatives, a given meeting closed under sections 610.021 and 610.022 shall be closed to the teacher representative.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 743, Page 2, Section 163.018, Line 39, by inserting immediately after all of said section and line the following:

“168.800. 1. If a school district uses a salary schedule in which a teacher receives a higher salary if he or she has earned a master's degree, the school district shall compensate any teacher who has earned thirty credit hours in graduate-level or undergraduate-level courses in a field closely related to subjects taught by the teacher and approved by the school board of the district as if the teacher had earned the master's degree required to receive a higher salary on the salary schedule. If the district's salary schedule has different levels of compensation based on the type of master's degree, the district

**shall compensate the teacher as if the teacher had earned the master's degree with the lowest level of compensation on the salary schedule.**

**2. The department of elementary and secondary education shall ensure that its evaluations, data collections, and website are updated to reflect the requirements of this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 743, Page 2, Section 163.018, Line 39, by inserting immediately after all of said section and line the following:

“164.011. 1. The school board of each district annually shall prepare an estimate of the amount of money to be raised by taxation for the ensuing school year, the rate required to produce the amount, and the rate necessary to sustain the school or schools of the district for the ensuing school year, to meet principal and interest payments on the bonded debt of the district and to provide the funds to meet other legitimate district purposes. In preparing the estimate, the board shall have sole authority in determining what part of the total authorized rate shall be used to provide revenue for each of the funds as authorized by section 165.011. Prior to setting tax rates for the teachers’ and incidental funds, the school board of each school district annually shall set the tax rate for the capital projects fund as necessary to meet the expenditures of the capital projects fund after all transfers allowed pursuant to subsection 4 of section 165.011. Furthermore the tax rate set in the capital projects fund shall not require the reduction of the equalized combined tax rates for the teachers’ and incidental funds to be less than the greater of the minimum operating levy for the current year for school purposes established under subsection 2 of section 163.021.

2. The school board of each district shall forward the estimate to the county clerk on or before September first. In school districts divided by county lines, the estimate shall be forwarded to the proper officer of each county in which any part of the district lies.

**3. When revising its tax rate each year, the aggregate increase in the valuation of property assessed by the state tax commission for the current year over that of the previous year shall be considered new construction and improvement.**

**4. The department of elementary and secondary education and any other government agency involved in the tax rate process shall update the necessary forms, reports, and documents in order to implement the provisions of this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 743, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“115.646. 1. No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office. **For the purposes of this subsection, the term “contribution or expenditure” shall include, but not be limited to, any use of funds or equipment, supplies, facilities, electricity, ink, paper, or employee time paid for by the political subdivision. For the purposes of this subsection, the term “political subdivision” shall include any political subdivision of the state, and any special district or subdistrict, including any school district.** This section shall not be construed to prohibit any public

official of a political subdivision from making public appearances or from issuing press releases concerning any such ballot measure, **provided that the political subdivision makes no direct contribution or expenditure of public funds to produce, print, or distribute any such press release.**

**2. Any purposeful violation of this section shall be a class B misdemeanor.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 743, Page 2, Section 163.018, Line 39, by inserting after all of said line the following:

**“170.314. 1. The provisions of this section shall be known and may be cited as the “Missouri S.A.F.E. (Strategic Action For Emergencies) Act”.**

**2. There is hereby established the “School Safety Task Force”. The joint committee on education shall provide technical and administrative support as required by the task force to fulfill its duties. Any such support involving monetary expenses shall first be approved by the chair of the joint committee on education. All task force members shall be appointed before November 1, 2018. The membership of the task force shall be inclusive and reflect the racial, gender, geographic, urban, rural, and economic diversity of the state. The membership of the task force shall consist of all of the following:**

- (1) A teacher, appointed by the governor;**
- (2) The commissioner of education, or his or her designee;**
- (3) The commissioner of higher education, or his or her designee;**
- (4) The president of a four-year university, appointed by a council comprised of presidents and chancellors of public institutions of higher education in Missouri;**
- (5) The superintendent of the Missouri state highway patrol, or his or her designee;**
- (6) The director of the department of mental health, or his or her designee;**
- (7) The director of the state emergency management agency, or his or her designee;**
- (8) The commissioner of the office of administration, or his or her designee;**
- (9) A school superintendent, appointed by a statewide association of school superintendents;**
- (10) A member of a local school board, appointed by a statewide association of school boards;**
- (11) A school resource officer, appointed by a statewide association of school resource officers;**
- (12) A licensed school counselor, appointed by a statewide association supporting school counselors;**
- (13) A sheriff, appointed by a statewide association of sheriffs;**
- (14) A police chief, appointed by a statewide association of police chiefs;**
- (15) A local emergency management director, appointed by a statewide association of emergency management and public safety professionals;**
- (16) The chair of the house elementary and secondary education committee, or his or her designee;**

**(17) The chair of the senate education committee, or his or her designee;**

**(18) A member of the house of representatives, appointed by the speaker of the house of representatives;**

**(19) A member of the senate, appointed by the president pro tempore of the senate;**

**(20) An attorney specializing in education law, appointed by the Missouri bar association;**

**(21) The state fire marshal, or his or her designee;**

**(22) An active law enforcement officer with experience in active shooter and other emergency situations in schools, appointed by a statewide association of peace officers;**

**(23) A licensed clinical social worker, appointed by a statewide organization supporting licensed clinical social workers;**

**(24) A school psychologist, appointed by a statewide association supporting school psychologists; and**

**(25) A school social worker, appointed by a statewide association supporting school social workers.**

**3. Any member of the task force who is appointed under this section shall serve a term of three years. A member of the task force may be reappointed to serve on the task force. Any vacancy in such appointed membership shall be filled for the remainder of the unexpired term in the manner of the original appointment.**

**4. The school safety task force shall be divided into four subcommittees. The chair and vice chair of the task force, along with the chairs of each subcommittee, shall comprise the executive committee of the task force, which shall set the duties of the subcommittees. Each subcommittee shall study one of the following four issues:**

**(1) School climate and discipline;**

**(2) Mental health and special needs of students;**

**(3) Physical security and emergency preparedness; and**

**(4) Substance abuse and gang intervention.**

**5. The school safety task force shall:**

**(1) Complete a comprehensive annual review and assessment of state laws, rules, protocols, and minimum standards in place concerning school safety and security;**

**(2) Identify gaps in school safety and security that need to be addressed;**

**(3) Examine the various funding streams for school-based mental health services and determine how these streams may best be used in order to provide more accessible and efficient delivery of mental health programs;**

**(4) Examine school mental health staffing ratios and provide suggestions that allow for the full delivery of services and effective school-community partnerships, including collaboration between school districts;**

**(5) Develop standards for district-level policies to promote effective school discipline and mental health intervention services;**

**(6) Examine current intra- and interagency collaboration and suggest ways to improve cooperation;**

**(7) Examine how to best support multitiered systems of support; and**

**(8) As needed, submit recommendations for immediate, achievable legislative actions to the governor, the speaker of the house of representatives, the president pro tempore of the senate, and the appropriate legislative committees to ensure that public schools across the state are as safe, secure, and protected as possible.**

**6. The task force shall hold its first meeting no later than February 1, 2019, with the date, time, and location of the meeting designated by the speaker of the house of representatives.**

**7. The task force shall meet at least four times within one year of the effective date of this section, and at least annually thereafter, to determine if any recommendations should be made to the general assembly to enhance school safety.**

**8. At the first meeting of the task force, the task force shall elect a chair, vice chair, and other officers, as determined by the task force, and shall set dates, times, and locations of subsequent meetings. A simple majority of appointed members shall constitute a quorum for any task force committee or subcommittee, but a committee or subcommittee may hear testimony without a quorum.**

**9. Members of the task force shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the task force according to the policies and procedures of their respective appointing authorities.**

**10. If the task force has any legislative recommendations, it shall submit its findings and recommendations in writing to the general assembly by December thirty-first of each year.**

170.315. 1. There is hereby established the Active Shooter and Intruder Response Training [for Schools] Program (ASIRT).

**2. (1) Each school district and each charter school shall establish:**

**(a) A schools safety and emergency response procedure; and**

**(b) An active shooter and intruder response training program.**

**(2) Both the procedure and the training required to be established under this subsection shall include and address timely response to emergencies including, but not limited to, invasions by armed outsiders, hostage situations, armed students, and any other dangerous situations.**

**3. Each school district and charter school [may, by July 1, 2014,] shall include in its teacher and school employee training a component on how to properly respond to students who provide them with information about a threatening situation and how to address situations in which there is a potentially dangerous or armed intruder in the school. Training [may] shall also include information and techniques on how to address situations where an active shooter is present in the school or on school property.**

**[2.] 4. Each school district and charter school [may] shall conduct the active shooter and intruder response training on an annual basis. [If no formal training has previously occurred, the length of the training may be eight hours. The length of annual continuing training may be four hours.**

**3.] 5. All school personnel of each school district and each charter school shall participate in the annual active shooter and intruder response training, which shall include a simulated active shooter**



and intruder response drill conducted and led by law enforcement professionals. Each drill [may] **shall** include an explanation of its purpose and a safety briefing. The training shall require each participant to know and understand how to respond in the event of an actual emergency on school property or at a school event. The drill [may] **shall** include:

(1) Allowing school personnel to respond to the simulated emergency in whatever way they have been trained or informed; and

(2) Allowing school personnel to attempt and implement new methods of responding to the simulated emergency based upon previously used unsuccessful methods of response.

[4.] **6.** All instructors for the **active shooter and intruder response training** program shall be certified by the department of public safety's peace officers standards training commission.

[5.] **7.** School districts and charter schools [may] **shall** consult and collaborate with **the department of public safety**, law enforcement authorities, emergency response agencies, [and] **or** other organizations and entities trained to deal with active shooters or potentially dangerous or armed intruders **to develop and establish the active shooter and intruder response training program and the schools safety and emergency response procedure.**

[6.] **8.** Public schools shall foster an environment in which students feel comfortable sharing information they have regarding a potentially threatening or dangerous situation with a responsible adult.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO

#### HOUSE AMENDMENT NO. 9

Amend House Amendment No. 9 to House Committee Substitute for Senate Bill No. 743, Page 1, Lines 28 and 29, by deleting all of said lines and inserting in lieu thereof the following:

“be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure;” and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 743, Page 2, Section 163.018, Line 39, by inserting after all of said section and line the following:

“170.015. 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate and shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;

(2) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human papilloma virus, hepatitis

and other sexually transmitted diseases;

(3) Present students with the latest medically factual information regarding both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall present students with information on contraceptives and pregnancy in a manner consistent with the provisions of the federal abstinence education law, 42 U.S.C. Section 710;

(4) Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as well as the advantages of adoption, including the adoption of special needs children, and the processes involved in making an adoption plan;

(5) Teach skills of conflict management, personal responsibility and positive self-esteem through discussion and role-playing at appropriate grade levels to emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others. Pupils shall be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person[. Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure];

(6) Advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock and advise pupils of the provisions of chapter 566 pertaining to statutory rape;

(7) Teach pupils about the dangers of sexual predators, including online predators when using electronic communication methods such as the internet, cell phones, text messages, chat rooms, email, and instant messaging programs. Pupils shall be taught how to behave responsibly and remain safe on the internet and the importance of having open communication with responsible adults and reporting any inappropriate situation, activity, or abuse to a responsible adult, and depending on intent and content, to local law enforcement, the Federal Bureau of Investigation, or the National Center for Missing & Exploited Children's CyberTipline; [and]

(8) Teach pupils about the consequences, both personal and legal, of inappropriate text messaging, even among friends; **and**

**(9) Teach pupils about sexual harassment, sexual violence, and consent:**

**(a) For the purposes of this subdivision, the term "consent" shall mean a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent;**

**(b) For the purposes of this subdivision, the term "sexual harassment" shall mean uninvited and unwelcome verbal or physical behavior of a sexual nature, especially by a person in authority toward a subordinate;**

**(c) For the purposes of this subdivision, the term "sexual violence" shall mean causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent.**

2. Policies concerning referrals and parental notification regarding contraception shall be determined by local school boards or charter schools, consistent with the provisions of section 167.611.

3. A school district or charter school which provides human sexuality instruction may separate students according to gender for instructional purposes.

4. The board of a school district or charter school shall determine the specific content of the district's or school's instruction in human sexuality, in accordance with subsections 1 to 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age of the students receiving such instruction.

5. A school district or charter school shall notify the parent or legal guardian of each student enrolled in the district or school of:

(1) The basic content of the district's or school's human sexuality instruction to be provided to the student; and

(2) The parent's right to remove the student from any part of the district's or school's human sexuality instruction.

6. A school district or charter school shall make all curriculum materials used in the district's or school's human sexuality instruction available for public inspection pursuant to chapter 610 prior to the use of such materials in actual instruction.

7. No school district or charter school, or its personnel or agents, shall provide abortion services, or permit a person or entity to offer, sponsor, or furnish in any manner any course materials or instruction relating to human sexuality or sexually transmitted diseases to its students if such person or entity is a provider of abortion services.

8. As used in this section, the following terms mean:

(1) "Abortion", the same meaning as such term is defined in section 188.015;

(2) "Abortion services":

(a) Performing, inducing, or assisting in the performance or inducing of an abortion which is not necessary to save the life of the mother;

(b) Encouraging a patient to have an abortion or referring a patient for an abortion, which is not necessary to save the life of the mother; or

(c) Developing or dispensing drugs, chemicals, or devices intended to be used to induce an abortion which is not necessary to save the life of the mother."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 743, Page 2, Section 163.018, Line 39, by inserting immediately after all of said section and line the following:

**"168.770. 1. For purposes of this section, the following terms mean:**

**(1) "School librarian", a teacher who holds a certificate of license to teach under section 168.021 and is certified as a library media specialist by the department of elementary and secondary education;**

**(2) “School library information and technology program”, a school-based program that is staffed by a school librarian and that provides a broad, flexible array of services, resources, and instruction that support student mastery of the essential academic learning requirements and state standards in all subject areas and the implementation of any school improvement plan of the district.**

**2. Before July 1, 2019, the department of elementary and secondary education shall develop a process for recognition of a district’s school library information and technology program.**

**3. The department of elementary and secondary education may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 743, Page 2, Section 163.018, Line 39, by inserting immediately after said line the following:

**“171.200. 1. This section and section 173.1551 shall be known and may be cited as the “Cronkite New Voices Act”.**

**2. For purposes of this section, the following terms mean:**

**(1) “School-sponsored media”, any material that is prepared, substantially written, published, or broadcast by a student journalist at a public high school, distributed or generally made available to members of the student body, and prepared under the direction of a student-media advisor. The term “school-sponsored media” does not include any media intended for distribution or transmission solely in the classroom in which the media is produced;**

**(2) “Student journalist”, a public high school student who gathers, compiles, writes, edits, photographs, records, produces, or prepares content for dissemination in school-sponsored media;**

**(3) “Student-media advisor”, an individual employed, appointed, or designated by a school district to supervise or provide instruction relating to school-sponsored media.**

**3. Subject to the provisions of this section, the freedom of the press in school-sponsored media shall be protected. A student journalist has the right to exercise freedom of speech and of the press in school-sponsored media. Material in school-sponsored media shall not be suppressed solely because it involves political or controversial subject matter.**

**4. School districts and student-media advisors may regulate the number, length, frequency, and format of school-sponsored media. Review of material prepared for school-sponsored media and encouragement of the expression of such material in a manner that is consistent with professional standards of English and journalism shall not be deemed to be or construed as an abridgement of the right to freedom of expression in school-sponsored media or a restraint on publication of the material therein.**

**5. A school district shall not authorize any prior restraint of any school-sponsored media except if the administration or student-media advisor reasonably determines or anticipates that the media:**

- (1) Is libelous or slanderous;**
- (2) Constitutes an invasion of privacy;**
- (3) Violates federal or state law;**
- (4) Is a threat of violence;**
- (5) Advertises a product or service that is illegal or is not permitted to be sold to minors by law;**
- (6) Violates the rights of others;**
- (7) Is likely to incite students to commit an unlawful act or to violate school district policy or procedure;**
- (8) Is likely to materially and substantially disrupt or interfere with the orderly operation of the school; or**
- (9) Is vulgar, obscene, offensively lewd, profane, threatening, or intimidating.**

**6. Subject to the limitations imposed by this section, student journalists are responsible for determining the news, opinion, and advertising content of school-sponsored media. Student-media advisors are responsible for teaching and encouraging free and responsible expression of material and professional standards of English and journalism. No student-media advisor shall be disciplined, terminated from employment, transferred, or relieved of duties imposed under this subsection for refusal to abridge or infringe upon the right to freedom of expression conferred by this section.**

**7. No publication or other expression of matter by students in the exercise of rights under this section shall be deemed to be an expression of a school district's policy. No school district, member of the board of education, student-media advisor, or employee of a school district shall be held liable in any civil or criminal action for any publication or other expression of matter by student journalists in the exercise of rights under this section except to the extent that such persons or entities have interfered with or altered the content of the student speech or expression, and then only to the extent of the interference or alteration of the speech or expression.**

**8. Each school district shall adopt a written policy regarding the freedom of the press and expression by students in accordance with this section. The policy shall include reasonable provisions for the time, place, and manner of student expression. The policy may also include limitations regarding language that may be defined as vulgar, obscene, offensively lewd, profane, harassing, threatening, or intimidating.**

**173.1551. 1. For purposes of this section, the following terms mean:**

**(1) "School-sponsored media", any material that is prepared, substantially written, published, or broadcast by a student journalist at a public institution of higher education in this state, distributed or generally made available to members of the student body, and prepared under the direction of a student-media advisor. The term "school-sponsored media" does not include any media intended for distribution or transmission solely in the classroom in which the media is produced;**

**(2) "Student journalist", a student of a public institution of higher education who gathers, compiles, writes, edits, photographs, records, produces, or prepares content for dissemination in**

**school-sponsored media;**

**(3) “Student-media advisor”, an individual employed, appointed, or designated by a public institution of higher education in this state to supervise or provide instruction relating to school-sponsored media.**

**2. Subject to the provisions of this section, the freedom of the press in school-sponsored media shall be protected. A student journalist has the right to exercise freedom of speech and of the press in school-sponsored media. Material in school-sponsored media shall not be suppressed solely because it involves political or controversial subject matter.**

**3. Subject to subsection 4 of this section, a student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. This subsection shall not be construed to prevent a student-media advisor from teaching professional standards of English and journalism to student journalists.**

**4. This section does not authorize or protect expression by a student that:**

**(1) Is libelous or slanderous;**

**(2) Constitutes an invasion of privacy;**

**(3) Violates federal or state law;**

**(4) Is likely to incite students to commit an unlawful act or to violate institution policy or procedure; or**

**(5) Is likely to materially and substantially disrupt or interfere with the orderly operation of the institution.**

**5. Except as provided in subsection 4 of this section, a student journalist at a public institution of higher education in the state shall not be disciplined for exercising his or her freedom of expression in school-sponsored media.**

**6. A student-media advisor at a public institution of higher education in the state shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for protecting or refusing to infringe on the rights of student journalists outlined in this section.**

**7. No publication or other expression of matter by students in the exercise of rights under this section shall be deemed to be an expression of an institution’s policy. No public institution of higher education or a member of the institution’s governing body or employee thereof shall be held liable in any civil or criminal action for any publication or other expression of matter by student journalists in the exercise of rights under this section except to the extent that such persons or entities actively participated in the conduct that is the subject of the civil or criminal action.**

177.086. 1. Any school district authorizing the construction of facilities which may exceed an expenditure of [fifteen] **fifty** thousand dollars shall publicly advertise, once a week for two consecutive weeks, in a newspaper of general circulation, qualified pursuant to chapter 493, located within the city in which the school district is located, or if there be no such newspaper, in a qualified newspaper of general circulation in the county, or if there be no such newspaper, in a qualified newspaper of general circulation in an adjoining county, and may advertise in business, trade, or minority newspapers, for bids on said construction.

2. No bids shall be entertained by the school district which are not made in accordance with the specifications furnished by the district and all contracts shall be let to the lowest responsible bidder complying with the terms of the letting, provided that the district shall have the right to reject any and all bids.

3. All bids must be submitted sealed and in writing, to be opened publicly at time and place of the district's choosing."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 743, Page 2, Section 163.018, Line 39, by inserting immediately after said line the following:

"167.225. 1. As used in this section, the following terms mean:

(1) ["Blind persons", individuals who:

(a) Have a visual acuity of 20/200 or less in the better eye with conventional correction, or have a limited field of vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty degrees; or

(b) Have a reasonable expectation of visual deterioration; or

(c) Cannot read printed material at a competitive rate of speed and with facility due to lack of visual acuity;

(2)] "Braille", the system of reading and writing through touch [commonly known as standard English braille];

[(3)] (2) "Student", any student who [is blind or any student eligible for special education services for visually impaired as defined in P.L. 94-142] **has an impairment in vision that, even with correction, adversely affects a child's educational performance and who is determined eligible for special education services under the Individuals with Disabilities Education Act.**

2. All students [may] **shall** receive instruction in braille reading and writing as part of their individualized education plan **unless the individual education program team determines, after an evaluation of a student's reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the student's future needs for instruction in braille or the use of braille, that instruction in braille or the use of braille is not appropriate.** No student shall be denied [the opportunity of] instruction in braille reading and writing solely because the student has some remaining vision.

3. Instruction in braille reading and writing shall be sufficient to enable each student to communicate effectively and efficiently at a level commensurate with [his] **the student's** sighted peers of comparable grade level and intellectual functioning. The student's individualized education plan shall specify:

(1) How braille will be implemented as the primary mode for learning through integration with normal classroom activities. If braille will not be provided to a child who is blind, the reason for not incorporating it in the individualized education plan shall be documented therein;

(2) The date on which braille instruction will commence;

(3) The level of competency in braille reading and writing to be achieved by the end of the period covered by the individualized education plan; and

(4) The duration of each session.

4. As part of the certification process, teachers certified in the education of blind and visually impaired children shall be required to demonstrate competence in reading and writing braille. The department of elementary and secondary education shall adopt assessment procedures to assess such competencies which are consistent with standards adopted by the National Library Service for the Blind and Physically Handicapped, Library of Congress, Washington, D. C.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR  
HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 743, Page 1, Section A, Line 2, by inserting immediately after all of said section and line the following:

“160.665. 1. Any school district within the state may designate one or more [elementary or secondary school teachers or administrators] **employees of the district** as a school protection officer. The responsibilities and duties of a school protection officer are voluntary and shall be in addition to the normal responsibilities and duties of the [teacher or administrator] **employee**. Any compensation for additional duties relating to service as a school protection officer shall be funded by the local school district, with no state funds used for such purpose.

2. Any person designated by a school district as a school protection officer shall be authorized to carry concealed firearms or a self-defense spray device in any school in the district. A self-defense spray device shall mean any device that is capable of carrying, and that ejects, releases, or emits, a nonlethal solution capable of incapacitating a violent threat. The school protection officer shall not be permitted to allow any firearm or device out of his or her personal control while that firearm or device is on school property. Any school protection officer who violates this subsection may be removed immediately from the classroom and subject to employment termination proceedings.

3. **Any ammunition in the possession of a school protection officer who is carrying a concealed firearm while on school property in his or her role as an employee of the district shall be Dynamic Research Technologies ammunition or ammunition equivalent to or similar to such ammunition.**

4. A school protection officer has the same authority to detain or use force against any person on school property as provided to any other person under chapter 563.

[4.] 5. Upon detention of a person under subsection [3] 4 of this section, the school protection officer shall immediately notify a school administrator and a school resource officer, if such officer is present at the school. If the person detained is a student then the parents or guardians of the student shall also be immediately notified by a school administrator.

[5.] 6. Any person detained by a school protection officer shall be turned over to a school administrator or law enforcement officer as soon as practically possible and shall not be detained by a school protection officer for more than one hour.

[6.] 7. Any [teacher or administrator of an elementary or secondary school] **employee of a district** who seeks to be designated as a school protection officer shall request such designation in writing, and submit



it to the superintendent of the school district which employs him or her [as a teacher or administrator]. Along with this request, any [teacher or administrator] **employee** seeking to carry a concealed firearm on school property shall also submit proof that he or she has a valid concealed carry endorsement or permit, and all [teachers and administrators] **employees** seeking the designation of school protection officer shall submit a certificate of school protection officer training program completion from a training program approved by the director of the department of public safety which demonstrates that such person has successfully completed the training requirements established by the POST commission under chapter 590 for school protection officers.

[7.] **8.** No school district may designate [a teacher or administrator] **an employee** as a school protection officer unless such person has successfully completed a school protection officer training program, which has been approved by the director of the department of public safety. No school district shall allow a school protection officer to carry a concealed firearm on school property unless the school protection officer has a valid concealed carry endorsement or permit.

[8.] **9.** Any school district that designates [a teacher or administrator] **an employee** as a school protection officer shall, within thirty days, notify, in writing, the director of the department of public safety of the designation, which shall include the following:

- (1) The full name, date of birth, and address of the officer;
- (2) The name of the school district; and
- (3) The date such person was designated as a school protection officer.

Notwithstanding any other provisions of law to the contrary, any identifying information collected under the authority of this subsection shall not be considered public information and shall not be subject to a request for public records made under chapter 610.

[9.] **10.** A school district may revoke the designation of a person as a school protection officer for any reason and shall immediately notify the designated school protection officer in writing of the revocation. The school district shall also within thirty days of the revocation notify the director of the department of public safety in writing of the revocation of the designation of such person as a school protection officer. A person who has had the designation of school protection officer revoked has no right to appeal the revocation decision.

[10.] **11.** The director of the department of public safety shall maintain a listing of all persons designated by school districts as school protection officers and shall make this list available to all law enforcement agencies.

[11. Before a school district may designate a teacher or administrator] **12. If an employee submits a request for designation as a school protection officer to the superintendent, the school board shall promptly hold a public hearing [on] and determine by a vote at the hearing whether to allow such designation. Notice of the hearing shall be published at least fifteen days before the date of the hearing in a newspaper of general circulation within the city or county in which the school district is located. The request for designation as a school protection officer shall also require the school board [may determine at] to hold a closed meeting, as “closed meeting” is defined under section 610.010, and determine by a vote at the closed meeting whether to authorize the designated school protection officer to carry a concealed firearm or a self-defense spray device. The school board shall hold the closed meeting and vote on the issue regardless of whether the employee specifically requested authorization to carry a**

**concealed firearm or a self-defense spray device on school property in his or her request for designation as a school protection officer.**

**13. Each school district shall consider implementing a school protection officer program consistent with the provisions of this section. The school board of each school district shall hold a public hearing and determine by a vote at the hearing whether to implement such a program.**

**14. Any school board that approves a school protection officer program by a vote described in subsection 13 of this section shall notify all the employees of the district of the program and the option to request designation as a school protection officer.”; and**

Further amend said bill, Page 2, Section 163.018, Line 39, by inserting immediately after all of said section and line the following:

“590.205. 1. The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs.

2. The director shall develop and maintain a list of approved school protection officer training instructors, training centers, and training programs. **The director shall allow private companies to serve as training centers and operate training programs under this section.** The director shall not place any instructor, training center, or training program on its approved list unless such instructor, training center, or training program meets all of the POST commission requirements under this section and section 590.200. The director shall make this approved list available to every school district in the state. The required training to become a school protection officer shall be provided by those firearm instructors, private and public, who have successfully completed a department of public safety POST certified law enforcement firearms instructor school.

3. Each person seeking entrance into a school protection officer training center or training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center or training program where such person is seeking entrance. The training center or training program shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the school district where the [elementary school teacher or administrator] **employee** is seeking to be designated as a school protection officer.

4. No person shall be admitted to a school protection officer training center or training program unless such person submits proof to the training center or training program that he or she has a valid concealed carry endorsement or permit.

5. A certificate of school protection officer training program completion may be issued to any applicant by any approved school protection officer training instructor. On the certificate of program completion the approved school protection officer training instructor shall affirm that the individual receiving instruction has taken and passed a school protection officer training program that meets the requirements of this section and section 590.200 and indicate whether the individual has a valid concealed carry endorsement or permit. The instructor shall also provide a copy of such certificate to the director of the department of public safety.

**6. The POST commission shall establish requirements for the continuing education of all school protection officers. All school protection officers shall annually receive four hours of firearms skill development training.**

**7. At least two times each year, all school protection officers shall participate in a joint training on school protection with a local law enforcement agency.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 743, Page 1, Section A, Line 2, by inserting after all of said line the following:

“161.217. 1. The department of elementary and secondary education, in collaboration with the Missouri Head Start State Collaboration Office and the departments of health and senior services, mental health, and social services, shall develop, as a three-year pilot program, a voluntary early learning quality assurance report. The early learning quality assurance report shall be developed based on evidence-based practices.

2. Participation in the early learning quality assurance report pilot program shall be voluntary for any licensed or license-exempt early learning providers that are center-based or home-based and are providing services for children from any ages from birth up to kindergarten.

3. The early learning quality assurance report may include, but is not limited to, information regarding staff qualifications, instructional quality, professional development, health and safety standards, parent engagement, and community engagement.

4. The early learning quality assurance report shall not be used for enforcement of compliance with any law or for any punitive purposes.

5. The department of elementary and secondary education shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset three years after August 28, [2016] **2019**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset three years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 743, Page 1, Section A, Line 2, by inserting immediately after all of said section and line the following:

“160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district’s school under an urban voluntary transfer program;

(3) Nonresident pupils who transfer from an unaccredited district under section 167.131, provided that the charter school is an approved charter school, as defined in section 167.131, and subject to all other provisions of section 167.131;

(4) In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil from the same or an adjacent county who resides in a residential care facility, a transitional living group home, or an independent living program whose last school of enrollment is in the school district where the charter school is established, who submits a timely application; and

(5) In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission and does not discriminate based on parents' ability to pay fees or tuition except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education;

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school; and

(3) Charter [alternative and special purpose] schools may also give a preference for admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these students through its proposed mission, curriculum, teaching methods, and services.

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level. Charter schools may limit admission based on gender only when the school is a single-gender school. Students of a charter school who have been enrolled for a full academic year shall be counted in the performance of the charter school on the statewide assessments in that calendar year, unless otherwise exempted as English language learners. For purposes of this subsection, "full academic year" means the last Wednesday in September through the administration of the Missouri assessment program test without transferring out of the school and re-enrolling.

4. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

(1) The school's charter;

(2) The school's most recent annual report card published according to section 160.522;

(3) The results of background checks on the charter school's board members; and

(4) If a charter school is operated by a management company, a copy of the written contract between

the governing board of the charter school and the educational management organization or the charter management organization for services. The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies of documents under this subsection.

5. When a student attending a charter school who is a resident of the school district in which the charter school is located moves out of the boundaries of such school district, the student may complete the current semester and shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

6. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a student attending a charter school prior to such change no longer resides in a school district in which the charter school is located, then the student may complete the current academic year at the charter school. The student shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

7. The provisions of sections 167.018 and 167.019 concerning foster children's educational rights are applicable to charter schools."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Bill No. 743, Page 2, Section 163.018, Line 39, by inserting after all of said line the following:

"304.060. 1. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. The state board of education may adopt rules and regulations governing the use of other vehicles owned by a district or operated under contract with any school district in this state and used for the purpose of transporting school children. The operator of such vehicle shall be licensed in accordance with section 302.272, and such vehicle shall transport no more children than the manufacturer suggests as appropriate for such vehicle. The state board of education may also adopt rules and regulations governing the use of authorized common carriers for the transportation of students on field trips or other special trips for educational purposes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The state board of education shall cooperate with the state transportation department and the state highway patrol in placing suitable warning signs at intervals on the highways of the state.

**2. Notwithstanding the provisions of subsection 1 of this section, any school board in the state of Missouri in an urban district containing the greater part of the population of a city which has more than three hundred thousand inhabitants may contract with any municipality, bi-state agency, or other governmental entity for the purpose of transporting school children attending a grade or grades not lower than the ninth nor higher than the twelfth grade, provided that such contract shall be for additional transportation services, and shall not replace or fulfill any of the school district's obligations pursuant to section 167.231. The school district may notify students of the option to use district contracted transportation services.**

3. Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district.

[3.] 4. Any other provision of the law to the contrary notwithstanding, in any county of the first class with a charter form of government adjoining a city not within a county, school buses may bear the word “special”.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 17

Amend House Amendment No. 17 to House Committee Substitute for Senate Bill No. 743, Page 2, Lines 24 to 32, by deleting all of said lines and inserting in lieu thereof the following:

“shall be deposited in the general revenue fund.];” and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Bill No. 743, Page 2, Section 163.018, Line 39, by inserting immediately after all of said section and line the following:

**“178.931. 1. Beginning July 1, 2018, and thereafter, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to the amount calculated under subsection 2 of this section but at least the amount necessary to ensure that at least twenty-one dollars is paid for each six-hour or longer day worked by a handicapped employee.**

**2. In order to calculate the monthly amount due to each sheltered workshop, the department shall:**

**(1) Determine the quotient obtained by dividing the appropriation for the fiscal year by twelve; and**

**(2) Divide the amount calculated under subdivision (1) of this subsection among the sheltered workshops in proportion to each sheltered workshop’s number of hours submitted to the department for the preceding calendar month.**

**3. The department shall accept, as prima facie proof of payment due to a sheltered workshop, information as designated by the department, either in paper or electronic format. A statement signed by the president, secretary, and manager of the sheltered workshop, setting forth the dates worked and the number of hours worked each day by each handicapped person employed by that sheltered workshop during the preceding calendar month, together with any other information required by the rules or regulations of the department, shall be maintained at the workshop location.**

[178.930. 1. (1) Beginning July 1, 2009, and until June 30, 2010, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it

for that purpose, to each sheltered workshop a sum equal to ninety dollars for each standard workweek (Monday through Friday) of up to and including thirty hours worked during the preceding calendar month. Eighteen dollars shall be paid for each six-hour or longer day worked by a handicapped employee on Saturdays or Sundays. For each handicapped worker employed by a sheltered workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee.

(2) Beginning July 1, 2010, and thereafter, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to ninety-five dollars for each standard workweek (Monday through Friday) of up to and including thirty hours worked during the preceding calendar month. Nineteen dollars shall be paid for each six-hour or longer day worked by a handicapped employee on Saturdays or Sundays. For each handicapped worker employed by a sheltered workshop for less than a thirty-hour week or a six-hour day on Saturdays or Sundays, the workshop shall receive a percentage of the corresponding amount normally paid based on the percentage of time worked by the handicapped employee.

2. The department shall accept, as prima facie proof of payment due to a sheltered workshop, information as designated by the department, either in paper or electronic format. A statement signed by the president, secretary, and manager of the sheltered workshop, setting forth the dates worked and the number of hours worked each day by each handicapped person employed by that sheltered workshop during the preceding calendar month, together with any other information required by the rules or regulations of the department, shall be maintained at the workshop location.

3. There is hereby created in the state treasury the “Sheltered Workshop Per Diem Revolving Fund” which shall be administered by the commissioner of the department of elementary and secondary education. All moneys appropriated pursuant to subsection 1 of this section shall be deposited in the fund and expended as described in subsection 1 of this section.

4. The balance of the sheltered workshop per diem revolving fund shall not exceed five hundred thousand dollars at the end of each fiscal year and shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the general revenue fund. Any unexpended balance in the sheltered workshop per diem revolving fund at the end of each fiscal year exceeding five hundred thousand dollars shall be deposited in the general revenue fund.]

Section B. Because immediate action is necessary to ensure that as many people can be employed in sheltered workshops as possible, and that the employment of people can occur as soon as possible, the repeal of section 178.930 and the enactment of section 178.931 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal of section 178.930 and the enactment of section 178.931 of this act shall be in full force and effect on July 1, 2018, or upon its passage and approval, whichever occurs later.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Bill No. 743, Page 1, Section A, Line 2 , by inserting after all of said section and line the following:

“160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 178, the following terms mean:

(1) “District” or “school district”, when used alone, may include seven-director, urban, and metropolitan school districts;

(2) “Elementary school”, a public school giving instruction in a grade or grades not higher than the eighth grade;

(3) “Family literacy programs”, services of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in families that include:

(a) Interactive literacy activities between parents and their children;

(b) Training of parents regarding how to be the primary teacher of their children and full partners in the education of their children;

(c) Parent literacy training that leads to high school completion and economic self sufficiency; and

(d) An age-appropriate education to prepare children of all ages for success in school;

(4) “Graduation rate”, the quotient of the number of graduates in the current year as of June thirtieth divided by the sum of the number of graduates in the current year as of June thirtieth plus the number of twelfth graders who dropped out in the current year plus the number of eleventh graders who dropped out in the preceding year plus the number of tenth graders who dropped out in the second preceding year plus the number of ninth graders who dropped out in the third preceding year;

(5) “High school”, a public school giving instruction in a grade or grades not lower than the ninth nor higher than the twelfth grade;

(6) “Metropolitan school district”, any school district the boundaries of which are coterminous with the limits of any city which is not within a county;

(7) “Public school” includes all elementary and high schools operated at public expense;

(8) “School board”, the board of education having general control of the property and affairs of any school district;

(9) “School term”, a minimum of one hundred seventy-four school days, as that term is defined in section 160.041, for schools with a five-day school week or a minimum of one hundred forty-two school days, as that term is defined in section 160.041, for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance as scheduled by the board pursuant to section 171.031 during a twelve-month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district. **In school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance shall be required with no minimum number of school days required.** A school term may be within a school year or may consist of parts of two consecutive school years, but does not include summer school. A district may choose to operate two or more terms for different groups of children. A school term for students participating in a school flex program as established in section 160.539 may consist of a combination of actual pupil attendance and attendance at



college or technical career education or approved employment aligned with the student's career academic plan for a total of [one thousand forty-four] **the required number of hours as provided in this subdivision;**

(10) "Secretary", the secretary of the board of a school district;

(11) "Seven-director district", any school district which has seven directors and includes urban districts regardless of the number of directors an urban district may have unless otherwise provided by law;

(12) "Taxpayer", any individual who has paid taxes to the state or any subdivision thereof within the immediately preceding twelve-month period or the spouse of such individual;

(13) "Town", any town or village, whether or not incorporated, the plat of which has been filed in the office of the recorder of deeds of the county in which it is situated;

(14) "Urban school district", any district which includes more than half of the population or land area of any city which has not less than seventy thousand inhabitants, other than a city which is not within a county.

160.041. 1. The "minimum school day" consists of three hours for schools with a five-day school week or four hours for schools with a four-day school week in which the pupils are under the guidance and direction of teachers in the teaching process. A "school month" consists of four weeks of five days each for schools with a five-day school week or four weeks of four days each for schools with a four-day school week. **In school year 2019-20 and subsequent years, no minimum number of school days shall be required, and "school day" shall mean any day in which, for any amount of time, pupils are under the guidance and direction of teachers in the teaching process.** The "school year" commences on the first day of July and ends on the thirtieth day of June following.

2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of education is authorized to reduce the required number of hours [and] **or** days in which the pupils are under the guidance and direction of teachers in the teaching process if:

(1) There is damage to or destruction of a public school facility which requires the dual utilization of another school facility; or

(2) Flooding or other inclement weather as defined in subsection 1 of section 171.033 prevents students from attending the public school facility.

Such reduction shall not extend beyond two calendar years in duration."; and

Further amend said bill, Page 2, Section 163.018, Line 39, by inserting after all of said section and line the following:

"163.021. 1. A school district shall receive state aid for its education program only if it:

(1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all-day students or six hours for one-half-day kindergarten students,

all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033. **In school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance with no minimum number of school days shall be required for each pupil or group of pupils; except that, the board shall provide a minimum of five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils with no minimum number of school days;**

(2) Maintains adequate and accurate records of attendance, personnel and finances, as required by the state board of education, which shall include the preparation of a financial statement which shall be submitted to the state board of education the same as required by the provisions of section 165.111 for districts;

(3) Levies an operating levy for school purposes of not less than one dollar and twenty-five cents after all adjustments and reductions on each one hundred dollars assessed valuation of the district; **and**

(4) Computes average daily attendance as defined in subdivision (2) of section 163.011 as modified by section 171.031. Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed.

2. For the 2006-07 school year and thereafter, no school district shall receive more state aid, as calculated under subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for school purposes, as determined pursuant to section 163.011, of not less than two dollars and seventy-five cents after all adjustments and reductions. Any district which is required, pursuant to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required under this subsection shall not be construed to be in violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of Article X of the state constitution, a school district may levy the operating levy for school purposes required by this subsection less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school district is guaranteed to receive an amount not less than the amount the school district received per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply to any school district located in a county of the second classification which has a nuclear power plant located in such district or to any school district located in a county of the third classification which has an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative except that such school districts may levy for current school purposes and capital projects an operating levy not to exceed two dollars and seventy-five cents less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution.

3. No school district shall receive more state aid, as calculated in section 163.031, for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-94, if the state board of education determines that the district was not in compliance in the preceding school year with the requirements of section 163.172, until such time as the board determines that the district is again in compliance with the requirements of section 163.172.

4. No school district shall receive state aid, pursuant to section 163.031, if such district was not in compliance, during the preceding school year, with the requirement, established pursuant to section 160.530 to allocate revenue to the professional development committee of the district.

5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, if the district did not comply in the preceding school year with the requirements of subsection 5 of section 163.031.

6. Any school district that levies an operating levy for school purposes that is less than the performance levy, as such term is defined in section 163.011, shall provide written notice to the department of elementary and secondary education asserting that the district is providing an adequate education to the students of such district. If a school district asserts that it is not providing an adequate education to its students, such inadequacy shall be deemed to be a result of insufficient local effort. The provisions of this subsection shall not apply to any special district established under sections 162.815 to 162.940.

163.073. 1. When an education program, as approved under section 219.056, is provided for pupils by the division of youth services in one of the facilities operated by the division for children who have been assigned there by the courts, the division of youth services shall be entitled to state aid for pupils being educated by the division of youth services in an amount to be determined as follows: the total amount apportioned to the division of youth services shall be an amount equal to the average per weighted average daily attendance amount apportioned for the preceding school year under section 163.031, multiplied by the number of full-time equivalent students served by facilities operated by the division of youth services. The number of full-time equivalent students shall be determined by dividing by one hundred seventy-four days the number of student-days of education service provided by the division of youth services to elementary and secondary students who have been assigned to the division by the courts and who have been determined as inappropriate for attendance in a local public school. A student day shall mean one day of education services provided for one student. **In school year 2019-20 and subsequent years, the number of full-time equivalent students shall be the quotient of the number of student-hours of education service provided by the division of youth services to elementary and secondary students who have been assigned to the division by the courts, and who have been determined as inappropriate for attendance in a local public school, divided by one thousand forty-four hours. A student hour shall mean one hour of education services provided for one student.** In addition, other provisions of law notwithstanding, the division of youth services shall be entitled to funds under section 163.087. The number of full-time equivalent students as defined in this section shall be considered as "September membership" and as "average daily attendance" for the apportioning of funds under section 163.087.

2. The educational program approved under section 219.056 as provided for pupils by the division of youth services shall qualify for funding for those services provided to handicapped or severely handicapped children. The department of elementary and secondary education shall cooperate with the division of youth services in arriving at an equitable funding for the services provided to handicapped children in the facilities operated by the division of youth services.

3. Each local school district or special school district constituting the domicile of a child placed in programs or facilities operated by the division of youth services or residing in another district pursuant to assignment by the division of youth services shall pay toward the per pupil cost of educational services provided by the serving district or agency an amount equal to the average sum produced per child by the

local tax effort of that district. A special school district shall pay the average sum produced per child by the local tax efforts of the component districts. This amount paid by the local school district or the special school district shall be on the basis of full-time equivalence as determined in section 163.011, not to exceed the actual per pupil local tax effort.

171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date, **days of planned attendance**, and providing a minimum term of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance. **In school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance shall be required for the school term with no minimum number of school days.** In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033. **In school year 2019-20 and subsequent years, such calendar shall include thirty-six make-up hours for possible loss of attendance due to inclement weather, as defined in subsection 1 of section 171.033, with no minimum number of make-up days.**

2. Each local school district may set its opening date each year, which date shall be no earlier than ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless the district follows the procedure set forth in subsection 3 of this section.

3. A district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

4. If any local district violates the provisions of this section, the department of elementary and secondary education shall withhold an amount equal to one quarter of the state funding the district generated under section 163.031 for each date the district was in violation of this section. 5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

[7. No school day for schools with a five-day school week shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county, and any school that adopts a four-day school week in accordance with section 171.029.]

171.033. 1. “Inclement weather”, for purposes of this section, shall be defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

2. **(1)** A district shall be required to make up the first six days of school lost or cancelled due to inclement weather and half the number of days lost or cancelled in excess of six days if the makeup of the

days is necessary to ensure that the district's students will attend a minimum of one hundred forty-two days and a minimum of one thousand forty-four hours for the school year except as otherwise provided in this section. Schools with a four-day school week may schedule such make-up days on Fridays.

**(2) Notwithstanding subdivision (1) of this subsection, in school year 2019-20 and subsequent years, a district shall be required to make up the first thirty-six hours of school lost or cancelled due to inclement weather and half the number of hours lost or cancelled in excess of thirty-six if the makeup of the hours is necessary to ensure that the district's students attend a minimum of one thousand forty-four hours for the school year, except as otherwise provided under subsections 3 and 4 of this section.**

3. (1) In the 2009-10 school year and subsequent years, a school district may be exempt from the requirement to make up days of school lost or cancelled due to inclement weather in the school district when the school district has made up the six days required under subsection 2 of this section and half the number of additional lost or cancelled days up to eight days, resulting in no more than ten total make-up days required by this section.

**(2) In school year 2019-20 and subsequent years, a school district may be exempt from the requirement to make up school lost or cancelled due to inclement weather in the school district when the school district has made up the thirty-six hours required under subsection 2 of this section and half the number of additional lost or cancelled hours up to forty-eight, resulting in no more than sixty total make-up hours required by this section.**

4. The commissioner of education may provide, for any school district [in which schools are in session for twelve months of each calendar year] that cannot meet the minimum school calendar requirement of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week and one thousand forty-four hours of actual pupil attendance **or, in school year 2019-20 and subsequent years, one thousand forty-four hours of actual pupil attendance**, upon request, a waiver to be excused from such requirement. This waiver shall be requested from the commissioner of education and may be granted if the school was closed due to circumstances beyond school district control, including inclement weather[, flooding] or fire.

[171.029. 1. The school board of any school district in the state, upon adoption of a resolution by the vote of a majority of all its members to authorize such action, may establish a four-day school week or other calendar consisting of less than one hundred seventy-four days in lieu of a five-day school week. Upon adoption of a four-day school week or other calendar consisting of less than one hundred seventy-four days, the school shall file a calendar with the department of elementary and secondary education in accordance with section 171.031. Such calendar shall include, but not be limited to, a minimum term of one hundred forty-two days and one thousand forty-four hours of actual pupil attendance.

2. If a school district that attends less than one hundred seventy-four days meets at least two fewer performance standards on two successive annual performance reports than it met on its last annual performance report received prior to implementing a calendar year of less than one hundred seventy-four days, it shall be required to revert to a one hundred seventy-four-day school year in the school year following the report of the drop in the number of performance standards met. When the number of performance standards met reaches the earlier number, the district may return to the four-day week or other calendar consisting of

less than one hundred seventy-four days in the next school year.]

Section B. The repeal of section 171.029 of this act shall become effective July 1, 2019.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Bill No. 743, Page 1, Section 162.401, Line 9, by inserting after all of said line the following:

“162.720. 1. Where a sufficient number of children are determined to be gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, districts may establish special programs for such gifted children.

2. The state board of education shall determine standards for such programs. Approval of such programs shall be made by the state department of elementary and secondary education based upon project applications submitted by July fifteenth of each year.

3. No district shall make a determination as to whether a child is gifted based on the child’s participation in an advanced placement course or international baccalaureate course. Districts shall determine a child is gifted only if the child meets the definition of gifted children as provided in section 162.675.

**4. Any district with a gifted education program approved under subsection 2 of this section shall have a policy, approved by the board of education of the district, that establishes a process that outlines the procedures and conditions under which parents or guardians may request a review of the decision that determined that their child did not qualify to receive services through the district’s gifted education program.**

**5. School districts and school district employees shall be immune from liability for any and all acts or omissions relating to the decision that a child did not qualify to receive services through the district’s gifted education program.**

**162.722. 1. Each school district shall establish a policy, approved by the board of education of the district, that allows acceleration for students who demonstrate:**

**(1) Advanced performance or potential for advanced performance; and**

**(2) The social and emotional readiness for acceleration.**

**2. The policy shall allow, for students described in this section, at least the following types of acceleration:**

**(1) Subject acceleration; and**

**(2) Whole grade acceleration.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Bill No. 743, Page 2, Section 163.018, Line 39, by inserting immediately after all of said section and line the following:

**“171.054. 1. Any absence of a student from a public school, including any charter school, on a particular day or days or at a particular time of day for the reason that the student’s parent or legal**

guardian is an active duty member of the uniformed services and:

(1) Has been called to duty for and will deploy within the next month to a combat zone or combat support posting;

(2) Is on leave from a deployment to a combat zone or combat support posting; or

(3) Has returned, within the previous month, from deployment to a combat zone or combat support posting

shall be counted as excused to the extent permitted under subsection 2 of this section.

2. The school board of each school district and the governing body of each charter school shall allow at least five days of excused absences for any student to visit the student's parent or legal guardian relative to the leave or deployment of the parent or legal guardian, as described under subsection 1 of this section. Nothing shall prevent the school board or governing body of a charter school from establishing a policy that allows more than five days of such excused absences.

3. The student granted an excused absence under this section and his or her parent or legal guardian shall be responsible for obtaining assignments from the student's teacher or teachers before any period of excused absence."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 22

Amend House Committee Substitute for Senate Bill No. 743, Page 1, Section A, Line 2, by inserting after said section and line the following:

**"160.572. 1. For purposes of this section, the following terms mean:**

(1) "ACT assessment", the ACT assessment or the ACT Plus Writing assessment;

(2) "WorkKeys", the ACT WorkKeys assessments required for the National Career Readiness Certificate.

2. (1) In any school year in which the department of elementary and secondary education directs a state-funded census administration of the ACT assessment to any group of students, any student who would be allowed or required to participate in the census administration shall receive the opportunity, on any date within three months before the census administration, to participate in a state-funded administration of WorkKeys.

(2) Any student who participated in a state-funded administration of WorkKeys as described under subdivision (1) of this subsection shall not participate in any state-funded census administration of the ACT assessment.

(3) The department of elementary and secondary education shall not require school districts or charter schools to administer the ACT assessment to any student who participated in a state-funded administration of WorkKeys as described under subdivision (1) of this subsection.

3. (1) In any school year in which a school district directs the administration of the ACT assessment to any group of its students to be funded by the district, any student who would be allowed or required to participate in the district-funded administration shall receive the opportunity, on any date within three months before the administration, to participate in an administration of WorkKeys

funded by the school district.

**(2) Nothing in this section shall require a school district to fund the administration of the ACT assessment to any student who participated in a district-funded administration of WorkKeys as described under subdivision (1) of this subsection.”; and**

Further amend said bill, Page 2, Section 163.018, Line 39, by inserting after said section and line the following:

**“167.902. 1. The department of economic development shall annually identify occupations in which a critical need or shortage of trained personnel exists in the labor markets in this state and provide such information to the state board of education. Upon receipt of such data, the state board of education shall, in collaboration with the department of economic development, compile the following data and information:**

- (1) Information on how to obtain industry-recognized certificates and credentials;**
- (2) Information on how to obtain a license and the requirements for a license when licensure is required for an occupation;**
- (3) Access to assessments and interest inventories that provide insight into the types of careers that would be suitable for students;**
- (4) Resources that describe the types of skills and occupations most in demand in the current job market and those skills and occupations likely to be in high demand in future years;**
- (5) Resources that describe the typical salaries for occupations and salary trends;**
- (6) Information on how to obtain financial assistance for postsecondary education;**
- (7) Information on how to choose a college, school, or apprenticeship that aligns with the student’s career goals and values;**
- (8) Information on self-employment;**
- (9) Resources related to creating a resume, interviewing, networking, and finding job opportunities; and**
- (10) Information on the skills and traits necessary to succeed in various careers.**

**2. The educational materials and data derived from the state board of education’s collaboration with the department of economic development under subsection 1 of this section shall be distributed by the board to each high school in this state for the purpose of emphasizing areas of critical workforce needs and shortages in the labor markets in this state to high school students to support such students’ career pathway decisions. Each high school shall provide its students with the information provided to the school by the state board of education before November first of every school year.**

**168.024. 1. For purposes of this section, “local business externship” means an experience in which a teacher, supervised by his or her school or school district, gains practical experience at a business in the local community in which the teacher is employed through observation and interaction with employers and employees who are working on issues related to subjects taught by the teacher.**

- 2. Any hours spent in a local business externship shall count as contact hours of professional**



**development under section 168.021.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Bill No. 743, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district’s determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district’s discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. **The district may satisfy this notice requirement by posting a copy of the policy and procedures on the district’s website.** All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, “need to know” is defined as school personnel who are directly responsible for the student’s education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase “act of school violence” or “violent behavior” means the exertion of physical force by a student with the intent to do serious physical injury as defined in section 556.061 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping in the first degree under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Rape in the first degree under section 566.030;
- (6) Sodomy in the first degree under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;
- (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or manufacture

of a controlled substance under section 579.055;

(11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;

(12) Arson in the first degree under section 569.040;

(13) Voluntary manslaughter under section 565.023;

(14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in the second degree under section 565.027;

(15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or second degree assault under section 565.052;

(16) Rape in the second degree under section 566.031;

(17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or kidnapping in the second degree under section 565.120;

(18) Property damage in the first degree under section 569.100;

(19) The possession of a weapon under chapter 571;

(20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to January 1, 2017, or child molestation in the first, second, or third degree pursuant to section 566.067, 566.068, or 566.069;

(21) Sodomy in the second degree pursuant to section 566.061;

(22) Sexual misconduct involving a child pursuant to section 566.083;

(23) Sexual abuse in the first degree pursuant to section 566.100; **or**

(24) [Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment in the first degree under section 565.090; or

(25)] Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the first degree under section 565.225[;]

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school

or any activity of that district, regardless of whether or not the activity takes place on district property unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to

hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. “Acts of violence” as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district’s discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education’s written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children’s division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children’s division under section 210.115, such person and the superintendent of the school district shall report the allegation to the children’s division as set forth in section 210.115. Reports made to the children’s division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children’s division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children’s division shall notify the superintendent of schools of the district

or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.”; and

Further amend said bill, Page 2, Section 163.018, Line 39, by inserting after all of said section and line the following:

“167.117. 1. [In any instance when any person is believed to have committed an act which if committed by an adult would be assault in the first, second or third degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property, including a school bus in service on behalf of the district, or while involved in school activities, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent, except in any instance when any person is believed to have committed an act which if committed by an adult would be assault in the third degree and a written agreement as to the procedure for the reporting of such incidents of third degree assault has been executed between the superintendent of the school district and the appropriate local law enforcement agency, the principal shall report such incident to the appropriate local law enforcement agency in accordance with such agreement.] **For purposes of this section, “on school premises” means on any school property including, but not limited to, a school playground or school parking lot; on any school bus in service on behalf of the school district; or while involved in school activities regardless of whether the activity is on or off school property.**

2. In any instance when a pupil is discovered to have on or about such pupil's person, or among such pupil's possessions, or placed elsewhere on [the] school premises[, including but not limited to the school playground or the school parking lot, on a school bus or at a school activity whether on or off of school property] any controlled substance as defined in section 195.010 or any weapon as defined in subsection 6 of section 160.261 in violation of school policy, the principal shall [immediately] **as soon as reasonably practical** report such incident to the appropriate local law enforcement agency and to the superintendent. **In any instance when a school employee becomes aware that a pupil is in possession of a controlled substance or any weapon on school premises, the school employee shall as soon as reasonably**

**practical report such incident to the principal.**

3. [In any instance when a teacher becomes aware of an assault as set forth in subsection 1 of this section or finds a pupil in possession of a weapon or controlled substances as set forth in subsection 2 of this section, the teacher shall immediately report such incident to the principal.] **In any instance when a pupil is believed to have committed an act listed in subdivisions (1) to (24) of subsection 2 of section 160.261 on school premises, the principal shall as soon as reasonably practical report such incident to the appropriate law enforcement agency; to the superintendent; and, if there is a victim, to the parents or legal guardian of each victim. In any instance when a school employee becomes aware that a pupil has committed an act listed in subdivisions (1) to (24) of subsection 2 of section 160.261 on school premises, the school employee shall as soon as reasonably practical report such incident to the principal.**

4. A school employee, superintendent, or such person's designee who in good faith provides information to law enforcement or juvenile authorities pursuant to this section or section 160.261 **or provides information to law enforcement or juvenile authorities regarding an instance in which a pupil is believed to have committed a crime on school premises** shall not be civilly liable for providing such information.

5. Any school official responsible for reporting pursuant to this section or section 160.261 who willfully neglects or refuses to perform this duty shall be subject to the penalty established pursuant to section 162.091.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 24

Amend House Committee Substitute for Senate Bill No. 743, Page 2, Section 163.018, Line 39, by inserting after all of said section and line the following:

**“167.128. 1. If a school district contains a facility that serves neglected or delinquent children residing in a court-ordered group home, an institution for neglected children, or an institution for delinquent children, the department of elementary and secondary education shall be prohibited from creating any report or publication related to the Missouri school improvement program, or any successor program, in which data from the district’s regularly enrolled pupils is aggregated with data from the children residing in such facilities.**

**2. Nothing in this section shall exempt the district in which a facility described in this section is located from providing educational services according to federal law. However, for accountability purposes under state and federal law, the department of elementary and secondary education shall not count the students residing in any such facility as part of the school district in which the facility is located, but shall instead aggregate all neglected and delinquent children residing in facilities described in this section and issue any reports as if the students and facilities were their own separate local educational agency.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Bill No. 743, Page 1, Section 162.401, Line 9, by inserting after all of said line the following:

“162.720. 1. [Where a sufficient number of children] **If three percent or more of students enrolled in a school district** are determined to be gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, [districts may establish special programs for such gifted children] **the district shall establish a state-approved gifted program for gifted children.**

**2. If a school district has an average daily attendance of three hundred fifty students or less, the district’s gifted program shall not be required to provide gifted services by a teacher certificated to teach gifted education. If any teacher who provides gifted services through such district’s gifted program is not certificated to teach gifted education, the teacher shall annually participate in at least six clock hours of professional development focused on gifted services.**

**3. The state board of education shall determine standards for such gifted programs and gifted services. Approval of [such] gifted programs shall be made by the state department of elementary and secondary education based upon project applications submitted [by July fifteenth of each year] at a time and in a form determined by the department of elementary and secondary education.**

[3.] **4. No district shall make a determination as to whether a child is gifted based on the child’s participation in an advanced placement course or international baccalaureate course. Districts shall determine a child is gifted only if the child meets the definition of gifted children as provided in section 162.675.**

**5. The department of elementary and secondary education may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SB 660**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS for SB 660**, as amended. Representatives: Fitzwater, Ruth, Haefner, Walker (74), Stevens (46).

### **PRIVILEGED MOTIONS**

Senator Crawford moved that the Senate refuse to concur in **HCS for SB 806**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which



motion prevailed.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 660**, as amended: Senators Riddle, Sater, Hegeman, Schupp and Holsman.

### PRIVILEGED MOTIONS

Senator Sater moved that the Senate refuse to concur in **HCS** for **SB 743**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Emery moved that, **SB 949**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 2** was again taken up.

At the request of Senator Emery, **SS** for **SCS** for **SB 949** was withdrawn, rendering **SA 2** moot.

Senator Emery offered **SS No. 2** for **SCS** for **SB 949**, entitled:

#### SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 949

An Act to repeal sections 167.225, 167.263, 167.268, and 167.645, RSMo, and to enact in lieu thereof three new sections relating to reading intervention in schools.

Senator Emery moved that **SS No. 2** for **SCS** for **SB 949** be adopted, which motion prevailed.

On motion of Senator Emery, **SS No. 2** for **SCS** for **SB 949** was declared perfected and ordered printed.

### PRIVILEGED MOTIONS

Senator Sater moved that the Senate refuse to concur in **HCS** for **SB 687**, as amended and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 800**, entitled:

An Act to repeal sections 211.093, 211.444, and 211.447, RSMo, and to enact in lieu thereof three new sections relating to juvenile court proceedings.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 800, Page 1, Section A, Line 3, by inserting immediately after said section and line the following:

“211.021. [1.] As used in this chapter, unless the context clearly requires otherwise:

(1) “Adult” means a person [seventeen] **eighteen** years of age or older [except for seventeen-year-old children as defined in this section];

(2) “Child” means any person under [seventeen] **eighteen** years of age [and shall mean, in addition, any person over seventeen but not yet eighteen years of age alleged to have committed a status offense];

(3) “Juvenile court” means the juvenile division or divisions of the circuit court of the county, or judges while hearing juvenile cases assigned to them;

(4) “Legal custody” means the right to the care, custody and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education, treatment and discipline of a child. Legal custody may be taken from a parent only by court action and if the legal custody is taken from a parent without termination of parental rights, the parent’s duty to provide support continues even though the person having legal custody may provide the necessities of daily living;

(5) “Parent” means either a natural parent or a parent by adoption and if the child is illegitimate, “parent” means the mother;

(6) “Shelter care” means the temporary care of juveniles in physically unrestricting facilities pending final court disposition. These facilities may include:

(a) “Foster home”, the private home of foster parents providing twenty-four-hour care to one to three children unrelated to the foster parents by blood, marriage or adoption;

(b) “Group foster home”, the private home of foster parents providing twenty-four-hour care to no more than six children unrelated to the foster parents by blood, marriage or adoption;

(c) “Group home”, a child care facility which approximates a family setting, provides access to community activities and resources, and provides care to no more than twelve children;

(7) “Status offense”, any offense as described in subdivision (2) of subsection 1 of section 211.031.

[2. The amendments to subsection 1 of this section, as provided for in this act, shall not take effect until such time as appropriations by the general assembly for additional juvenile officer full-time equivalents and deputy juvenile officer full-time equivalents shall exceed by one million nine hundred thousand dollars the amount spent by the state for such officers in fiscal year 2007 and appropriations by the general assembly to single first class counties for juvenile court personnel costs shall exceed by one million nine hundred thousand dollars the amount spent by the state for such juvenile court personnel costs in fiscal year 2007 and notice of such appropriations has been given to the revisor of statutes.]

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in sections 487.010 to 487.190 shall have exclusive original jurisdiction in proceedings:

(1) Involving any child [or person seventeen years of age] who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child [or person seventeen years of age], neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian

or custodian upon remedial treatment other than medical or surgical treatment for a child [or person seventeen years of age] shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child [or person seventeen years of age] is otherwise without proper care, custody or support; or

(c) The child [or person seventeen years of age] was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130;

(d) The child [or person seventeen years of age is a child] **is** in need of mental health services and the parent, guardian or custodian is unable to afford or access appropriate mental health treatment or care for the child;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school; or

(b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control; or

(c) The child is habitually absent from his or her home without sufficient cause, permission, or justification; or

(d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of [seventeen] **eighteen** years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, and except that the juvenile court shall have concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent jurisdiction with the circuit court on any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(4) For the adoption of a person;

(5) For the commitment of a child [or person seventeen years of age] to the guardianship of the department of social services as provided by law; and

(6) Involving an order of protection pursuant to chapter 455 when the respondent is less than [seventeen] **eighteen** years of age.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child [or person seventeen years of age] who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child [or person seventeen years of age] may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's residence or the residence of the person [seventeen] **eighteen** years of age for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child [or person seventeen years of age] to the court located in the county of the child's residence [or the residence of the person seventeen years of age], or the county in which the offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a child [or person seventeen years of age] to the court located in the county of the child's residence [or the residence of the person seventeen years of age] for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child [or person seventeen years of age] under the supervision of another juvenile court within or without the state pursuant to section 210.570 with the consent of the receiving court;

(5) Upon motion of any child [or person seventeen years of age] or his or her parent, the court having jurisdiction shall grant one change of judge pursuant to Missouri supreme court rules;

(6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child [or person seventeen years of age], certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child [or person seventeen years of age] taken into custody in a county other than the county of the child's residence [or the residence of a person seventeen years of age], the juvenile court of the county of the child's residence [or the residence of a person seventeen years of age] shall be notified of such taking into custody within seventy-two hours.

4. When an investigation by a juvenile officer pursuant to this section reveals that the only basis for action involves an alleged violation of section 167.031 involving a child who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child to verify that the child is being home schooled and not in violation of section 167.031 before making a report of such a violation. Any report of a violation of section 167.031 made by a juvenile officer regarding a child who is being home schooled shall be made to the prosecuting attorney of the county where the child legally resides.

5. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care or for the removal of custody of a child from the parent without a specific showing that there is a causal relation between the disability or disease and harm to the child.

211.032. 1. Except as otherwise provided in a circuit participating in a pilot project established by the Missouri supreme court, when a child [or person seventeen years of age], alleged to be in need of care and treatment pursuant to subdivision (1) of subsection 1 of section 211.031, is taken into custody, the juvenile or family court shall notify the parties of the right to have a protective custody hearing. Such notification shall be in writing.

2. Upon request from any party, the court shall hold a protective custody hearing. Such hearing shall be held within three days of the request for a hearing, excluding Saturdays, Sundays and legal holidays. For circuits participating in a pilot project established by the Missouri supreme court, the parties shall be notified at the status conference of their right to request a protective custody hearing.

3. No later than February 1, 2005, the Missouri supreme court shall require a mandatory court proceeding to be held within three days, excluding Saturdays, Sundays, and legal holidays, in all cases under subdivision (1) of subsection 1 of section 211.031. The Missouri supreme court shall promulgate rules for the implementation of such mandatory court proceedings and may consider recommendations from any pilot projects established by the Missouri supreme court regarding such proceedings. Nothing in this subsection shall prevent the Missouri supreme court from expanding pilot projects prior to the implementation of this subsection.

4. The court shall hold an adjudication hearing no later than sixty days after the child has been taken into custody. The court shall notify the parties in writing of the specific date, time, and place of such hearing. If at such hearing the court determines that sufficient cause exists for the child to remain in the custody of the state, the court shall conduct a dispositional hearing no later than ninety days after the child has been taken into custody and shall conduct review hearings regarding the reunification efforts made by the division every ninety to one hundred twenty days for the first year the child is in the custody of the division. After the first year, review hearings shall be held as necessary, but in no event less than once every six months for as long as the child is in the custody of the division.

5. At all hearings held pursuant to this section the court may receive testimony and other evidence relevant to the necessity of detaining the child out of the custody of the parents, guardian or custodian.

6. By January 1, 2005, the supreme court shall develop rules regarding the effect of untimely hearings.

7. If the placement of any child in the custody of the children's division will result in the child attending a school other than the school the child was attending when taken into custody:

(1) The child's records from such school shall automatically be forwarded to the school that the child is transferring to upon notification within two business days by the division; or

(2) Upon request of the foster family, the guardian ad litem, or the volunteer advocate and whenever possible, the child shall be permitted to continue to attend the same school that the child was enrolled in and attending at the time the child was taken into custody by the division. The division, in consultation with the department of elementary and secondary education, shall establish the necessary procedures to implement the provisions of this subsection.

211.033. 1. No person under the age of [seventeen] **eighteen** years, except those transferred to the court of general jurisdiction under the provisions of section 211.071 shall be detained in a jail or other adult detention facility as that term is defined in section 211.151. A traffic court judge may request the juvenile court to order the commitment of a person under the age of [seventeen] **eighteen** to a juvenile detention

facility.

2. Nothing in this section shall be construed as creating any civil or criminal liability for any law enforcement officer, juvenile officer, school personnel, or court personnel for any action taken or failure to take any action involving a minor child who remains under the jurisdiction of the juvenile court under this section if such action or failure to take action is based on a good faith belief by such officer or personnel that the minor child is not under the jurisdiction of the juvenile court.

[3. The amendments to subsection 2 of this section, as provided for in this act, shall not take effect until such time as the provisions of section 211.021 shall take effect in accordance with subsection 2 of section 211.021.]

211.041. When jurisdiction over the person of a child has been acquired by the juvenile court under the provisions of this chapter in proceedings coming within the applicable provisions of section 211.031, the jurisdiction of the child may be retained for the purpose of this chapter until he or she has attained the age of twenty-one years, except in cases where he or she is committed to and received by the division of youth services, unless jurisdiction has been returned to the committing court by provisions of chapter 219 through requests of the court to the division of youth services and except in any case where he or she has not paid an assessment imposed in accordance with section 211.181 or in cases where the judgment for restitution entered in accordance with section 211.185 has not been satisfied. Every child over whose person the juvenile court retains jurisdiction shall be prosecuted under the general law for any violation of a state law or of a municipal ordinance which he or she commits after he or she becomes [seventeen] **eighteen** years of age. The juvenile court shall have no jurisdiction with respect to any such violation and, so long as it retains jurisdiction of the child, shall not exercise its jurisdiction in such a manner as to conflict with any other court's jurisdiction as to any such violation.

211.061. 1. When a child is taken into custody with or without warrant for an offense, the child, together with any information concerning the child and the personal property found in the child's possession, shall be taken immediately and directly before the juvenile court or delivered to the juvenile officer or person acting for [him] **the child**.

2. If any person is taken before a circuit or associate circuit judge not assigned to juvenile court or a municipal judge, and it is then, or at any time thereafter, ascertained that he or she was under the age of [seventeen] **eighteen** years at the time he or she is alleged to have committed the offense, or that he or she is subject to the jurisdiction of the juvenile court as provided by this chapter, it is the duty of the judge forthwith to transfer the case or refer the matter to the juvenile court, and direct the delivery of such person, together with information concerning him or her and the personal property found in his or her possession, to the juvenile officer or person acting as such.

3. When the juvenile court is informed that a child is in detention it shall examine the reasons therefor and shall immediately:

(1) Order the child released; or

(2) Order the child continued in detention until a detention hearing is held. An order to continue the child in detention shall only be entered upon the filing of a petition or motion to modify and a determination by the court that probable cause exists to believe that the child has committed acts specified in the petition or motion that bring the child within the jurisdiction of the court under subdivision (2) or (3) of subsection 1 of section 211.031.

4. A juvenile shall not remain in detention for a period greater than twenty-four hours unless the court orders a detention hearing. If such hearing is not held within three days, excluding Saturdays, Sundays and legal holidays, the juvenile shall be released from detention unless the court for good cause orders the hearing continued. The detention hearing shall be held within the judicial circuit at a date, time and place convenient to the court. Notice of the date, time and place of a detention hearing, and of the right to counsel, shall be given to the juvenile and his or her custodian in person, by telephone, or by such other expeditious method as is available.

211.071. 1. If a petition alleges that a child between the ages of twelve and [seventeen] **eighteen** has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030 as it existed prior to August 28, 2013, rape in the first degree under section 566.030, forcible sodomy under section 566.060 as it existed prior to August 28, 2013, sodomy in the first degree under section 566.060, first degree robbery under section 569.020 **as it existed prior to January 1, 2017, or first degree robbery under section 570.023**, [or] distribution of drugs under section 195.211 **as it existed prior to January 1, 2017, or the manufacturing of a controlled substance under section 579.055**, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between [seventeen] **eighteen** and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his or her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney

shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

(1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;

(2) Whether the offense alleged involved viciousness, force and violence;

(3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;

(4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;

(5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

(6) The sophistication and maturity of the child as determined by consideration of his **or her** home and environmental situation, emotional condition and pattern of living;

(7) The age of the child;

(8) The program and facilities available to the juvenile court in considering disposition;

(9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and

(10) Racial disparity in certification.

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

(1) Findings showing that the court had jurisdiction of the cause and of the parties;

(2) Findings showing that the child was represented by counsel;

(3) Findings showing that the hearing was held in the presence of the child and his **or her** counsel; and

(4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the prosecution of the child results in a conviction, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.



10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

211.073. 1. The court shall, in a case when the offender is under [seventeen] **eighteen** years [and six months] of age and has been transferred to a court of general jurisdiction pursuant to section 211.071, and whose prosecution results in a conviction or a plea of guilty, consider dual jurisdiction of both the criminal and juvenile codes, as set forth in this section. The court is authorized to impose a juvenile disposition under this chapter and simultaneously impose an adult criminal sentence, the execution of which shall be suspended pursuant to the provisions of this section. Successful completion of the juvenile disposition ordered shall be a condition of the suspended adult criminal sentence. The court may order an offender into the custody of the division of youth services pursuant to this section:

(1) Upon agreement of the division of youth services; and

(2) If the division of youth services determines that there is space available in a facility designed to serve offenders sentenced under this section. If the division of youth services agrees to accept a youth and the court does not impose a juvenile disposition, the court shall make findings on the record as to why the division of youth services was not appropriate for the offender prior to imposing the adult criminal sentence.

2. If there is probable cause to believe that the offender has violated a condition of the suspended sentence or committed a new offense, the court shall conduct a hearing on the violation charged, unless the offender waives such hearing. If the violation is established and found the court may continue or revoke the juvenile disposition, impose the adult criminal sentence, or enter such other order as it may see fit.

3. When an offender has received a suspended sentence pursuant to this section and the division determines the child is beyond the scope of its treatment programs, the division of youth services may petition the court for a transfer of custody of the offender. The court shall hold a hearing and shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

4. When an offender who has received a suspended sentence reaches the age of [seventeen] **eighteen**, the court shall hold a hearing. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections;

(2) Direct that the offender be placed on probation; or

(3) Direct that the offender remain in the custody of the division of youth services if the division agrees to such placement.

5. The division of youth services shall petition the court for a hearing before it releases an offender who comes within subsection 1 of this section at any time before the offender reaches the age of twenty-one

years. The court shall:

(1) Revoke the suspension and direct that the offender be taken into immediate custody of the department of corrections; or

(2) Direct that the offender be placed on probation.

6. If the suspension of the adult criminal sentence is revoked, all time served by the offender under the juvenile disposition shall be credited toward the adult criminal sentence imposed.

211.081. 1. Whenever any person informs the juvenile officer in writing that a child appears to be within the purview of applicable provisions of section 211.031 [or that a person seventeen years of age appears to be within the purview of the provisions of subdivision (1) of subsection 1 of section 211.031], the juvenile officer shall make or cause to be made a preliminary inquiry to determine the facts and to determine whether or not the interests of the public or of the child [or person seventeen years of age] require that further action be taken. On the basis of this inquiry, the juvenile officer may make such informal adjustment as is practicable without a petition or file a petition. Any other provision of this chapter to the contrary notwithstanding, the juvenile court shall not make any order for disposition of a child [or person seventeen years of age] which would place or commit the child [or person seventeen years of age] to any location outside the state of Missouri without first receiving the approval of the children's division.

2. Placement in any institutional setting shall represent the least restrictive appropriate placement for the child [or person seventeen years of age] and shall be recommended based upon a psychological or psychiatric evaluation or both. Prior to entering any order for disposition of a child [or person seventeen years of age] which would order residential treatment or other services inside the state of Missouri, the juvenile court shall enter findings which include the recommendation of the psychological or psychiatric evaluation or both; and certification from the division director or designee as to whether a provider or funds or both are available, including a projection of their future availability. If the children's division indicates that funding is not available, the division shall recommend and make available for placement by the court an alternative placement for the child [or person seventeen years of age]. The division shall have the burden of demonstrating that they have exercised due diligence in utilizing all available services to carry out the recommendation of the evaluation team and serve the best interest of the child [or person seventeen years of age]. The judge shall not order placement or an alternative placement with a specific provider but may reasonably designate the scope and type of the services which shall be provided by the department to the child [or person seventeen years of age].

3. Obligations of the state incurred under the provisions of section 211.181 shall not exceed, in any fiscal year, the amount appropriated for this purpose.

211.091. 1. The petition shall be entitled "In the interest of ....., a child under [seventeen] **eighteen** years of age" [or "In the interest of ....., a child seventeen years of age" or "In the interest of ....., a person seventeen years of age" as appropriate to the subsection of section 211.031 that provides the basis for the filing of the petition].

2. The petition shall set forth plainly:

(1) The facts which bring the child [or person seventeen years of age] within the jurisdiction of the court;

(2) The full name, birth date, and residence of the child [or person seventeen years of age];

(3) The names and residence of his or her parents, if living;

(4) The name and residence of his or her legal guardian if there be one, of the person having custody of the child [or person seventeen years of age] or of the nearest known relative if no parent or guardian can be found; and

(5) Any other pertinent data or information.

3. If any facts required in subsection 2 of this section are not known by the petitioner, the petition shall so state.

4. Prior to the voluntary dismissal of a petition filed under this section, the juvenile officer shall assess the impact of such dismissal on the best interests of the child, and shall take all actions practicable to minimize any negative impact.”; and

Further amend said bill, Page 2, Section 211.093, Line 46, by inserting after said section and line the following:

“211.101. 1. After a petition has been filed, unless the parties appear voluntarily, the juvenile court shall issue a summons in the name of the state of Missouri requiring the person who has custody of the child [or person seventeen years of age] to appear personally and, unless the court orders otherwise, to bring the child [or person seventeen years of age] before the court, at the time and place stated.

2. If the person so summoned is other than a parent or guardian of the child [or person seventeen years of age], then the parent or guardian or both shall also be notified of the pendency of the case and of the time and place appointed.

3. If it appears that the child [or person seventeen years of age] is in such condition or surroundings that his or her welfare requires that his or her custody be immediately assumed by the court, the judge may order, by endorsement upon the summons, the officer serving it to take the child [or person seventeen years of age] into custody at once.

4. Subpoena may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

211.161. 1. The court may cause any child [or person seventeen years of age] within its jurisdiction to be examined by a physician, psychiatrist or psychologist appointed by the court in order that the condition of the child [or person seventeen years of age] may be given consideration in the disposition of his **or her** case. The expenses of the examination when approved by the court shall be paid by the county, except that the county shall not be liable for the costs of examinations conducted by the department of mental health either directly or through contract.

2. The services of a state, county or municipally maintained hospital, institution, or psychiatric or health clinic may be used for the purpose of this examination and treatment.

3. A county may establish medical, psychiatric and other facilities, upon request of the juvenile court, to provide proper services for the court in the diagnosis and treatment of children [or persons seventeen years of age] coming before it and these facilities shall be under the administration and control of the juvenile court. The juvenile court may appoint and fix the compensation of such professional and other personnel as it deems necessary to provide the court proper diagnostic, clinical and treatment services for children [or persons seventeen years of age] under its jurisdiction.

211.181. 1. When a child [or person seventeen years of age] is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child [or person seventeen years of age], and the court may, by order duly entered, proceed as follows:

(1) Place the child [or person seventeen years of age] under supervision in his **or her** own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child [or person seventeen years of age] to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child [or person seventeen years of age] may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child [or person seventeen years of age] in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child [or person seventeen years of age] in a family home;

(4) Cause the child [or person seventeen years of age] to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child [or person seventeen years of age] requires it, cause the child [or person seventeen years of age] to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child [or person seventeen years of age] whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive the necessary services in the least restrictive appropriate environment including home and community-based services, treatment and support, based on a coordinated, individualized treatment plan. The individualized treatment plan shall be approved by the court and developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services, subject to appropriation, and shall include which agencies are going to pay for and provide such services. Such plan must be submitted to the court within thirty days and the child's family shall actively participate in designing the service plan for the child [or person seventeen years of age];

(6) The department of social services, in conjunction with the department of mental health, shall apply to the United States Department of Health and Human Services for such federal waivers as required to provide services for such children, including the acquisition of community-based services waivers.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its

jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his **or her** own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he **or she** is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.

Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require; provided that, no child who has been adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-related offense which if committed by an adult would be considered a felony offense pursuant to chapter 566, RSMo, including but not limited to rape, forcible sodomy, child molestation, and sexual abuse, and in which the victim was a child, shall be placed in any residence within one thousand feet of the residence of the abused child of that offense until the abused child reaches the age of eighteen, and provided further that the provisions of this subdivision regarding placement within one thousand feet of the abused child shall not apply when the abusing child and the abused child

are siblings or children living in the same home;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to placement with the division of youth services concerning the child's length of stay. The length of stay order may set forth a minimum review date;

(4) Place the child in a family home;

(5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(7) Order the child to make restitution or reparation for the damage or loss caused by his **or her** offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his **or her** attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;

(9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's eighteenth birth date except upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any order of commitment of a child to the custody of the division of youth services, the division shall determine the appropriate program or placement pursuant to subsection 3 of section 219.021, RSMo. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.

211.321. 1. Records of juvenile court proceedings as well as all information obtained and social records prepared in the discharge of official duty for the court shall not be open to inspection or their contents disclosed, except by order of the court to persons having a legitimate interest therein, unless a petition or motion to modify is sustained which charges the child with an offense which, if committed by an adult, would be a class A felony under the criminal code of Missouri, or capital murder, first degree murder, or second degree murder or except as provided in subsection 2 of this section. In addition, whenever a report is required under section 557.026, there shall also be included a complete list of certain violations of the juvenile code for which the defendant had been adjudicated a delinquent while a juvenile. This list shall be made available to the probation officer and shall be included in the presentence report. The violations to be included in the report are limited to the following: rape, sodomy, murder, kidnapping, robbery, arson, burglary or any acts involving the rendering or threat of serious bodily harm. The supreme court may promulgate rules to be followed by the juvenile courts in separating the records.

2. In all proceedings under subdivision (2) of subsection 1 of section 211.031, the records of the juvenile court as well as all information obtained and social records prepared in the discharge of official duty for the court shall be kept confidential and shall be open to inspection only by order of the judge of the juvenile court or as otherwise provided by statute. In all proceedings under subdivision (3) of subsection 1 of section 211.031 the records of the juvenile court as well as all information obtained and social records prepared in the discharge of official duty for the court shall be kept confidential and may be open to inspection without court order only as follows:

(1) The juvenile officer is authorized at any time:

(a) To provide information to or discuss matters concerning the child, the violation of law or the case with the victim, witnesses, officials at the child's school, law enforcement officials, prosecuting attorneys, any person or agency having or proposed to have legal or actual care, custody or control of the child, or any person or agency providing or proposed to provide treatment of the child. Information received pursuant to this paragraph shall not be released to the general public, but shall be released only to the persons or agencies listed in this paragraph;

(b) To make public information concerning the offense, the substance of the petition, the status of proceedings in the juvenile court and any other information which does not specifically identify the child or the child's family;

(2) After a child has been adjudicated delinquent pursuant to subdivision (3) of subsection 1 of section 211.031, for an offense which would be a felony if committed by an adult, the records of the dispositional hearing and proceedings related thereto shall be open to the public to the same extent that records of criminal proceedings are open to the public. However, the social summaries, investigations or updates in the nature of presentence investigations, and status reports submitted to the court by any treating agency or individual after the dispositional order is entered shall be kept confidential and shall be opened to inspection only by order of the judge of the juvenile court;

(3) As otherwise provided by statute;

(4) In all other instances, only by order of the judge of the juvenile court.

3. Peace officers' records, if any are kept, of children shall be kept separate from the records of persons [seventeen] **eighteen** years of age or over and shall not be open to inspection or their contents disclosed, except by order of the court. This subsection does not apply to children who are transferred to courts of general jurisdiction as provided by section 211.071 or to juveniles convicted under the provisions of sections 578.421 to 578.437. This subsection does not apply to the inspection or disclosure of the contents of the records of peace officers for the purpose of pursuing a civil forfeiture action pursuant to the provisions of section 195.140.

4. Nothing in this section shall be construed to prevent the release of information and data to persons or organizations authorized by law to compile statistics relating to juveniles. The court shall adopt procedures to protect the confidentiality of children's names and identities.

5. The court may, either on its own motion or upon application by the child or his **or her** representative, or upon application by the juvenile officer, enter an order to destroy all social histories, records, and information, other than the official court file, and may enter an order to seal the official court file, as well as all peace officers' records, at any time after the child has reached his [seventeenth] **or her eighteenth** birthday if the court finds that it is in the best interest of the child that such action or any part thereof be taken, unless the jurisdiction of the court is continued beyond the child's [seventeenth] **eighteenth** birthday, in which event such action or any part thereof may be taken by the court at any time after the closing of the child's case.

6. Nothing in this section shall be construed to prevent the release of general information regarding the informal adjustment or formal adjudication of the disposition of a child's case to a victim or a member of the immediate family of a victim of any offense committed by the child. Such general information shall not



be specific as to location and duration of treatment or detention or as to any terms of supervision.

7. Records of juvenile court proceedings as well as all information obtained and social records prepared in the discharge of official duty for the court shall be disclosed to the child fatality review panel reviewing the child's death pursuant to section 210.192 unless the juvenile court on its own motion, or upon application by the juvenile officer, enters an order to seal the records of the victim child.

211.421. 1. After any child has come under the care or control of the juvenile court as provided in this chapter, any person who thereafter encourages, aids, or causes the child to commit any act or engage in any conduct which would be injurious to the child's morals or health or who knowingly or negligently disobeys, violates or interferes with a lawful order of the court with relation to the child, is guilty of contempt of court, and shall be proceeded against as now provided by law and punished by imprisonment in the county jail for a term not exceeding six months or by a fine not exceeding five hundred dollars or by both such fine and imprisonment.

2. If it appears at a juvenile court hearing that any person [seventeen] **eighteen** years of age or over has violated section 568.045 or 568.050, RSMo, by endangering the welfare of a child, the judge of the juvenile court shall refer the information to the prosecuting or circuit attorney, as the case may be, for appropriate proceedings.

211.425. 1. Any person who has been adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-related offense which if committed by an adult would be considered a felony offense pursuant to chapter 566 including, but not limited to, rape, forcible sodomy, child molestation and sexual abuse, shall be considered a juvenile sex offender and shall be required to register as a juvenile sex offender by complying with the registration requirements provided for in this section, unless such juvenile adjudicated as a delinquent is fourteen years of age or older at the time of the offense and the offense adjudicated would be considered a felony under chapter 566 if committed by an adult, which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, including any attempt or conspiracy to commit such offense, in which case, the juvenile shall be required to register as an adult sexual offender under sections 589.400 to 589.425. This requirement shall also apply to any person who is or has been adjudicated a juvenile delinquent in any other state or federal jurisdiction for committing, attempting to commit, or conspiring to commit offenses which would be proscribed herein.

2. Any state agency having supervision over a juvenile required to register as a juvenile sex offender or any court having jurisdiction over a juvenile required to register as a juvenile sex offender, or any person required to register as a juvenile sex offender, shall, within ten days of the juvenile offender moving into any county of this state, register with the juvenile office of the county. If such juvenile offender changes residence or address, the state agency, court or person shall inform the juvenile office within ten days of the new residence or address and shall also be required to register with the juvenile office of any new county of residence. Registration shall be accomplished by completing a registration form similar to the form provided for in section 589.407. Such form shall include, but is not limited to, the following:

(1) A statement in writing signed by the juvenile, giving the juvenile's name, address, Social Security number, phone number, school in which enrolled, place of employment, offense which requires registration, including the date, place, and a brief description of such offense, date and place of adjudication regarding such offense, and age and gender of the victim at the time of the offense; and

(2) The fingerprints and a photograph of the juvenile.

3. Juvenile offices shall maintain the registration forms of those juvenile offenders in their jurisdictions who register as required by this section. Information contained on the registration forms shall be kept confidential and may be released by juvenile offices to only those persons and agencies who are authorized to receive information from juvenile court records as provided by law, including, but not limited to, those specified in section 211.321. State agencies having custody of juveniles who fall within the registration requirements of this section shall notify the appropriate juvenile offices when such juvenile offenders are being transferred to a location falling within the jurisdiction of such juvenile offices.

4. Any juvenile who is required to register pursuant to this section but fails to do so or who provides false information on the registration form is subject to disposition pursuant to this chapter. Any person [seventeen] **eighteen** years of age or over who commits such violation is guilty of a class A misdemeanor as provided for in section 211.431.

5. Any juvenile to whom the registration requirement of this section applies shall be informed by the official in charge of the juvenile's custody, upon the juvenile's discharge or release from such custody, of the requirement to register pursuant to this section. Such official shall obtain the address where such juvenile expects to register upon being discharged or released and shall report the juvenile's name and address to the juvenile office where the juvenile [will] **shall** be required to register. This requirement to register upon discharge or release from custody does not apply in situations where the juvenile is temporarily released under guard or direct supervision from a detention facility or similar custodial facility.

6. The requirement to register as a juvenile sex offender shall terminate upon the juvenile offender reaching age twenty-one, unless such juvenile offender is required to register as an adult offender pursuant to section 589.400.

211.431. Any person [seventeen] **eighteen** years of age or over who willfully violates, neglects or refuses to obey or perform any lawful order of the court, or who violates any provision of this chapter is guilty of a class A misdemeanor.

**211.435. 1. There is hereby created in the state treasury the “Juvenile Justice Preservation Fund”, which shall consist of moneys collected under subsection 2 of this section and sections 488.315 and 558.003, any gifts, bequests, and donations, and any other moneys appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be distributed to the judicial circuits of the state based upon the increased workload created by sections 211.021 to 211.425 solely for the administration of the juvenile justice system. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The provisions of this subsection shall expire on August 28, 2024.**

**2. For all traffic violations of any county ordinance or any violation of traffic laws of this state, including an infraction, in which a person has pled guilty, there shall be assessed as costs a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020. The**

**surcharge collected under this section shall be paid into the state treasury to the credit of the juvenile justice preservation fund created in this section. The provisions of this subsection shall expire if the provisions of subsection 1 of this section expire.”; and**

Further amend said bill, Page 9, Section 211.447, Line 218, by inserting after said section and line the following:

“221.044. No person under the age of [seventeen] **eighteen** years, except those transferred to the court of general jurisdiction under the provisions of section 211.071, shall be detained in a jail or other adult detention facility as that term is defined in section 211.151. A traffic court judge may request the juvenile court to order the commitment of a person under the age of [seventeen] **eighteen** to a juvenile detention facility.

**488.315. 1. In addition to all other costs associated with civil actions, there shall be assessed and collected a surcharge of three dollars and fifty cents in all civil actions filed in the state. The clerk responsible for collecting court costs in civil cases shall collect and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the juvenile justice preservation fund under subsection 1 of section 211.435.**

**2. The provisions of this section shall expire if the provisions of subsection 1 of section 211.435 expire.**

**558.003. The prosecuting attorney shall have discretion to charge an offender convicted of an offense in which the victim was a child a fine of up to five hundred dollars for each offense. Such fine shall be deposited in the juvenile justice preservation fund, created under section 211.435. The provisions of this section shall expire if the provisions of subsection 1 of section 211.435 expire.**

**Section 1. Expanding services from seventeen years of age to eighteen years of age is a new service and shall not be effective until an appropriation sufficient to fund the expanded service is provided therefor.**

Section B. The repeal and reenactment of sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044 of this act shall become effective on January 1, 2021.”; and Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 718**, entitled:

An Act to repeal sections 338.202 and 376.1237, RSMo, and to enact in lieu thereof two new sections relating to maintenance medication.

With House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment Nos. 4, 5, 6, 7, 8, 10, 11, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 12, as amended, House Amendment Nos. 13, 14, House Amendment No. 1 to House Amendment No. 15, House Amendment No. 15, as amended and House Amendment No. 16.

## HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, In the Title, Line 3, by deleting the words “maintenance medication” and inserting in lieu thereof the words “health care”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section 338.202, Line 16, by inserting after all of said line the following:

**“376.1223. 1. No third-party payer for health care services including, but not limited to, health carriers, as such terms are defined in section 376.1350, shall limit coverage or deny reimbursement for treatment of symptoms and behaviors for individuals with physical or developmental disabilities, as defined in section 630.005, if, as determined by a licensed physician or psychologist, the symptoms or behaviors caused by the identified disability:**

**(1) Require the individual to receive care or assistance at any level or age from another person; and**

**(2) Directly interfere with or prevent independent participation in the everyday purposeful and functional activities typically practiced by a person of the same chronological age as the disabled individual.**

**2. Such coverage shall include, but not be limited to, therapeutic care, habilitative or rehabilitative care, or services by a licensed psychologist or applied behavior analyst, as such terms are defined in section 376.1224.**

376.1224. 1. For purposes of this section, the following terms shall mean:

(1) “Applied behavior analysis”, the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationships between environment and behavior;

(2) “Autism service provider”:

(a) Any person, entity, or group that provides diagnostic or treatment services for autism spectrum disorders who is licensed or certified by the state of Missouri; or

(b) Any person who is licensed under chapter 337 as a board-certified behavior analyst by the behavior analyst certification board or licensed under chapter 337 as an assistant board-certified behavior analyst;

(3) “Autism spectrum disorders”, a neurobiological disorder, an illness of the nervous system, which includes Autistic Disorder, Asperger’s Disorder, Pervasive Developmental Disorder Not Otherwise Specified, Rett’s Disorder, and Childhood Disintegrative Disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association;

(4) **“Developmental disability”, severe, chronic disabilities that meet all of the following conditions:**

**(a) Attributable to cerebral palsy or epilepsy, or any other condition other than mental illness that results in impairment of general intellectual functioning or adaptive behavior and requires treatment or services;**

**(b) Manifests before the individual reaches age twenty-two;**

**(c) Likely to continue indefinitely; and**

**(d) Results in substantial functional limitations in three or more of the following areas of major life activities: self care, understanding and use of language, learning, mobility, self direction, capacity for independent living, plus a need for the level of care provided in an independent care facility;**

**(5) “Diagnosis of a developmental disability”, medically necessary assessments, evaluations, or tests in order to diagnose a developmental disability;**

**(6) “Diagnosis of autism spectrum disorders”, medically necessary assessments, evaluations, or tests in order to diagnose whether an individual has an autism spectrum disorder;**

**(7) “Diagnosis of physical disability”, medically necessary assessments, evaluations, or tests in order to diagnose a physical disability;**

**[(5)] (8) “Habilitative or rehabilitative care”, professional, counseling, and guidance services and treatment programs, including applied behavior analysis, that are necessary to develop the functioning of an individual;**

**[(6)] (9) “Health benefit plan”, shall have the same meaning ascribed to it as in section 376.1350;**

**[(7)] (10) “Health carrier”, shall have the same meaning ascribed to it as in section 376.1350;**

**[(8)] (11) “Line therapist”, an individual who provides supervision of an individual diagnosed with an autism diagnosis and other neurodevelopmental disorders pursuant to the prescribed treatment plan, and implements specific behavioral interventions as outlined in the behavior plan under the direct supervision of a licensed behavior analyst;**

**[(9)] (12) “Pharmacy care”, medications used to address symptoms of an autism spectrum disorder prescribed by a licensed physician, and any health-related services deemed medically necessary to determine the need or effectiveness of the medications only to the extent that such medications are included in the insured’s health benefit plan;**

**[(10)] (13) “Psychiatric care”, direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices;**

**[(11)] (14) “Psychological care”, direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices;**

**[(12)] (15) “Therapeutic care”, services provided by licensed speech therapists, occupational therapists, or physical therapists;**

**[(13)] (16) “Treatment [for autism spectrum disorders]”, care prescribed or ordered for an individual diagnosed with an autism spectrum disorder, **developmental disabilities, or physical disabilities** by a licensed physician or licensed psychologist, including equipment medically necessary for such care, pursuant to the powers granted under such licensed physician’s or licensed psychologist’s license, including,**

but not limited to:

- (a) Psychiatric care;
- (b) Psychological care;
- (c) Habilitative or rehabilitative care, including applied behavior analysis therapy;
- (d) Therapeutic care;
- (e) Pharmacy care.

2. All group health benefit plans that are delivered, issued for delivery, continued, or renewed on or after January 1, 2011, if written inside the state of Missouri, or written outside the state of Missouri but insuring Missouri residents, shall provide coverage for the diagnosis and treatment of autism spectrum disorders, **developmental disabilities, or physical disabilities** to the extent that such diagnosis and treatment is not already covered by the health benefit plan.

3. With regards to a health benefit plan, a health carrier shall not deny or refuse to issue coverage on, refuse to contract with, or refuse to renew or refuse to reissue or otherwise terminate or restrict coverage on an individual or their dependent because the individual is diagnosed with autism spectrum disorder, **developmental disabilities, or physical disabilities**.

4. (1) Coverage provided under this section is limited to medically necessary treatment [that] **as determined by the health benefit plan, and** is ordered by the insured's treating licensed physician or licensed psychologist, pursuant to the powers granted under such licensed physician's or licensed psychologist's license[, in accordance with]. **For applied behavioral analysis, such provider may submit** a treatment plan.

(2) The treatment plan, upon request by the health benefit plan or health carrier, shall include all elements necessary for the health benefit plan or health carrier to pay claims. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and duration of treatment, and goals.

(3) Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, **developmental disabilities, or physical disabilities**, a health carrier shall have the right to review the treatment plan not more than once every six months unless the health carrier and the individual's treating physician or psychologist agree that a more frequent review is necessary. Any such agreement regarding the right to review a treatment plan more frequently shall only apply to a particular individual [being treated for an autism spectrum disorder] and shall not apply to all individuals being treated for [autism spectrum disorders] **that disorder** by a physician or psychologist. The cost of obtaining any review or treatment plan shall be borne by the health benefit plan or health carrier, as applicable.

5. Coverage provided under this section for applied behavior analysis shall be subject to a maximum benefit of forty thousand dollars per calendar year for individuals through eighteen years of age. Such maximum benefit limit may be exceeded, upon prior approval by the health benefit plan, if the provision of applied behavior analysis services beyond the maximum limit is medically necessary for such individual. Payments made by a health carrier on behalf of a covered individual for any care, treatment, intervention, service or item, the provision of which was for the treatment of a health condition unrelated to the covered individual's autism spectrum disorder, shall not be applied toward any maximum benefit established under this subsection. Any coverage required under this section, other than the coverage for applied behavior

analysis, shall not be subject to the age and dollar limitations described in this subsection.

**6. Coverage provided under this section for therapeutic care shall be subject to a maximum benefit of forty thousand dollars per calendar year for individuals through eighteen years of age. Such maximum benefit limit may be exceeded, upon prior approval by the health benefit plan, if the provision of therapeutic care beyond the maximum limit is medically necessary for such individual. Payments made by a health carrier on behalf of a covered individual for any care, treatment, intervention, service or item, the provision of which was for the treatment of a health condition unrelated to the covered individual's developmental disabilities or physical disabilities, shall not be applied toward any maximum benefit established under this subsection. Any coverage required under this section, other than the coverage for applied behavioral analysis or therapeutic care, shall not be subject to the age and dollar limitations described in this subsection.**

[6.] **7.** The maximum benefit limitation for applied behavior analysis described in subsection 5 of this section **or therapeutic care as described in subsection 6 of this section** shall be adjusted by the health carrier at least triennially for inflation to reflect the aggregate increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially published by the United States Department of Labor, or its successor agency. Beginning January 1, 2012, and annually thereafter, the current value of the maximum benefit limitation for applied behavior analysis coverage adjusted for inflation in accordance with this subsection shall be calculated by the director of the department of insurance, financial institutions and professional registration. The director shall furnish the calculated value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021.

[7.] **8.** Subject to the provisions set forth in subdivision (3) of subsection 4 of this section, coverage provided under this section shall not be subject to any limits on the number of visits an individual may make to an autism service provider **or therapeutic care provider**, except that the maximum total benefit for applied behavior analysis set forth in subsection 5 **or therapeutic care as set forth in subsection 6** of this section shall apply to this subsection.

[8.] **9.** This section shall not be construed as limiting benefits which are otherwise available to an individual under a health benefit plan. The health care coverage required by this section shall not be subject to any greater deductible, coinsurance, or co-payment than other physical health care services provided by a health benefit plan. Coverage of services may be subject to other general exclusions and limitations of the contract or benefit plan, not in conflict with the provisions of this section, such as coordination of benefits, exclusions for services provided by family or household members, and utilization review of health care services, including review of medical necessity and care management; however, coverage for treatment under this section shall not be denied on the basis that it is educational or habilitative in nature.

[9.] **10.** To the extent any payments or reimbursements are being made for applied behavior analysis, such payments or reimbursements shall be made to either:

(1) The autism service provider, as defined in this section; or

(2) The entity or group for whom such supervising person, who is certified as a board-certified behavior analyst by the Behavior Analyst Certification Board, works or is associated.

Such payments or reimbursements under this subsection to an autism service provider or a board-certified

behavior analyst shall include payments or reimbursements for services provided by a line therapist under the supervision of such provider or behavior analyst if such services provided by the line therapist are included in the treatment plan and are deemed medically necessary.

[10.] **11.** Notwithstanding any other provision of law to the contrary, health carriers shall not be held liable for the actions of line therapists in the performance of their duties.

[11.] **12.** The provisions of this section shall apply to any health care plans issued to employees and their dependents under the Missouri consolidated health care plan established pursuant to chapter 103 that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2011. The terms “employees” and “health care plans” shall have the same meaning ascribed to them in section 103.003.

[12.] **13.** The provisions of this section shall also apply to the following types of plans that are established, extended, modified, or renewed on or after January 1, 2011:

(1) All self-insured governmental plans, as that term is defined in 29 U.S.C. Section 1002(32);

(2) All self-insured group arrangements, to the extent not preempted by federal law;

(3) All plans provided through a multiple employer welfare arrangement, or plans provided through another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, or any waiver or exception to that act provided under federal law or regulation; and

(4) All self-insured school district health plans.

[13.] **14.** The provisions of this section shall not automatically apply to an individually underwritten health benefit plan, but shall be offered as an option to any such plan.

[14.] **15.** The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy of six months or less duration, or any other supplemental policy.

[15.] **16.** Any health carrier or other entity subject to the provisions of this section shall not be required to provide reimbursement for the applied behavior analysis **or therapy** delivered to a person insured by such health carrier or other entity to the extent such health carrier or other entity is billed for such services by any Part C early intervention program or any school district for applied behavior analysis rendered to the person covered by such health carrier or other entity. This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education plan, or an individualized service plan. This section shall not be construed as affecting any obligation to provide reimbursement pursuant to section 376.1218.

[16.] **17.** The provisions of sections 376.383, 376.384, and 376.1350 to 376.1399 shall apply to this section.

[17.] **18.** The director of the department of insurance, financial institutions and professional registration shall grant a small employer with a group health plan, as that term is defined in section 379.930, a waiver from the provisions of this section if the small employer demonstrates to the director by actual claims experience over any consecutive twelve-month period that compliance with this section has increased the cost of the health insurance policy by an amount of two and a half percent or greater over the period of a calendar year in premium costs to the small employer.



[18.] **19.** The provisions of this section shall not apply to the Mo HealthNet program as described in chapter 208.

[19.] **20.** (1) By February 1, 2012, and every February first thereafter, the department of insurance, financial institutions and professional registration shall submit a report to the general assembly regarding the implementation of the coverage required under this section. The report shall include, but shall not be limited to, the following:

- (a) The total number of insureds diagnosed with autism spectrum disorder;
- (b) The total cost of all claims paid out in the immediately preceding calendar year for coverage required by this section;
- (c) The cost of such coverage per insured per month; and
- (d) The average cost per insured for coverage of applied behavior analysis;

(2) All health carriers and health benefit plans subject to the provisions of this section shall provide the department with the data requested by the department for inclusion in the annual report.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 2, Line 38, by deleting said line and inserting in lieu of the following:

“that he or she is the guardian ad litem of the minor child of the deceased.

**191.1150. 1. This section shall be known as the “Caregiver, Advise, Record, and Enable (CARE) Act”.**

**2. As used in this section, the following terms shall mean:**

- (1) “Admission”, a patient’s admission into a hospital as an in-patient;**
- (2) “After-care”, assistance that is provided by a caregiver to a patient after the patient’s discharge from a hospital that is related to the condition of the patient at the time of discharge, including assisting with activities of daily living, as defined in section 198.006; instrumental activities of daily living, as defined in section 198.006; or carrying out medical or nursing tasks as permitted by law;**
- (3) “Ambulatory surgical center”, as defined in section 197.200;**
- (4) “Caregiver”, an individual who is eighteen years of age or older, is duly designated as a caregiver by a patient under this section, and who provides after-care assistance to such patient in the patient’s residence;**
- (5) “Discharge”, a patient’s release from a hospital or an ambulatory surgical center to the patient’s residence following an admission;**
- (6) “Hospital”, as defined in section 197.020;**

**(7) “Residence”, a dwelling that the patient considers to be his or her home. “Residence” shall not include:**

**(a) A facility, as defined in section 198.006;**

**(b) A hospital, as defined in section 197.020;**

**(c) A prison, jail, or other detention or correctional facility operated by the state or a political subdivision;**

**(d) A residential facility, as defined in section 630.005;**

**(e) A group home or developmental disability facility, as defined in section 633.005; or**

**(f) Any other place of habitation provided by a public or private entity which bears legal or contractual responsibility for the care, control, or custody of the patient and which is compensated for doing so.**

**3. A hospital or ambulatory surgical center shall provide each patient or, if applicable, the patient’s legal guardian with an opportunity to designate a caregiver following the patient’s admission into a hospital or entry into an ambulatory surgical center and prior to the patient’s discharge. Such designation shall include a written consent of the patient or the patient’s legal guardian to release otherwise confidential medical information to the designated caregiver if such medical record would be needed to enable the completion of after-care tasks. The written consent shall be in compliance with federal and state laws concerning the release of personal health information. Prior to discharge, a patient may elect to change his or her caregiver in the event that the original designated caregiver becomes unavailable, unwilling, or unable to care for the patient. Designation of a caregiver by a patient or a patient’s legal guardian does not obligate any person to arrange or perform any after-care tasks for the patient.**

**4. The hospital or ambulatory surgical center shall document the patient’s or the patient’s legal guardian’s designation of caregiver, the relationship of the caregiver to the patient, and the caregiver’s available contact information.**

**5. If the patient or the patient’s legal guardian declines to designate a caregiver, the hospital or ambulatory surgical center shall document such information.**

**6. The hospital or ambulatory surgical center shall notify a patient’s caregiver of the patient’s discharge or transfer to another facility as soon as practicable, which may be after the patient’s physician issues a discharge order. In the event that the hospital or ambulatory surgical center is unable to contact the designated caregiver, the lack of contact shall not interfere with, delay, or otherwise affect the medical care provided to the patient or an appropriate discharge of the patient. The hospital or ambulatory surgical center shall document the attempt to contact the caregiver.**

**7. Prior to being discharged, if the hospital or ambulatory surgical center is able to contact the caregiver and the caregiver is willing to assist, the hospital or ambulatory surgical center shall provide the caregiver with the patient’s discharge plan, if such plan exists, or instructions for the after-care needs of the patient and give the caregiver the opportunity to ask questions about the after-care needs of the patient.**

**8. A hospital or ambulatory surgical center is not required nor obligated to determine the ability**

of a caregiver to understand or perform any of the after-care tasks outlined in this section.

9. Nothing in this section shall authorize or require compensation of a caregiver by a state agency or a health carrier, as defined in section 376.1350.

10. Nothing in this section shall require a hospital or ambulatory surgical center to take actions that are inconsistent with or duplicative of the standards of the federal Medicare program under Title XVIII of the Social Security Act and its conditions of participation in the Code of Federal Regulations or the standards of a national accrediting organization with deeming authority under Section 1865(a)(1) of the Social Security Act.

11. Nothing in this section shall create a private right of action against a hospital, ambulatory surgical center, a hospital or ambulatory surgical center employee, or an individual with whom a hospital or ambulatory surgical center has a contractual relationship.

12. A hospital, ambulatory surgical center, hospital or ambulatory surgical center employee, or an individual with whom a hospital or ambulatory surgical center has a contractual relationship shall not be liable in any way for an act or omission of the caregiver.

13. No act or omission under this section by a hospital, ambulatory surgical center, hospital or ambulatory surgical center employee, or an individual with whom a hospital or ambulatory surgical center has a contractual relationship shall give rise to a citation, sanction, or any other adverse action by any licensing authority to whom such individual or entity is subject.

14. Nothing in this section shall be construed to interfere with the rights of an attorney-in-fact under a durable power of health care under sections 404.800 to 404.872.

15. The department of health and senior services shall provide ambulatory surgical centers and hospitals a standard form that may be used to satisfy the requirements of this section. Nothing in this section shall prohibit a hospital or ambulatory surgical center from continuing the use of a current patient communication or disclosure form to satisfy the requirements of this section, provided that the facility's current form is compliant with Centers for Medicare and Medicaid Services (CMS) standards and regulations.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called “providers”, shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient’s health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient’s condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient’s health care records to the patient, the patient’s authorized representative or any other person or entity authorized by law to obtain or reproduce

such records upon payment of a fee for:

(1) (a) Search and retrieval, in an amount not more than twenty-four dollars and eighty-five cents plus copying in the amount of fifty-seven cents per page for the cost of supplies and labor plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed twenty-three dollars and twenty-six cents, as adjusted annually pursuant to subsection 5 of this section; or

(b) The records shall be furnished electronically upon payment of the search, retrieval, and copying fees set under this section at the time of the request or one hundred eight dollars and eighty-eight cents total, whichever is less, if such person:

- a. Requests health records to be delivered electronically in a format of the health care provider's choice;
- b. The health care provider stores such records completely in an electronic health record; and
- c. The health care provider is capable of providing the requested records and affidavit, if requested, in an electronic format;

(2) Postage, to include packaging and delivery cost;

(3) Notary fee, not to exceed two dollars, if requested.

**3. For purposes of subsections 1 and 2 of this section, “a copy of his or her record of that patient’s health history and treatment rendered” or “the patient’s health care records” include a statement or record that no such health history or treatment record responsive to the request exists.**

**4.** Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

[4.] **5.** The transfer of the patient’s record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient’s record as required by this section.

[5.] **6.** Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department’s internet website by February first of each year.

[6.] **7.** A health care provider may disclose a deceased patient’s health care records or payment records to the executor or administrator of the deceased person’s estate, or pursuant to a valid, unrevoked power of attorney for health care that specifically directs that the deceased person’s health care records be released to the agent after death. If an executor, administrator, or agent has not been appointed, the deceased prior to death did not specifically object to disclosure of his or her records in writing, and such disclosure is not inconsistent with any prior expressed preference of the deceased that is known to the health care provider,

a deceased patient's health care records may be released upon written request of a person who is deemed as the personal representative of the deceased person under this subsection. Priority shall be given to the deceased patient's spouse and the records shall be released on the affidavit of the surviving spouse that he or she is the surviving spouse. If there is no surviving spouse, the health care records may be released to one of the following persons:

(1) The acting trustee of a trust created by the deceased patient either alone or with the deceased patient's spouse;

(2) An adult child of the deceased patient on the affidavit of the adult child that he or she is the adult child of the deceased;

(3) A parent of the deceased patient on the affidavit of the parent that he or she is the parent of the deceased;

(4) An adult brother or sister of the deceased patient on the affidavit of the adult brother or sister that he or she is the adult brother or sister of the deceased;

(5) A guardian or conservator of the deceased patient at the time of the patient's death on the affidavit of the guardian or conservator that he or she is the guardian or conservator of the deceased; or

(6) A guardian ad litem of the deceased's minor child based on the affidavit of the guardian that he or she is the guardian ad litem of the minor child of the deceased.""; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

**"9.158. The month of November shall be known and designated as "Diabetes Awareness Month". The citizens of the state of Missouri are encouraged to participate in appropriate activities and events to increase awareness of diabetes. Diabetes is a group of metabolic diseases in which the body has elevated blood sugar levels over a prolonged period of time and affects Missourians of all ages.""; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

**"9.192. The years of 2018 to 2028 shall hereby be designated as the "Show-Me Freedom from Opioid Addiction Decade".**

191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his or her record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished within a reasonable time of the receipt of the

request therefor and upon payment of a fee as provided in this section.

2. Health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records upon payment of a fee for:

(1) (a) Search and retrieval, in an amount not more than twenty-four dollars and eighty-five cents plus copying in the amount of fifty-seven cents per page for the cost of supplies and labor plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed twenty-three dollars and twenty-six cents, as adjusted annually pursuant to subsection 5 of this section; or

(b) The records shall be furnished electronically upon payment of the search, retrieval, and copying fees set under this section at the time of the request or one hundred eight dollars and eighty-eight cents total, whichever is less, if such person:

- a. Requests health records to be delivered electronically in a format of the health care provider's choice;
- b. The health care provider stores such records completely in an electronic health record; and
- c. The health care provider is capable of providing the requested records and affidavit, if requested, in an electronic format;

(2) Postage, to include packaging and delivery cost; and

(3) Notary fee, not to exceed two dollars, if requested.

3. For the purposes of subsections 1 and 2 of this section, "a copy of his or her record of that patient's health history and treatment rendered" or "the patient's health care records" includes a statement or record that no such health history or treatment record responsive to the request exists.

4. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of health care record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

[4.] 5. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

[5.] 6. Effective February first of each year, the fees listed in subsection 2 of this section shall be increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city average, annual average inflation rate of the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U). The current reference base of the index, as published by the Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-month calendar year beginning in January and ending in December of each preceding calendar year. The department of health and senior services shall report the annual adjustment and the adjusted fees authorized in this section on the department's internet website by February first of each year.

[6.] 7. A health care provider may disclose a deceased patient's health care records or payment records to the executor or administrator of the deceased person's estate, or pursuant to a valid, unrevoked power of

attorney for health care that specifically directs that the deceased person's health care records be released to the agent after death. If an executor, administrator, or agent has not been appointed, the deceased prior to death did not specifically object to disclosure of his or her records in writing, and such disclosure is not inconsistent with any prior expressed preference of the deceased that is known to the health care provider, a deceased patient's health care records may be released upon written request of a person who is deemed as the personal representative of the deceased person under this subsection. Priority shall be given to the deceased patient's spouse and the records shall be released on the affidavit of the surviving spouse that he or she is the surviving spouse. If there is no surviving spouse, the health care records may be released to one of the following persons:

- (1) The acting trustee of a trust created by the deceased patient either alone or with the deceased patient's spouse;
- (2) An adult child of the deceased patient on the affidavit of the adult child that he or she is the adult child of the deceased;
- (3) A parent of the deceased patient on the affidavit of the parent that he or she is the parent of the deceased;
- (4) An adult brother or sister of the deceased patient on the affidavit of the adult brother or sister that he or she is the adult brother or sister of the deceased;
- (5) A guardian or conservator of the deceased patient at the time of the patient's death on the affidavit of the guardian or conservator that he or she is the guardian or conservator of the deceased; or
- (6) A guardian ad litem of the deceased's minor child based on the affidavit of the guardian that he or she is the guardian ad litem of the minor child of the deceased.

195.070. 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and

supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug, **except as provided in section 195.265.**

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

**195.265. 1. Unused controlled substances may be accepted from ultimate users, from hospice or home health care providers on behalf of ultimate users to the extent federal law allows, or any person lawfully entitled to dispose of a decedent's property if the decedent was an ultimate user who died while in lawful possession of a controlled substance, through:**

**(1) Collection receptacles, drug disposal boxes, mail back packages, and other means by a Drug Enforcement Agency-authorized collector in accordance with federal regulations even if the authorized collector did not originally dispense the drug; or**

**(2) Drug take back programs conducted by federal, state, tribal, or local law enforcement agencies in partnership with any person or entity.**

**This subsection shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state, regarding the disposal of unused controlled substances. For the purposes of this section, the term "ultimate user" shall mean a person who has lawfully obtained and possesses a controlled substance for his or her own use or for the use of a member of his or her household or for an animal owned by him or her or a member of his or her household.**

**2. By August 28, 2019, the department of health and senior services shall develop an education and awareness program regarding drug disposal, including controlled substances. The education and awareness program may include, but not be limited to:**

**(1) A web-based resource that:**

**(a) Describes available drug disposal options including take back, take back events, mail back packages, in-home disposal options that render a product safe from misuse, or any other methods that comply with state and federal laws and regulations, may reduce the availability of unused controlled substances, and may minimize the potential environmental impact of drug disposal;**

**(b) Provides a list of drug disposal take back sites, which may be sorted and searched by name or location and is updated every six months by the department;**

**(c) Provides a list of take back events and mail back events in the state, including the date, time, and location information for each event and is updated every six months by the department; and**

**(d) Provides information for authorized collectors regarding state and federal requirements to comply with the provisions of subsection 1 of this section; and**

**(2) Promotional activities designed to ensure consumer awareness of proper storage and disposal of prescription drugs, including controlled substances.**

**217.364. 1. The department of corrections shall establish by regulation the "Offenders Under Treatment Program". The program shall include institutional placement of certain offenders, as outlined in subsection**



3 of this section, under the supervision and control of the department of corrections. The department shall establish rules determining how, when and where an offender shall be admitted into or removed from the program.

2. As used in this section, the term “offenders under treatment program” means a one-hundred-eighty-day institutional correctional program for the monitoring, control and treatment of certain substance abuse offenders and certain nonviolent offenders followed by placement on parole with continued supervision. **As used in this section, the term “medication-assisted treatment” means the use of pharmacological medications, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders.**

3. The following offenders may participate in the program as determined by the department:

(1) Any nonviolent offender who has not previously been remanded to the department and who has been found guilty of violating the provisions of chapter 195 or 579 or whose substance abuse was a precipitating or contributing factor in the commission of his offense; or

(2) Any nonviolent offender who has pled guilty or been found guilty of a crime which did not involve the use of a weapon, and who has not previously been remanded to the department.

4. This program shall be used as an intermediate sanction by the department. The program may include education, treatment and rehabilitation programs. If an offender successfully completes the institutional phase of the program, the department shall notify the board of probation and parole within thirty days of completion. Upon notification from the department that the offender has successfully completed the program, the board of probation and parole may at its discretion release the offender on parole as authorized in subsection 1 of section 217.690.

5. The availability of space in the institutional program shall be determined by the department of corrections.

6. If the offender fails to complete the program, the offender shall be taken out of the program and shall serve the remainder of his sentence with the department.

7. Time spent in the program shall count as time served on the sentence.

**8. If an offender requires treatment for opioid or other substance misuse or dependence, the department shall not prohibit such offender from participating in and receiving medication-assisted treatment under the care of a physician licensed in this state to practice medicine. An offender shall not be required to refrain from using medication-assisted treatment as a term or condition of his or her sentence.**

334.036. 1. For purposes of this section, the following terms shall mean:

(1) “Assistant physician”, any medical school graduate who:

(a) Is a resident and citizen of the United States or is a legal resident alien;

(b) Has successfully completed [Step 1 and] Step 2 of the United States Medical Licensing Examination or the equivalent of such [steps] **step** of any other board-approved medical licensing examination within the [two-year] **three-year** period immediately preceding application for licensure as an assistant physician, [but in no event more than] **or within** three years after graduation from a medical college or osteopathic

medical college, **whichever is later**;

(c) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the immediately preceding [two-year] **three-year** period unless when such [two-year] **three-year** anniversary occurred he or she was serving as a resident physician in an accredited residency in the United States and continued to do so within thirty days prior to application for licensure as an assistant physician; and

(d) Has proficiency in the English language.

Any medical school graduate who could have applied for licensure and complied with the provisions of this subdivision at any time between August 28, 2014, and August 28, 2017, may apply for licensure and shall be deemed in compliance with the provisions of this subdivision;

(2) “Assistant physician collaborative practice arrangement”, an agreement between a physician and an assistant physician that meets the requirements of this section and section 334.037;

(3) “Medical school graduate”, any person who has graduated from a medical college or osteopathic medical college described in section 334.031.

2. (1) An assistant physician collaborative practice arrangement shall limit the assistant physician to providing only primary care services and only in medically underserved rural or urban areas of this state or in any pilot project areas established in which assistant physicians may practice.

(2) For a physician-assistant physician team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

(a) An assistant physician shall be considered a physician assistant for purposes of regulations of the Centers for Medicare and Medicaid Services (CMS); and

(b) No supervision requirements in addition to the minimum federal law shall be required.

3. (1) For purposes of this section, the licensure of assistant physicians shall take place within processes established by rules of the state board of registration for the healing arts. The board of healing arts is authorized to establish rules under chapter 536 establishing licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. **No licensure fee for an assistant physician shall exceed the amount of any licensure fee for a physician assistant.** An application for licensure may be denied or the licensure of an assistant physician may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule. **No rule or regulation shall require an assistant physician to complete more hours of continuing medical education than that of a licensed physician.**

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

**(3) Any rules or regulations regarding assistant physicians in effect as of the effective date of this section that conflict with the provisions of this section and section 334.037 shall be null and void as of the effective date of this section.**

4. An assistant physician shall clearly identify himself or herself as an assistant physician and shall be permitted to use the terms “doctor”, “Dr.”, or “doc”. No assistant physician shall practice or attempt to practice without an assistant physician collaborative practice arrangement, except as otherwise provided in this section and in an emergency situation.

5. The collaborating physician is responsible at all times for the oversight of the activities of and accepts responsibility for primary care services rendered by the assistant physician.

6. The provisions of section 334.037 shall apply to all assistant physician collaborative practice arrangements. [To be eligible to practice as an assistant physician, a licensed assistant physician shall enter into an assistant physician collaborative practice arrangement within six months of his or her initial licensure and shall not have more than a six-month time period between collaborative practice arrangements during his or her licensure period.] Any renewal of licensure under this section shall include verification of actual practice under a collaborative practice arrangement in accordance with this subsection during the immediately preceding licensure period.

**7. Each health carrier or health benefit plan that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state shall reimburse an assistant physician for the diagnosis, consultation, or treatment of an insured or enrollee on the same basis that the health carrier or health benefit plan covers the service when it is delivered by another comparable mid-level health care provider including, but not limited to, a physician assistant.**

334.037. 1. A physician may enter into collaborative practice arrangements with assistant physicians. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to an assistant physician the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the assistant physician and is consistent with that assistant physician’s skill, training, and competence and the skill and training of the collaborating physician.

2. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the assistant physician;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the assistant physician to prescribe;

(3) A requirement that there shall be posted at every office where the assistant physician is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an assistant physician and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the assistant physician;

(5) The manner of collaboration between the collaborating physician and the assistant physician,

including how the collaborating physician and the assistant physician shall:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; except, the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by [P.L.] **Pub. L. 95-210 [.] (42 U.S.C. Section 1395x), as amended**, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics if the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician shall maintain documentation related to such requirement and present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the assistant physician's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the assistant physician to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the assistant physician;

(8) The duration of the written practice agreement between the collaborating physician and the assistant physician;

(9) A description of the time and manner of the collaborating physician's review of the assistant physician's delivery of health care services. The description shall include provisions that the assistant physician shall submit a minimum of ten percent of the charts documenting the assistant physician's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the assistant physician prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

3. The state board of registration for the healing arts under section 334.125 shall promulgate rules regulating the use of collaborative practice arrangements for assistant physicians. Such rules shall specify:

(1) Geographic areas to be covered;

(2) The methods of treatment that may be covered by collaborative practice arrangements;

(3) In conjunction with deans of medical schools and primary care residency program directors in the state, the development and implementation of educational methods and programs undertaken during the collaborative practice service which shall facilitate the advancement of the assistant physician's medical knowledge and capabilities, and which may lead to credit toward a future residency program for programs that deem such documented educational achievements acceptable; and

(4) The requirements for review of services provided under collaborative practice arrangements, including delegating authority to prescribe controlled substances.

Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. The state board of registration for the healing arts shall promulgate rules applicable to assistant physicians that shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

4. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to an assistant physician provided the provisions of this section and the rules promulgated thereunder are satisfied.

5. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each assistant physician with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

6. A collaborating physician **or supervising physician** shall not enter into a collaborative practice arrangement **or supervision agreement** with more than [three] **six** full-time equivalent assistant physicians, **full-time equivalent physician assistants, or full-time equivalent advance practice registered nurses, or any combination thereof.** Such limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

7. The collaborating physician shall determine and document the completion of at least a one-month period of time during which the assistant physician shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. **No rule or regulation shall require the collaborating physician to review more than ten percent of the assistant physician's patient charts or records during such one-month period.** Such limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

8. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

9. No contract or other agreement shall require a physician to act as a collaborating physician for an assistant physician against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular assistant physician. No contract or other agreement

shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any assistant physician, but such requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

10. No contract or other agreement shall require any assistant physician to serve as a collaborating assistant physician for any collaborating physician against the assistant physician's will. An assistant physician shall have the right to refuse to collaborate, without penalty, with a particular physician.

11. All collaborating physicians and assistant physicians in collaborative practice arrangements shall wear identification badges while acting within the scope of their collaborative practice arrangement. The identification badges shall prominently display the licensure status of such collaborating physicians and assistant physicians.

12. (1) An assistant physician with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Prescriptions for Schedule II medications prescribed by an assistant physician who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. Such authority shall be filed with the state board of registration for the healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the assistant physician is permitted to prescribe. Any limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, **except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication assisted treatment for substance use disorders under the direction of the collaborating physician.** Assistant physicians who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the assistant physician during which the assistant physician shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to assistant physicians of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009, **or assistant physicians providing opioid addiction treatment.**

(3) An assistant physician shall receive a certificate of controlled substance prescriptive authority from the state board of registration for the healing arts upon verification of licensure under section 334.036.

334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and

competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services. **An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patient's receiving medication assisted treatment for substance use disorders under the direction of the collaborating physician.**

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior



to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician **or supervising physician** shall not enter into a collaborative practice arrangement **or supervision agreement** with more than [three] **six** full-time equivalent advanced practice registered nurses, **full-time equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any combination thereof**. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse

to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
- (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;
- (5) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;
- (6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;
- (7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;
- (8) "Supervision", control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant's delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient's home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the physician assistant is providing patient care. Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and that the physician assistant shall not practice beyond the physician assistant's training and experience. Appropriate supervision shall require the supervising physician to be working within the same facility as the physician assistant for at least four hours within one calendar day for every fourteen days on which the physician assistant provides patient care as

described in subsection 3 of this section. Only days in which the physician assistant provides patient care as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician's four hours working within the same facility. The board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.

2. (1) A supervision agreement shall limit the physician assistant to practice only at locations described in subdivision (8) of subsection 1 of this section, [where the supervising physician is no further than fifty miles by road using the most direct route available and where the location is not so situated as to create an impediment to effective intervention and supervision of patient care or adequate review of services] **within a geographic proximity to be determined by the board of registration for the healing arts.**

(2) For a physician-physician assistant team working in a **certified community behavioral health clinic as defined by P.L. 113-93 and a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, or a federally qualified health center as defined in 42 U.S.C. Section 1395 of the Public Health Service Act, as amended,** no supervision requirements in addition to the minimum federal law shall be required.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

(1) Taking patient histories;

(2) Performing physical examinations of a patient;

(3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;

(4) Performing routine therapeutic procedures;

(5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;

(6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;

(7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;

(8) Assisting in surgery;

(9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform; and

(10) Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe any drug, medicine, device or therapy unless pursuant to a physician supervision agreement in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery

or obstetric procedures. Prescribing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

- (1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;
- (2) The types of drugs, medications, devices or therapies prescribed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;
- (3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;
- (4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients; and
- (5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with the department of social services as a MO HealthNet or Medicaid provider while acting under a supervision agreement between the physician and physician assistant.

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. The agreement shall contain at least the following provisions:

- (1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;
- (2) A list of all offices or locations where the physician routinely provides patient care, and in which

of such offices or locations the supervising physician has authorized the physician assistant to practice;

(3) All specialty or board certifications of the supervising physician;

(4) The manner of supervision between the supervising physician and the physician assistant, including how the supervising physician and the physician assistant shall:

(a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and

(b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;

(5) The duration of the supervision agreement between the supervising physician and physician assistant; and

(6) A description of the time and manner of the supervising physician's review of the physician assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by the hospital's medical staff.

12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician **or collaborating physician** for more than [three] **six** full-time equivalent licensed physician assistants, **full-time equivalent advanced practice registered nurses, or full-time equivalent assistant physicians, or any combination thereof.** This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197.

334.747. 1. A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a supervision agreement. Such authority shall be listed on the supervision verification form on file with the state board of healing arts. The supervising physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the supervision form. Prescriptions for Schedule II medications prescribed by a physician assistant with authority to prescribe delegated in a supervision agreement are restricted to only those medications containing hydrocodone. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, **except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication assisted treatment for substance use disorders under the direction of the supervising physician.** Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

2. The supervising physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the supervising physician on-site prior to prescribing controlled substances when the supervising physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a supervising physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

337.025. 1. The provisions of this section shall govern the education and experience requirements for initial licensure as a psychologist for the following persons:

(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that the applicant has received a doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association [or] (APA), the Canadian Psychological Association, **or the Psychological Clinical Science Accreditation System (PCSAS) provided that such program include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;** or

(2) A program designated or approved, including provisional approval, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent organizational entity within the institution of higher education;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall be an integrated, organized, sequence of study;

(e) There shall be an identifiable psychology faculty and a psychologist responsible for the program;

(f) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

(h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year's residency at the educational institution granting the doctoral degree; and

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

- a. The biological bases of behavior such as courses in: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;
- b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;
- c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;
- d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;
- e. The scientific methods and procedures of understanding, predicting and influencing human behavior such as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

4. Acceptable supervised professional experience may be accrued through preinternship, internship, predoctoral postinternship, or postdoctoral experiences. The academic training director or the postdoctoral training supervisor shall attest to the hours accrued to meet the requirements of this section. Such hours shall consist of:

(1) A minimum of fifteen hundred hours of experience in a successfully completed internship to be completed in not less than twelve nor more than twenty-four months; and

(2) A minimum of two thousand hours of experience consisting of any combination of the following:

(a) Preinternship and predoctoral postinternship professional experience that occurs following the completion of the first year of the doctoral program or at any time while in a doctoral program after completion of a master's degree in psychology or equivalent as defined by rule by the committee;

(b) Up to seven hundred fifty hours obtained while on the internship under subdivision (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this subsection; or

(c) Postdoctoral professional experience obtained in no more than twenty-four consecutive calendar months. In no case shall this experience be accumulated at a rate of more than fifty hours per week. Postdoctoral supervised professional experience for prospective health service providers and other applicants shall involve and relate to the delivery of psychological services in accordance with professional requirements and relevant to the applicant's intended area of practice.

5. Experience for those applicants who intend to seek health service provider certification and who have completed a program in one or more of the American Psychological Association designated health service provider delivery areas shall be obtained under the primary supervision of a licensed psychologist who is also a health service provider or who otherwise meets the requirements for health service provider certification. Experience for those applicants who do not intend to seek health service provider certification shall be obtained under the primary supervision of a licensed psychologist or such other qualified mental health professional approved by the committee.

6. For postinternship and postdoctoral hours, the psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the



applicant a minimum of one hour per month in face-to-face individual supervision. Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisors who are qualified psychologists. The secondary supervisors shall retain order, control, and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable for supervised professional experience. The primary supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology. The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.

7. The committee by rule shall provide procedures for exceptions and variances from the requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and other good causes.

337.029. 1. A psychologist licensed in another jurisdiction who has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction may receive a license in Missouri, provided the psychologist passes a written examination on Missouri laws and regulations governing the practice of psychology and meets one of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology;
- (2) Is a member of the National Register of Health Service Providers in Psychology;
- (3) Is currently licensed or certified as a psychologist in another jurisdiction who is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;
- (4) Is currently licensed or certified as a psychologist in another state, territory of the United States, or the District of Columbia and:
  - (a) Has a doctoral degree in psychology from a program accredited, or provisionally accredited, by the American Psychological Association **or the Psychological Clinical Science Accreditation System**, or that meets the requirements as set forth in subdivision (3) of subsection 3 of section 337.025;
  - (b) Has been licensed for the preceding five years; and
  - (c) Has had no disciplinary action taken against the license for the preceding five years; or
- (5) Holds a current certificate of professional qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

2. Notwithstanding the provisions of subsection 1 of this section, applicants may be required to pass an oral examination as adopted by the committee.

3. A psychologist who receives a license for the practice of psychology in the state of Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement of the score from the examination of professional practice in psychology score will also be eligible for and shall receive certification from the committee as a health service provider if the psychologist meets one or more of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery;

(2) Is a member of the National Register of Health Service Providers in Psychology; or

(3) Has completed or obtained through education, training, or experience the requisite knowledge comparable to that which is required pursuant to section 337.033.

337.033. 1. A licensed psychologist shall limit his or her practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. A psychologist trained in one area shall not practice in another area without obtaining additional relevant professional education, training, and experience through an acceptable program of respecialization.

2. A psychologist may not represent or hold himself or herself out as a state certified or registered psychological health service provider unless the psychologist has first received the psychologist health service provider certification from the committee; provided, however, nothing in this section shall be construed to limit or prevent a licensed, whether temporary, provisional or permanent, psychologist who does not hold a health service provider certificate from providing psychological services so long as such services are consistent with subsection 1 of this section.

3. “Relevant professional education and training” for health service provider certification, except those entitled to certification pursuant to subsection 5 or 6 of this section, shall be defined as a licensed psychologist whose graduate psychology degree from a recognized educational institution is in an area designated by the American Psychological Association as pertaining to health service delivery or a psychologist who subsequent to receipt of his or her graduate degree in psychology has either completed a respecialization program from a recognized educational institution in one or more of the American Psychological Association recognized clinical health service provider areas and who in addition has completed at least one year of postdegree supervised experience in such clinical area or a psychologist who has obtained comparable education and training acceptable to the committee through completion of postdoctoral fellowships or otherwise.

4. The degree or respecialization program certificate shall be obtained from a recognized program of graduate study in one or more of the health service delivery areas designated by the American Psychological Association as pertaining to health service delivery, which shall meet one of the criteria established by subdivisions (1) to (3) of this subsection:

(1) A doctoral degree or completion of a recognized respecialization program in one or more of the American Psychological Association designated health service provider delivery areas which is accredited, or provisionally accredited, **either** by the American Psychological Association **or the Psychological Clinical Science Accreditation System**; or

(2) A clinical or counseling psychology doctoral degree program or respecialization program designated, or provisionally approved, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A doctoral degree or completion of a respecialization program in one or more of the American Psychological Association designated health service provider delivery areas that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as being in one or more of the American Psychological Association designated health service provider delivery areas;

(b) Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists in one or more of the American Psychological Association designated health service provider delivery areas.

5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28, 1989, and who subsequently passes the examination shall be deemed to have met all requirements for health service provider certification; provided, however, that such person shall be governed by the provisions of subsection 1 of this section with respect to limitation of practice.

6. Any person who is lawfully licensed as a psychologist in this state and who meets one or more of the following criteria shall automatically, upon payment of the requisite fee, be entitled to receive a health service provider certification from the committee:

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery; or

(2) Is a member of the National Register of Health Service Providers in Psychology.”; and

Further amend said bill and page, Section 338.202, Line 16, by inserting after all of said section and line the following:

“374.426. 1. Any entity in the business of delivering or financing health care shall provide data regarding quality of patient care and patient satisfaction to the director of the department of insurance, financial institutions and professional registration. Failure to provide such data as required by the director of the department of insurance, financial institutions and professional registration shall constitute grounds for violation of the unfair trade practices act, sections 375.930 to 375.948.

2. In defining data standards for quality of care and patient satisfaction, the director of the department of insurance, financial institutions and professional registration shall:

(1) Use as the initial data set the HMO Employer Data and Information Set developed by the National Committee for Quality Assurance;

(2) Consult with nationally recognized accreditation organizations, including but not limited to the National Committee for Quality Assurance and the Joint Committee on Accreditation of Health Care Organizations; and

(3) Consult with a state committee of a national committee convened to develop standards regarding uniform billing of health care claims.

**3. In defining data standards for quality of care and patient satisfaction, the director of the department of insurance, financial institutions and professional registration shall not require patient scoring of pain control.**

**4. Beginning August 28, 2018, the director of the department of insurance, financial institutions and professional registration shall discontinue the use of patient satisfaction scores and shall not make them available to the public to the extent allowed by federal law.**

376.811. 1. Every insurance company and health services corporation doing business in this state shall offer in all health insurance policies benefits or coverage for chemical dependency meeting the following

minimum standards:

(1) Coverage for outpatient treatment through a nonresidential treatment program, or through partial- or full-day program services, of not less than twenty-six days per policy benefit period;

(2) Coverage for residential treatment program of not less than twenty-one days per policy benefit period;

(3) Coverage for medical or social setting detoxification of not less than six days per policy benefit period;

**(4) Coverage for medication-assisted treatment for substance use disorders, using any drug approved for sale by the Food and Drug Administration for use in treating such patient's condition, including opioid-use and heroin-use disorders. No prior authorization, step therapy, or fail-first therapy shall be required for medication-assisted treatment;**

[(4)] (5) The coverages set forth in this subsection may be subject to a separate lifetime frequency cap of not less than ten episodes of treatment, except that such separate lifetime frequency cap shall not apply to medical detoxification in a life-threatening situation as determined by the treating physician and subsequently documented within forty-eight hours of treatment to the reasonable satisfaction of the insurance company or health services corporation; and

[(5)] (6) The coverages set forth in this subsection:

(a) Shall be subject to the same coinsurance, co-payment and deductible factors as apply to physical illness;

(b) May be administered pursuant to a managed care program established by the insurance company or health services corporation; and

(c) May deliver covered services through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

2. In addition to the coverages set forth in subsection 1 of this section, every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies, benefits or coverages for recognized mental illness, excluding chemical dependency, meeting the following minimum standards:

(1) Coverage for outpatient treatment, including treatment through partial- or full-day program services, for mental health services for a recognized mental illness rendered by a licensed professional to the same extent as any other illness;

(2) Coverage for residential treatment programs for the therapeutic care and treatment of a recognized mental illness when prescribed by a licensed professional and rendered in a psychiatric residential treatment center licensed by the department of mental health or accredited by the Joint Commission on Accreditation of Hospitals to the same extent as any other illness;

(3) Coverage for inpatient hospital treatment for a recognized mental illness to the same extent as for any other illness, not to exceed ninety days per year;

(4) The coverages set forth in this subsection shall be subject to the same coinsurance, co-payment, deductible, annual maximum and lifetime maximum factors as apply to physical illness; and

(5) The coverages set forth in this subsection may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance organization, and covered services may be delivered through a system of contractual arrangements with one or more providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

3. The offer required by sections 376.810 to 376.814 may be accepted or rejected by the group or individual policyholder or contract holder and, if accepted, shall fully and completely satisfy and substitute for the coverage under section 376.779. Nothing in sections 376.810 to 376.814 shall prohibit an insurance company, health services corporation or health maintenance organization from including all or part of the coverages set forth in sections 376.810 to 376.814 as standard coverage in their policies or contracts issued in this state.

4. Every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies mental health benefits or coverage as part of the policy or as a supplement to the policy. Such mental health benefits or coverage shall include at least two sessions per year to a licensed psychiatrist, licensed psychologist, licensed professional counselor, licensed clinical social worker, or, subject to contractual provisions, a licensed marital and family therapist, acting within the scope of such license and under the following minimum standards:

(1) Coverage and benefits in this subsection shall be for the purpose of diagnosis or assessment, but not dependent upon findings; and

(2) Coverage and benefits in this subsection shall not be subject to any conditions of preapproval, and shall be deemed reimbursable as long as the provisions of this subsection are satisfied; and

(3) Coverage and benefits in this subsection shall be subject to the same coinsurance, co-payment and deductible factors as apply to regular office visits under coverages and benefits for physical illness.

5. If the group or individual policyholder or contract holder rejects the offer required by this section, then the coverage shall be governed by the mental health and chemical dependency insurance act as provided in sections 376.825 to 376.836.

6. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.”; and

Further amend said bill, Page 2, Section 376.1237, Line 18, by inserting after all of said section and line the following:

“376.1550. 1. Notwithstanding any other provision of law to the contrary, each health carrier that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2005, shall provide coverage for a mental health condition, as defined in this section, and shall comply with the following provisions:

(1) A health benefit plan shall provide coverage for treatment of a mental health condition and shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to treatment for a mental health condition than for access to treatment for a physical health condition. Any deductible or out-of-pocket limits required by a health carrier or health benefit plan shall be comprehensive for coverage of all health conditions, whether mental or physical;

(2) The coverages set forth in this subsection:

(a) May be administered pursuant to a managed care program established by the health carrier; and

(b) May deliver covered services through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri;

(3) A health benefit plan that does not otherwise provide for management of care under the plan or that does not provide for the same degree of management of care for all health conditions may provide coverage for treatment of mental health conditions through a managed care organization; provided that the managed care organization is in compliance with rules adopted by the department of insurance, financial institutions and professional registration that assure that the system for delivery of treatment for mental health conditions does not diminish or negate the purpose of this section. The rules adopted by the director shall assure that:

(a) Timely and appropriate access to care is available;

(b) The quantity, location, and specialty distribution of health care providers is adequate; and

(c) Administrative or clinical protocols do not serve to reduce access to medically necessary treatment for any insured;

(4) Coverage for treatment for chemical dependency shall comply with sections 376.779, 376.810 to 376.814, and 376.825 to 376.836 and for the purposes of this subdivision the term “health insurance policy” as used in sections 376.779, 376.810 to 376.814, and 376.825 to 376.836, the term “health insurance policy” shall include group coverage.

2. As used in this section, the following terms mean:

(1) “Chemical dependency”, the psychological or physiological dependence upon and abuse of drugs, including alcohol, characterized by drug tolerance or withdrawal and impairment of social or occupational role functioning or both;

(2) “Health benefit plan”, the same meaning as such term is defined in section 376.1350;

(3) “Health carrier”, the same meaning as such term is defined in section 376.1350;

(4) “Mental health condition”, any condition or disorder defined by categories listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders [except for chemical dependency];

(5) “Managed care organization”, any financing mechanism or system that manages care delivery for its members or subscribers, including health maintenance organizations and any other similar health care delivery system or organization;

(6) “Rate, term, or condition”, any lifetime or annual payment limits, deductibles, co-payments, coinsurance, and other cost-sharing requirements, out-of-pocket limits, visit limits, and any other financial component of a health benefit plan that affects the insured.

3. This section shall not apply to a health plan or policy that is individually underwritten or provides such coverage for specific individuals and members of their families pursuant to section 376.779, sections 376.810 to 376.814, and sections 376.825 to 376.836, a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

4. Notwithstanding any other provision of law to the contrary, all health insurance policies that cover state employees, including the Missouri consolidated health care plan, shall include coverage for mental illness. Multiyear group policies need not comply until the expiration of their current multiyear term unless the policyholder elects to comply before that time.

5. The provisions of this section shall not be violated if the insurer decides to apply different limits or exclude entirely from coverage the following:

- (1) Marital, family, educational, or training services unless medically necessary and clinically appropriate;
- (2) Services rendered or billed by a school or halfway house;
- (3) Care that is custodial in nature;
- (4) Services and supplies that are not immediately nor clinically appropriate; or
- (5) Treatments that are considered experimental.

6. The director shall grant a policyholder a waiver from the provisions of this section if the policyholder demonstrates to the director by actual experience over any consecutive twenty-four-month period that compliance with this section has increased the cost of the health insurance policy by an amount that results in a two percent increase in premium costs to the policyholder. The director shall promulgate rules establishing a procedure and appropriate standards for making such a demonstration. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

**630.875. 1. This section shall be known and may be cited as the “Improved Access to Treatment for Opioid Addictions Act” or “IATOA Act”.**

**2. As used in this section, the following terms mean:**

- (1) “Department”, the department of mental health;**
- (2) “IATOA program”, the improved access to treatment for opioid addictions program created**

under subsection 3 of this section.

**3. Subject to appropriations, the department shall create and oversee an “Improved Access to Treatment for Opioid Addictions Program”, which is hereby created and whose purpose is to disseminate information and best practices regarding opioid addiction and to facilitate collaborations to better treat and prevent opioid addiction in this state. The IATOA program shall facilitate partnerships between assistant physicians, physician assistants, and advanced practice registered nurses practicing in federally qualified health centers, rural health clinics, and other health care facilities and physicians practicing at remote facilities located in this state. The IATOA program shall provide resources that grant patients and their treating assistant physicians, physician assistants, advanced practice registered nurses, or physicians access to knowledge and expertise through means such as telemedicine and Extension for Community Healthcare Outcomes (ECHO) programs established under section 191.1140.**

**4. Assistant physicians, physician assistants, and advanced practice registered nurses who participate in the IATOA program shall complete the necessary requirements to prescribe buprenorphine within at least thirty days of joining the IATOA program.**

**5. For the purposes of the IATOA program, a remote collaborating or supervising physician working with an on-site assistant physician, physician assistant, or advanced practice registered nurse shall be considered to be on-site. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a remote physician shall comply with all laws and requirements applicable to assistant physicians, physician assistants, or advanced practice registered nurses with on-site supervision before providing treatment to a patient.**

**6. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a physician who is waiver-certified for the use of buprenorphine, may participate in the IATOA program in any area of the state and provide all services and functions of an assistant physician, physician assistant, or advanced practice registered nurse.**

**7. The department may develop curriculum and benchmark examinations on the subject of opioid addiction and treatment. The department may collaborate with specialists, institutions of higher education, and medical schools for such development. Completion of such a curriculum and passing of such an examination by an assistant physician, physician assistant, advanced practice registered nurse, or physician shall result in a certificate awarded by the department or sponsoring institution, if any.**

**8. An assistant physician, physician assistant, or advanced practice registered nurse participating in the IATOA program may also:**

- (1) Engage in community education;**
- (2) Engage in professional education outreach programs with local treatment providers;**
- (3) Serve as a liaison to courts;**
- (4) Serve as a liaison to addiction support organizations;**
- (5) Provide educational outreach to schools;**
- (6) Treat physical ailments of patients in an addiction treatment program or considering entering**



such a program;

- (7) Refer patients to treatment centers;
- (8) Assist patients with court and social service obligations;
- (9) Perform other functions as authorized by the department; and
- (10) Provide mental health services in collaboration with a qualified licensed physician.

The list of authorizations in this subsection is a nonexclusive list, and assistant physicians, physician assistants, or advanced practice registered nurses participating in the IATOA program may perform other actions.

9. When an overdose survivor arrives in the emergency department, the assistant physician, physician assistant, or advanced practice registered nurse serving as a recovery coach or, if the assistant physician, physician assistant, or advanced practice registered nurse is unavailable, another properly trained recovery coach shall, when reasonably practicable, meet with the overdose survivor and provide treatment options and support available to the overdose survivor. The department shall assist recovery coaches in providing treatment options and support to overdose survivors.

10. The provisions of this section shall supersede any contradictory statutes, rules, or regulations. The department shall implement the improved access to treatment for opioid addictions program as soon as reasonably possible using guidance within this section. Further refinement to the improved access to treatment for opioid addictions program may be done through the rules process.

11. The department shall promulgate rules to implement the provisions of the improved access to treatment for opioid addictions act as soon as reasonably possible. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

632.005. As used in chapter 631 and this chapter, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Comprehensive psychiatric services”, any one, or any combination of two or more, of the following services to persons affected by mental disorders other than intellectual disabilities or developmental disabilities: inpatient, outpatient, day program or other partial hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation, prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and medical prevention and treatment for drug abuse;

- (2) “Council”, the Missouri advisory council for comprehensive psychiatric services;
- (3) “Court”, the court which has jurisdiction over the respondent or patient;
- (4) “Division”, the division of comprehensive psychiatric services of the department of mental health;
- (5) “Division director”, director of the division of comprehensive psychiatric services of the department

of mental health, or his designee;

(6) “Head of mental health facility”, superintendent or other chief administrative officer of a mental health facility, or his designee;

(7) “Judicial day”, any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but excluding Saturdays, Sundays and legal holidays;

(8) “Licensed physician”, a physician licensed pursuant to the provisions of chapter 334 or a person authorized to practice medicine in this state pursuant to the provisions of section 334.150;

(9) “Licensed professional counselor”, a person licensed as a professional counselor under chapter 337 and with a minimum of one year training or experience in providing psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a mental disorder;

(10) “Likelihood of serious harm” means any one or more of the following but does not require actual physical injury to have occurred:

(a) A substantial risk that serious physical harm will be inflicted by a person upon his own person, as evidenced by recent threats, including verbal threats, or attempts to commit suicide or inflict physical harm on himself. Evidence of substantial risk may also include information about patterns of behavior that historically have resulted in serious harm previously being inflicted by a person upon himself;

(b) A substantial risk that serious physical harm to a person will result or is occurring because of an impairment in his capacity to make decisions with respect to his hospitalization and need for treatment as evidenced by his current mental disorder or mental illness which results in an inability to provide for his own basic necessities of food, clothing, shelter, safety or medical care or his inability to provide for his own mental health care which may result in a substantial risk of serious physical harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in serious harm to the person previously taking place because of a mental disorder or mental illness which resulted in his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or mental health care; or

(c) A substantial risk that serious physical harm will be inflicted by a person upon another as evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in physical harm previously being inflicted by a person upon another person;

(11) “Mental health coordinator”, a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is authorized by the director of the department, or his designee, to serve a designated geographic area or mental health facility and who has the powers, duties and responsibilities provided in this chapter;

(12) “Mental health facility”, any residential facility, public or private, or any public or private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering from a mental disorder or mental illness and which is recognized as such by the department or any outpatient treatment program certified by the department of mental health. No correctional institution or facility, jail, regional center or developmental disability facility shall be a mental health facility within the meaning of this chapter;

(13) “Mental health professional”, a psychiatrist, resident in psychiatry, **psychiatric physician assistant, psychiatric assistant physician, psychiatric advanced practice registered nurse**, psychologist, psychiatric nurse, licensed professional counselor, or psychiatric social worker;

(14) “Mental health program”, any public or private residential facility, public or private hospital, public or private specialized service or public or private day program that can provide care, treatment, rehabilitation or services, either through its own staff or through contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No correctional institution or facility or jail may be a mental health program within the meaning of this chapter;

(15) “Ninety-six hours” shall be construed and computed to exclude Saturdays, Sundays and legal holidays which are observed either by the court or by the mental health facility where the respondent is detained;

(16) “Peace officer”, a sheriff, deputy sheriff, county or municipal police officer or highway patrolman;

(17) **“Psychiatric advanced practice registered nurse”, a registered nurse who is currently recognized by the board of nursing as an advanced practice registered nurse, who has at least two years of experience in providing psychiatric treatment to individuals suffering from mental disorders;**

**(18) “Psychiatric assistant physician”, a licensed assistant physician under chapter 334 and who has had at least two years of experience as an assistant physician in providing psychiatric treatment to individuals suffering from mental health disorders;**

(19) “Psychiatric nurse”, a registered professional nurse who is licensed under chapter 335 and who has had at least two years of experience as a registered professional nurse in providing psychiatric nursing treatment to individuals suffering from mental disorders;

**(20) “Psychiatric physician assistant”, a licensed physician assistant under chapter 334 and who has had at least two years of experience as a physician assistant in providing psychiatric treatment to individuals suffering from mental health disorders or a graduate of a postgraduate residency or fellowship for physician assistants in psychiatry;**

[(18)] (21) “Psychiatric social worker”, a person with a master’s or further advanced degree from an accredited school of social work, practicing pursuant to chapter 337, and with a minimum of one year training or experience in providing psychiatric care, treatment or services in a psychiatric setting to individuals suffering from a mental disorder;

[(19)] (22) “Psychiatrist”, a licensed physician who in addition has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(20)] (23) “Psychologist”, a person licensed to practice psychology under chapter 337 with a minimum of one year training or experience in providing treatment or services to mentally disordered or mentally ill individuals;

[(21)] (24) “Resident in psychiatry”, a licensed physician who is in a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(22)] **(25)** “Respondent”, an individual against whom involuntary civil detention proceedings are instituted pursuant to this chapter;

[(23)] **(26)** “Treatment”, any effort to accomplish a significant change in the mental or emotional conditions or the behavior of the patient consistent with generally recognized principles or standards in the mental health professions.

Section B. Because immediate action is necessary to save the lives of Missouri citizens who are suffering from the opioid crisis, the repeal and reenactment of sections 195.070, 217.364, 334.036, and 374.426 and the enactment of sections 9.192, 195.265, and 630.875 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 195.070, 217.364, 334.036, and 374.426 and the enactment of sections 9.192, 195.265, and 630.875 of this act shall be in full force and effect upon their passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 2, Section 376.1237, Line 18, by inserting after all of said section and line the following:

**“630.1010. The department of mental health shall develop a treatment protocol containing best practice guidelines for the treatment of opioid-dependent patients. The treatment protocol shall include the following:**

**(1) Appropriate clinical use of all drugs approved by the federal Food and Drug Administration for the treatment of opioid addiction, including, but not limited to, the following:**

**(a) Opioid maintenance;**

**(b) Opioid detoxification;**

**(c) Overdose reversal; and**

**(d) Long acting, antagonist medication;**

**(2) Training for prescribers dispensing narcotic drugs for the treatment and management of opiate-dependent patients consistent with the federal Controlled Substances Act, as amended by Section 303 of the Comprehensive Addiction and Recovery Act of 2016; and**

**(3) Development and adoption of standard processes for obtaining informed consent from patients concerning all available medication-assisted treatment options, including potential benefits and risks.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

**“208.183. 1. There shall be established an “Advisory Council on Rare Diseases and Personalized Medicine” within the MO HealthNet division. The advisory council shall serve as an expert advisory**

committee to the drug utilization review board, providing necessary consultation to the board when the board makes recommendations or determinations regarding beneficiary access to drugs or biological products for rare diseases, or when the board itself determines that it lacks the specific scientific, medical, or technical expertise necessary for the proper performance of its responsibilities and such necessary expertise can be provided by experts outside the board. “Beneficiary access”, as used in this section, shall mean developing prior authorization and reauthorization criteria for a rare disease drug, including placement on a preferred drug list or a formulary, as well as payment, cost-sharing, drug utilization review, or medication therapy management.

2. The advisory council on rare diseases and personalized medicine shall be composed of the following health care professionals, who shall be appointed by the director of the department of social services:

(1) Two physicians affiliated with a public school of medicine who are licensed and practicing in this state with experience researching, diagnosing, or treating rare diseases;

(2) Two physicians affiliated with private schools of medicine headquartered in this state who are licensed and practicing in this state with experience researching, diagnosing, or treating rare diseases;

(3) A physician who holds a doctor of osteopathy degree, who is active in medical practice, and who is affiliated with a school of medicine in this state with experience researching, diagnosing, or treating rare diseases;

(4) Two medical researchers from either academic research institutions or medical research organizations in this state who have received federal or foundation grant funding for rare disease research;

(5) A registered nurse or advanced practice registered nurse licensed and practicing in this state with experience treating rare diseases;

(6) A pharmacist practicing in a hospital in this state which has a designated orphan disease center;

(7) A professor employed by a pharmacy program in this state that is fully accredited by the Accreditation Council for Pharmacy Education and who has advanced scientific or medical training in orphan and rare disease treatments;

(8) One individual representing the rare disease community or who is living with a rare disease;

(9) One member who represents a rare disease foundation;

(10) A representative from a rare disease center located within one of the state’s comprehensive pediatric hospitals;

(11) The chair of the joint committee on the life sciences or the chair’s designee; and

(12) The chairperson of the drug utilization review board, or the chairperson’s designee, who shall serve as an ex officio, nonvoting member of the advisory council.

3. The director shall convene the first meeting of the advisory council on rare diseases and personalized medicine no later than February 28, 2019. Following the first meeting, the advisory council shall meet upon the call of the chairperson of the drug utilization review board or upon the

request of a majority of the council members.

**4. The drug utilization review board, when making recommendations or determinations regarding beneficiary access to drugs and biological products for rare diseases, as defined in the federal Orphan Drug Act of 1983, P.L. 97-414, and drugs and biological products that are approved by the U.S. Food and Drug Administration and within the emerging fields of personalized medicine and noninheritable gene editing therapeutics, shall request and consider information from the advisory council on rare diseases and personalized medicine.**

**5. The drug utilization review board shall seek the input of the advisory council on rare diseases and personalized medicine to address topics for consultation under this section including, but not limited to:**

**(1) Rare diseases;**

**(2) The severity of rare diseases;**

**(3) The unmet medical need associated with rare diseases;**

**(4) The impact of particular coverage, cost-sharing, tiering, utilization management, prior authorization, medication therapy management, or other Medicaid policies on access to rare disease therapies;**

**(5) An assessment of the benefits and risks of therapies to treat rare diseases;**

**(6) The impact of particular coverage, cost-sharing, tiering, utilization management, prior authorization, medication therapy management, or other policies on patients' adherence to the treatment regimen prescribed or otherwise recommended by their physicians;**

**(7) Whether beneficiaries who need treatment from or a consultation with a rare disease specialist have adequate access and, if not, what factors are causing the limited access; and**

**(8) The demographics and the clinical description of patient populations.**

**6. Nothing in this section shall be construed to create a legal right for a consultation on any matter or to require the drug utilization review board to meet with any particular expert or stakeholder.**

**7. Recommendations of the advisory council on rare diseases and personalized medicine on an applicable treatment of a rare disease shall be explained in writing to members of the drug utilization review board during public hearings.**

**8. For purposes of this section, a "rare disease drug" shall mean a drug used to treat a rare medical condition, defined as any disease or condition that affects fewer than two hundred thousand persons in the United States, such as cystic fibrosis, hemophilia, and multiple myeloma.**

**9. All members of the advisory council on rare diseases and personalized medicine shall annually sign a conflict of interest statement revealing economic or other relationships with entities that could influence a member's decisions, and at least twenty percent of the advisory council members shall not have a conflict of interest with respect to any insurer, pharmaceutical benefits manager, or pharmaceutical manufacturer.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“210.070. [Every] **1. A physician, midwife, or nurse who shall be in attendance upon a newborn infant or its mother[,]** shall drop into the eyes of such infant [immediately after delivery,] a prophylactic [solution] **medication** approved by the state department of health and senior services[, and shall within forty-eight hours thereafter, report in writing to the board of health or county physician of the city, town or county where such birth occurs, his or her compliance with this section, stating the solution used by him or her].

**2. Administration of such eye drops shall not be required if a parent or legal guardian of such infant objects to the treatment because it is against the religious beliefs of the parent or legal guardian.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 2, Section 376.1237, Line 18, by inserting after all of said section and line the following:

“579.040. 1. A person commits the offense of unlawful distribution, delivery, or sale of drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent to distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in which one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this chapter. **Any entity registered with the department of health and senior services that possesses, distributes, delivers, or sells hypodermic needles or syringes shall be exempt from the provisions of this section.**

2. The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes, in which case it is a class E felony.

579.076. 1. A person commits the offense of unlawful manufacture of drug paraphernalia if he or she unlawfully manufactures with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this chapter or chapter 195. **Any entity registered with the department of health and senior services that delivers or manufactures hypodermic needles or syringes shall be exempt from the provisions of this section.**

2. The offense of unlawful manufacture of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes, in which case it is a class E felony.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1,

Section A, Line 2, by inserting after all of said line the following:

“191.671. 1. No other section of this act shall apply to any insurer, health services corporation, or health maintenance organization licensed by the department of insurance, financial institutions and professional registration which conducts HIV testing only for the purposes of assessing a person’s fitness for insurance coverage offered by such insurer, health services corporation, or health maintenance corporation, except that nothing in this section shall be construed to exempt any insurer, health services corporation or health maintenance organization in their capacity as employers from the provisions of section 191.665 relating to employment practices.

2. Upon renewal of any individual or group insurance policy, subscriber contractor health maintenance organization contract covering medical expenses, no insurer, health services corporation or health maintenance organization shall deny or alter coverage to any previously covered individual who has been diagnosed as having HIV infection or any HIV-related condition during the previous policy or contract period only because of such diagnosis, nor shall any such insurer, health services corporation or health maintenance organization exclude coverage for treatment of such infection or condition with respect to any such individual. **The provisions of this subsection shall not apply to short-term major medical policies having a duration of less than one year.**

3. The director of the department of insurance, financial institutions and professional registration shall establish by regulation standards for the use of HIV testing by insurers, health services corporations and health maintenance organizations.

4. A laboratory certified by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967, permitting testing of specimens obtained in interstate commerce, and which subjects itself to ongoing proficiency testing by the College of American Pathologists, the American Association of Bio Analysts, or an equivalent program approved by the Centers for Disease Control shall be authorized to perform or conduct HIV testing for an insurer, health services corporation or health maintenance organization pursuant to this section.

5. The result or results of HIV testing of an applicant for insurance coverage shall not be disclosed by an insurer, health services corporation or health maintenance organization, except as specifically authorized by such applicant in writing. Such result or results shall, however, be disclosed to a physician designated by the subject of the test. If there is no physician designated, the insurer, health services corporation, or health maintenance organization shall disclose the identity of individuals residing in Missouri having a confirmed positive HIV test result to the department of health and senior services. Provided, further, that no such insurer, health services corporation or health maintenance organization shall be liable for violating any duty or right of confidentiality established by law for disclosing such identity of individuals having a confirmed positive HIV test result to the department of health and senior services. Such disclosure shall be in a manner that ensures confidentiality. Disclosure of test results in violation of this section shall constitute a violation of sections 375.930 to 375.948 regulating trade practices in the business of insurance. Nothing in this subsection shall be construed to foreclose any remedies existing on June 1, 1988.”; and

Further amend said bill, Page 1, Section 338.202, Line 16, by inserting after all of said section and line the following:

**“376.008. 1. All short-term major medical policies delivered or issued for delivery in this state shall include on any application for coverage and on the fact page of all policies a conspicuous and clearly**



**captioned paragraph stating:**

**This policy may not cover preexisting conditions, including conditions you may currently have and are unaware of but are not diagnosed until the policy's term. This policy may not cover certain essential health benefits, including prescription drugs, preventative care, and emergency services. Before you realize benefits under this policy, you may be responsible for a deductible and/or coinsurance. Be sure to discuss these items with your insurance broker before purchasing a short-term medical policy.**

**2. No short-term major medical policy shall be delivered or issued for delivery in this state until the prospective insured has confirmed receipt of a benefit summary statement. As used in this section, "benefit summary statement" shall mean a no more than two-page plain language explanation of the following:**

**(1) Coverage limits, if any, expressed in dollars for:**

**(a) Each occurrence;**

**(b) Each covered benefit including, but not limited to, any benefit that is or was a covered benefit for any duration or dollar amount during the contract period and anything included under subdivision (2) of this subsection; and**

**(c) Each contract period;**

**(2) Copayments and deductibles for each covered benefit including, but not limited to:**

**(a) Inpatient hospital care;**

**(b) Outpatient hospital care;**

**(c) Nonhospital inpatient care;**

**(d) Nonhospital outpatient care;**

**(e) Prescription drugs; and**

**(f) Emergency services; and**

**(3) Any copayment or deductible for an illness or affliction which differs from the copayment or deductible required to be described under subdivision (2) of this subsection.**

376.385. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a health services corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements, to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1998, shall offer coverage for all physician-prescribed medically appropriate and necessary equipment, supplies and self-management training used in the management and treatment of diabetes. Coverage shall include persons with gestational, type I or type II diabetes.

2. Health care services required by this section shall not be subject to any greater deductible or copayment than any other health care service provided by the policy, contract or plan.

3. No entity enumerated in subsection 1 of this section may reduce or eliminate coverage due to the

requirements of this section.

4. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care, **short-term major medical policies having a duration of less than one year**, or other limited benefit health insurance policies.

376.429. 1. All health benefit plans, as defined in section 376.1350, that are delivered, issued for delivery, continued or renewed on or after August 28, 2006, and providing coverage to any resident of this state shall provide coverage for routine patient care costs as defined in subsection 7 of this section incurred as the result of phase II, III, or IV of a clinical trial that is approved by an entity listed in subsection 4 of this section and is undertaken for the purposes of the prevention, early detection, or treatment of cancer. Health benefit plans may limit coverage for the routine patient care costs of patients in phase II of a clinical trial to those treating facilities within the health benefit plans' provider network; except that, this provision shall not be construed as relieving a health benefit plan of the sufficiency of network requirements under state statute.

2. In the case of treatment under a clinical trial, the treating facility and personnel must have the expertise and training to provide the treatment and treat a sufficient volume of patients. There must be equal to or superior, noninvestigational treatment alternatives and the available clinical or preclinical data must provide a reasonable expectation that the treatment will be superior to the noninvestigational alternatives.

3. Coverage required by this section shall include coverage for routine patient care costs incurred for drugs and devices that have been approved for sale by the Food and Drug Administration (FDA), regardless of whether approved by the FDA for use in treating the patient's particular condition, including coverage for reasonable and medically necessary services needed to administer the drug or use the device under evaluation in the clinical trial.

4. Subsections 1 and 2 of this section requiring coverage for routine patient care costs shall apply to phase III or IV of clinical trials that are approved or funded by one of the following entities:

- (1) One of the National Institutes of Health (NIH);
- (2) An NIH cooperative group or center as defined in subsection 7 of this section;
- (3) The FDA in the form of an investigational new drug application;
- (4) The federal Departments of Veterans' Affairs or Defense;

(5) An institutional review board in this state that has an appropriate assurance approved by the Department of Health and Human Services assuring compliance with and implementation of regulations for the protection of human subjects (45 CFR 46); or

- (6) A qualified research entity that meets the criteria for NIH Center support grant eligibility.

5. Subsections 1 and 2 of this section requiring coverage for routine patient care costs shall apply to phase II of clinical trials if:

(1) Phase II of a clinical trial is sanctioned by the National Institutes of Health (NIH) or National Cancer Institute (NCI) and conducted at academic or National Cancer Institute Center; and

(2) The person covered under this section is enrolled in the clinical trial. This section shall not apply to persons who are only following the protocol of phase II of a clinical trial, but not actually enrolled.

6. An entity seeking coverage for treatment, prevention, or early detection in a clinical trial approved by an institutional review board under subdivision (5) of subsection 4 of this section shall maintain and post electronically a list of the clinical trials meeting the requirements of subsections 2 and 3 of this section. This list shall include: the phase for which the clinical trial is approved; the entity approving the trial; the particular disease; and the number of participants in the trial. If the electronic posting is not practical, the entity seeking coverage shall periodically provide payers and providers in the state with a written list of trials providing the information required in this section.

7. As used in this section, the following terms shall mean:

(1) “Cooperative group”, a formal network of facilities that collaborate on research projects and have an established NIH-approved Peer Review Program operating within the group, including the NCI Clinical Cooperative Group and the NCI Community Clinical Oncology Program;

(2) “Multiple project assurance contract”, a contract between an institution and the federal Department of Health and Human Services (DHHS) that defines the relationship of the institution to the DHHS and sets out the responsibilities of the institution and the procedures that will be used by the institution to protect human subjects;

(3) “Routine patient care costs” shall include coverage for reasonable and medically necessary services needed to administer the drug or device under evaluation in the clinical trial. Routine patient care costs include all items and services that are otherwise generally available to a qualified individual that are provided in the clinical trial except:

(a) The investigational item or service itself;

(b) Items and services provided solely to satisfy data collection and analysis needs and that are not used in the direct clinical management of the patient; and

(c) Items and services customarily provided by the research sponsors free of charge for any enrollee in the trial.

8. For the purpose of this section, providers participating in clinical trials shall obtain a patient’s informed consent for participation on the clinical trial in a manner that is consistent with current legal and ethical standards. Such documents shall be made available to the health insurer upon request.

9. The provisions of this section shall not apply to a policy, plan or contract paid under Title XVIII or Title XIX of the Social Security Act.

10. Nothing in this section shall apply to any accident-only policy, specified disease policy, hospital indemnity policy, Medicare supplement policy, long-term care policy, short-term major medical policy [of six months or less duration] **having a duration of less than one year**, or other limited benefit health insurance policies.

11. The provisions of this section regarding phase II of a clinical trial shall not apply automatically to an individually underwritten health benefit plan, but shall be an option to any such plan.

376.446. 1. Health carriers shall permit individuals to learn the amount of cost-sharing, including deductibles, copayments, and coinsurance, under the individual’s health benefit plan or coverage that the individual would be responsible for paying with respect to the furnishing of a specific item or service by a participating provider in a timely manner upon the request of the individual. At a minimum, such

information shall be made available to such individual through an internet website and such other means for individuals without access to the internet. As used in this section, the terms “health carrier” and “health benefit plans” shall have the same meanings assigned to them in section 376.1350.

**2. Health carriers shall permit individuals to learn the amount of cost-sharing, including deductibles, copayments, and coinsurance, under an individual’s short-term major medical policy, having a duration of less than one year, that the individual would be responsible for paying with respect to the furnishing of a specific item or service by a participating provider in a timely manner upon the request of the individual. At a minimum, such information shall be made available to such individual through an internet website and such other means for individuals without access to the internet.**

[2.] 3. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy[, short-term major medical policy of six months or less duration], or any other supplemental policy.

[ 3.] 4. The provisions of subsections 1 and 2 shall become effective on January 1, 2014.

376.452. 1. Except as provided in this section, if a health insurance issuer offers health insurance coverage in the large group market in connection with a group health plan, the health insurance issuer shall renew or continue the coverage in force at the option of the plan sponsor. **The provisions of this subsection shall not apply to short-term major medical policies having a duration of less than one year.**

2. A health insurance issuer may nonrenew or discontinue health insurance coverage offered in connection with a group health plan in the large group market if:

(1) The plan sponsor has failed to pay premiums or contributions in accordance with the terms of the health insurance coverage or if the health insurance issuer has not received timely premium payments;

(2) The plan sponsor has performed an act or practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage;

(3) The plan sponsor has failed to comply with the health insurance issuer’s minimum participation requirements;

(4) The plan sponsor has failed to comply with the health insurance issuer’s employer contribution requirements;

(5) The health insurance issuer is ceasing to offer coverage in the large group market in accordance with subsection 3 of this section;

(6) In the case of a health insurance issuer that offers health insurance coverage in the large group market through a network plan, there is no longer any enrollee under the group health plan who lives, resides, or works in the service area of the health insurance issuer or in the area for which the issuer is authorized to do business;

(7) In the case of health insurance coverage that is made available in the large group market only through one or more bona fide associations, the membership of an employer in the bona fide association ceases, but only if coverage is terminated under this subdivision uniformly without regard to any health status-related factor of any covered individual.

3. A health insurance issuer shall not discontinue offering a particular type of group health insurance coverage offered in the large group market unless:

(1) The issuer provides notice to each plan sponsor, participant and beneficiary provided coverage of this type in the large group market of the discontinuation at least ninety days prior to the date of the discontinuation of the coverage;

(2) The issuer offers to each plan sponsor being provided coverage of this type in the large group market the option to purchase any other health insurance coverage currently being offered by the health insurance issuer to a group health plan in the large group market; and

(3) The issuer acts uniformly without regard to the claims experience of those plan sponsors or any health status-related factor of any participant or beneficiary covered or new participant or beneficiary who may become eligible for such coverage.

4. (1) A health insurance issuer shall not discontinue offering all health insurance coverage in the large group market unless:

(a) The issuer provides notice of discontinuation to the director and to each plan sponsor, participant and beneficiary covered at least one hundred eighty days prior to the date of the discontinuation of coverage; and

(b) All health insurance issued or delivered for issuance in Missouri in the large group market is discontinued and coverage under such health insurance is not renewed.

(2) In the case of a discontinuation under this subsection, the health insurance issuer shall not provide for the issuance of any health insurance coverage in the large group market for a period of five years beginning on the date of the discontinuation of the last health insurance coverage not renewed.

5. At the time of coverage renewal, a health insurance issuer may modify the health insurance coverage for a product offered to a group health plan in the large group market. For purposes of this subsection, renewal shall be deemed to occur not more often than annually on the anniversary of the effective date of the group health plan's health insurance coverage unless a longer term is specified in the policy or contract.

6. In the case of health insurance coverage that is made available by a health insurance issuer only through one or more bona fide associations, a reference to plan sponsor in this section is deemed, with respect to coverage provided to an employer member of the association, to include a reference to such employer.

376.454. 1. Except as provided in this section, a health insurance issuer that provides individual health insurance coverage to an individual shall renew or continue in force such coverage at the option of the individual. **The provisions of this subsection shall not apply to short-term major medical policies having a duration of less than one year.**

2. A health insurance issuer may nonrenew or discontinue health insurance coverage of an individual in the individual market based only on one or more of the following:

(1) The individual has failed to pay premiums or contributions in accordance with the terms of the health insurance coverage or the issuer has not received timely premium payments;

(2) The individual has performed an act or practice that constitutes fraud or made an intentional

misrepresentation of material fact under the terms of the coverage;

(3) The issuer is ceasing to offer coverage in the individual market in accordance with subsection 4 of this section;

(4) In the case of a health insurance issuer that offers health insurance coverage in the market through a network plan, the individual no longer resides, lives, or works in the service area or in an area for which the issuer is authorized to do business but only if such coverage is terminated under this subdivision uniformly without regard to any health status-related factor of covered individuals;

(5) In the case of health insurance coverage that is made available in the individual market only through one or more bona fide associations, the membership of the individual in the association on the basis of which the coverage is provided ceases, but only if such coverage is terminated under this subdivision uniformly without regard to any health status-related factor of covered individuals.

3. In any case in which an issuer decides to discontinue offering a particular type of health insurance coverage offered in the individual market, coverage of such type may be discontinued by the issuer only if:

(1) The issuer provides notice to each covered individual provided coverage of this type in such market of such discontinuation at least ninety days prior to the date of the discontinuation of such coverage;

(2) The issuer offers to each individual in the individual market provided coverage of this type, the option to purchase any other individual health insurance coverage currently being offered by the issuer for individuals in such market; and

(3) In exercising the option to discontinue coverage of this type and in offering the option of coverage under subdivision (2) of this subsection, the issuer acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for such coverage.

4. (1) In any case in which a health insurance issuer elects to discontinue offering all health insurance coverage in the individual market in the state, health insurance coverage may be discontinued by the issuer only if:

(a) The issuer provides notice to the director and to each individual of such discontinuation at least one hundred eighty days prior to the date of the expiration of such coverage; and

(b) All health insurance issued or delivered for issuance in the state in such market is discontinued and coverage under such health insurance coverage in such market is not renewed.

(2) In the case of a discontinuation under subdivision (1) of this subsection, the issuer shall not provide for the issuance of any health insurance coverage in the individual market for a five-year period beginning on the date of the discontinuation of the last health insurance coverage not so renewed.

5. At the time of coverage renewal, a health insurance issuer may modify the health insurance coverage for a policy form offered to individuals in the individual market so long as such modification is consistent with applicable law and effective on a uniform basis among all individuals with that policy form. For purposes of this subsection, renewal shall be deemed to occur not more often than annually on the anniversary of the effective date of the individual's health insurance coverage or as specified in the policy or contract.

6. In applying this section in the case of health insurance coverage that is made available by a health insurance issuer in the individual market to individuals only through one or more associations, a reference to an individual is deemed to include a reference to such an association of which the individual is a member.

7. An insurer shall provide a certification of creditable coverage as required by Public Law 104-191 and regulations pursuant thereto.

376.779. 1. All health plans or policies that are individually underwritten or provide for such coverage for specific individuals and the members of their families, which provide for hospital treatment, shall provide coverage, while confined in a hospital or in a residential or nonresidential facility certified by the department of mental health, for treatment of alcoholism on the same basis as coverage for any other illness, except that coverage may be limited to thirty days in any policy or contract benefit period. All Missouri individual contracts issued on or after January 1, 2005, shall be subject to this section. Coverage required by this section shall be included in the policy or contract and payment provided as for other coverage in the same policy or contract notwithstanding any construction or relationship of interdependent contracts or plans affecting coverage and payment of reimbursement prerequisites under the policy or contract.

2. Insurers, corporations or groups providing coverage may approve for payment or reimbursement vendors and programs providing services or treatment required by this section. Any vendor or person offering services or treatment subject to the provisions of this section and seeking approval for payment or reimbursement shall submit to the department of mental health a detailed description of the services or treatment program to be offered. The department of mental health shall make copies of such descriptions available to insurers, corporations or groups providing coverage under the provisions of this section. Each insurer, corporation or group providing coverage shall notify the vendor or person offering service or treatment as to its acceptance or rejection for payment or reimbursement; provided, however, payment or reimbursement shall be made for any service or treatment program certified by the department of mental health. Any notice of rejection shall contain a detailed statement of the reasons for rejection and the steps and procedures necessary for acceptance. Amended descriptions of services or treatment programs to be offered may be filed with the department of mental health. Any vendor or person rejected for approval of payment or reimbursement may modify their description and treatment program and submit copies of the amended description to the department of mental health and to the insurer, corporation or group which rejected the original description.

3. The department of mental health may issue rules necessary to carry out the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

4. All substance abuse treatment programs in Missouri receiving funding from the Missouri department of mental health must be certified by the department.

5. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

376.781. 1. All group health insurance policies providing coverage on an expense-incurred basis, all

group service or indemnity contracts issued by a not-for-profit health service corporation, all self-insured group health benefit plans of any type or description, and all such health plans or policies that are individually underwritten or provide for such coverage for specific individuals and the members of their families as nongroup policies, which provide for hospital treatment, shall offer coverage for the necessary care and treatment of loss or impairment of speech or hearing subject to the same durational limits, dollar limits, deductibles and coinsurance factors as other covered services in such policies or contracts. All Missouri group contracts issued or renewed on or after December 31, 1984, shall be subject to this section. Notwithstanding any construction or relationship of interdependent contracts or plans affecting coverage and payment of reimbursement prerequisites under the policy or contract, coverage required by this section shall be included in the policy or contract and payment provided as for other coverage in the same policy or contract.

2. The offer of benefits under subsection 1 of this section shall be in writing and may be rejected by the individual or group policyholder.

3. Nothing in this section shall prohibit the insurance company or not-for-profit health service corporation from including any coverage for loss or impairment of speech, language or hearing as standard coverage in their policies or contracts, but same shall not contain terms contrary to this section.

4. The phrase “loss or impairment of speech or hearing” shall include those communicative disorders generally treated by a speech pathologist, audiologist or speech/language pathologist licensed by the state board of healing arts or certified by the American Speech-Language and Hearing Association (ASHA), or both, and which fall within the scope of his or her license or certification.

5. Any provision in a health insurance policy contrary to or in conflict with the provisions of this section shall, to the extent of the conflict, be void, but such invalidity shall not offset the validity of the other provisions of such policy.

6. The department of insurance, financial institutions and professional registration may issue rules necessary to carry out the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

**7. This section shall not apply to short-term major medical policies having a duration of less than one year.**

376.782. 1. As used in this section, the term “low-dose mammography screening” means the X-ray examination of the breast using equipment specifically designed and dedicated for mammography, including the X-ray tube, filter, compression device, films, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with two views for each breast, and any fee charged by a radiologist or other physician for reading, interpreting or diagnosing based on such X-ray.

2. All individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed on or after August 28, 1991, and providing coverage to any resident of this state shall provide benefits or coverage for low-dose mammography screening for any nonsymptomatic woman covered under such policy or contract which



meets the minimum requirements of this section. Such benefits or coverage shall include at least the following:

- (1) A baseline mammogram for women age thirty-five to thirty-nine, inclusive;
- (2) A mammogram for women age forty to forty-nine, inclusive, every two years or more frequently based on the recommendation of the patient's physician;
- (3) A mammogram every year for women age fifty and over;
- (4) A mammogram for any woman, upon the recommendation of a physician, where such woman, her mother or her sister has a prior history of breast cancer.

3. Coverage and benefits related to mammography as required by this section shall be at least as favorable and subject to the same dollar limits, deductibles, and co-payments as other radiological examinations.

**4. The provisions of this section shall not apply to short-term major medical policies having a duration of less than one year.**

376.811. 1. Every insurance company and health services corporation doing business in this state shall offer in all health insurance policies benefits or coverage for chemical dependency meeting the following minimum standards:

- (1) Coverage for outpatient treatment through a nonresidential treatment program, or through partial- or full-day program services, of not less than twenty-six days per policy benefit period;
- (2) Coverage for residential treatment program of not less than twenty-one days per policy benefit period;
- (3) Coverage for medical or social setting detoxification of not less than six days per policy benefit period;
- (4) The coverages set forth in this subsection may be subject to a separate lifetime frequency cap of not less than ten episodes of treatment, except that such separate lifetime frequency cap shall not apply to medical detoxification in a life-threatening situation as determined by the treating physician and subsequently documented within forty-eight hours of treatment to the reasonable satisfaction of the insurance company or health services corporation; and

(5) The coverages set forth in this subsection:

(a) Shall be subject to the same coinsurance, co-payment and deductible factors as apply to physical illness;

(b) May be administered pursuant to a managed care program established by the insurance company or health services corporation; and

(c) May deliver covered services through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

2. In addition to the coverages set forth in subsection 1 of this section, every insurance company, health

services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies, benefits or coverages for recognized mental illness, excluding chemical dependency, meeting the following minimum standards:

(1) Coverage for outpatient treatment, including treatment through partial- or full-day program services, for mental health services for a recognized mental illness rendered by a licensed professional to the same extent as any other illness;

(2) Coverage for residential treatment programs for the therapeutic care and treatment of a recognized mental illness when prescribed by a licensed professional and rendered in a psychiatric residential treatment center licensed by the department of mental health or accredited by the Joint Commission on Accreditation of Hospitals to the same extent as any other illness;

(3) Coverage for inpatient hospital treatment for a recognized mental illness to the same extent as for any other illness, not to exceed ninety days per year;

(4) The coverages set forth in this subsection shall be subject to the same coinsurance, co-payment, deductible, annual maximum and lifetime maximum factors as apply to physical illness; and

(5) The coverages set forth in this subsection may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance organization, and covered services may be delivered through a system of contractual arrangements with one or more providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

3. The offer required by sections 376.810 to 376.814 may be accepted or rejected by the group or individual policyholder or contract holder and, if accepted, shall fully and completely satisfy and substitute for the coverage under section 376.779. Nothing in sections 376.810 to 376.814 shall prohibit an insurance company, health services corporation or health maintenance organization from including all or part of the coverages set forth in sections 376.810 to 376.814 as standard coverage in their policies or contracts issued in this state.

4. Every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies mental health benefits or coverage as part of the policy or as a supplement to the policy. Such mental health benefits or coverage shall include at least two sessions per year to a licensed psychiatrist, licensed psychologist, licensed professional counselor, licensed clinical social worker, or, subject to contractual provisions, a licensed marital and family therapist, acting within the scope of such license and under the following minimum standards:

(1) Coverage and benefits in this subsection shall be for the purpose of diagnosis or assessment, but not dependent upon findings; and

(2) Coverage and benefits in this subsection shall not be subject to any conditions of preapproval, and shall be deemed reimbursable as long as the provisions of this subsection are satisfied; and

(3) Coverage and benefits in this subsection shall be subject to the same coinsurance, co-payment and deductible factors as apply to regular office visits under coverages and benefits for physical illness.

5. If the group or individual policyholder or contract holder rejects the offer required by this section,

then the coverage shall be governed by the mental health and chemical dependency insurance act as provided in sections 376.825 to 376.836.

6. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

376.845. 1. For the purposes of this section the following terms shall mean:

(1) “Eating disorder”, pica, rumination disorder, avoidant/restrictive food intake disorder, anorexia nervosa, bulimia nervosa, binge eating disorder, other specified feeding or eating disorder, and any other eating disorder contained in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association where diagnosed by a licensed physician, psychiatrist, psychologist, clinical social worker, licensed marital and family therapist, or professional counselor duly licensed in the state where he or she practices and acting within their applicable scope of practice in the state where he or she practices;

(2) “Health benefit plan”, shall have the same meaning as such term is defined in section 376.1350; however, for purposes of this section “health benefit plan” does not include a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy;

(3) “Health carrier”, shall have the same meaning as such term is defined in section 376.1350;

(4) “Medical care”, health care services needed to diagnose, prevent, treat, cure, or relieve physical manifestations of an eating disorder, and shall include inpatient hospitalization, partial hospitalization, residential care, intensive outpatient treatment, follow-up outpatient care, and counseling;

(5) “Pharmacy care”, medications prescribed by a licensed physician for an eating disorder and includes any health-related services deemed medically necessary to determine the need or effectiveness of the medications, but only to the extent that such medications are included in the insured’s health benefit plan;

(6) “Psychiatric care” and “psychological care”, direct or consultative services provided during inpatient hospitalization, partial hospitalization, residential care, intensive outpatient treatment, follow-up outpatient care, and counseling provided by a psychiatrist or psychologist licensed in the state of practice;

(7) “Therapy”, medical care and behavioral interventions provided by a duly licensed physician, psychiatrist, psychologist, professional counselor, licensed clinical social worker, or family marriage therapist where said person is licensed or registered in the states where he or she practices;

(8) “Treatment of eating disorders”, therapy provided by a licensed treating physician, psychiatrist, psychologist, professional counselor, clinical social worker, or licensed marital and family therapist pursuant to the powers granted under such licensed physician’s, psychiatrist’s, psychologist’s, professional counselor’s, clinical social worker’s, or licensed marital and family therapist’s license in the state where he or she practices for an individual diagnosed with an eating disorder.

2. In accordance with the provisions of section 376.1550, all health benefit plans that are delivered, issued for delivery, continued or renewed on or after January 1, 2017, if written inside the state of Missouri, or written outside the state of Missouri but covering Missouri residents, shall provide coverage for the diagnosis and treatment of eating disorders as required in section 376.1550.

3. Coverage provided under this section is limited to medically necessary treatment that is provided by a licensed treating physician, psychiatrist, psychologist, professional counselor, clinical social worker, or licensed marital and family therapist pursuant to the powers granted under such licensed physician's, psychiatrist's, psychologist's, professional counselor's, clinical social worker's, or licensed marital and family therapist's license and acting within their applicable scope of coverage, in accordance with a treatment plan.

4. The treatment plan, upon request by the health benefit plan or health carrier, shall include all elements necessary for the health benefit plan or health carrier to pay claims. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and duration of treatment, and goals.

5. Coverage of the treatment of eating disorders may be subject to other general exclusions and limitations of the contract or benefit plan not in conflict with the provisions of this section, such as coordination of benefits, and utilization review of health care services, which includes reviews of medical necessity and care management. Medical necessity determinations and care management for the treatment of eating disorders shall consider the overall medical and mental health needs of the individual with an eating disorder, shall not be based solely on weight, and shall take into consideration the most recent Practice Guideline for the Treatment of Patients with Eating Disorders adopted by the American Psychiatric Association in addition to current standards based upon the medical literature generally recognized as authoritative in the medical community.

376.1192. 1. As used in this section, "health benefit plan" and "health carrier" shall have the same meaning as such terms are defined in section 376.1350.

2. Beginning September 1, 2013, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if state mandates were enacted to provide health benefit plan coverage for the following:

(1) Orally administered anticancer medication that is used to kill or slow the growth of cancerous cells charged at the same co-payment, deductible, or coinsurance amount as intravenously administered or injected cancer medication that is provided, regardless of formulation or benefit category determination by the health carrier administering the health benefit plan;

(2) Diagnosis and treatment of eating disorders that include anorexia nervosa, bulimia, binge eating, eating disorders nonspecified, and any other severe eating disorders contained in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. The actuarial analysis shall assume the following are included in health benefit plan coverage:

(a) Residential treatment for eating disorders, if such treatment is medically necessary in accordance with the Practice Guidelines for the Treatment of Patients with Eating Disorders, as most recently published by the American Psychiatric Association; and

(b) Access to medical treatment that provides coverage for integrated care and treatment as

recommended by medical and mental health care professionals, including but not limited to psychological services, nutrition counseling, physical therapy, dietician services, medical monitoring, and psychiatric monitoring.

3. By December 31, 2013, the director of the oversight division of the joint committee on legislative research shall submit a report of the actuarial findings prescribed by this section to the speaker of the house of representatives, the president pro tempore of the senate, and the chairpersons of the house of representatives committee on health insurance and the senate small business, insurance and industry committee, or the committees having jurisdiction over health insurance issues if the preceding committees no longer exist.

4. For the purposes of this section, the actuarial analysis of health benefit plan coverage shall assume that such coverage:

(1) Shall not be subject to any greater deductible or co-payment than other health care services provided by the health benefit plan; and

(2) Shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies [of six months' or less duration] **having a duration of less than one year**, or any other supplemental policy.

5. The cost for each actuarial analysis shall not exceed thirty thousand dollars and the oversight division of the joint committee on legislative research may utilize any actuary contracted to perform services for the Missouri consolidated health care plan to perform the analysis required under this section.

6. The provisions of this section shall expire on December 31, 2013.

376.1199. 1. Each health carrier or health benefit plan that offers or issues health benefit plans providing obstetrical/gynecological benefits and pharmaceutical coverage, which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2002, shall:

(1) Notwithstanding the provisions of subsection 4 of section 354.618, provide enrollees with direct access to the services of a participating obstetrician, participating gynecologist or participating obstetrician/gynecologist of her choice within the provider network for covered services. The services covered by this subdivision shall be limited to those services defined by the published recommendations of the accreditation council for graduate medical education for training an obstetrician, gynecologist or obstetrician/gynecologist, including but not limited to diagnosis, treatment and referral for such services. A health carrier shall not impose additional co-payments, coinsurance or deductibles upon any enrollee who seeks or receives health care services pursuant to this subdivision, unless similar additional co-payments, coinsurance or deductibles are imposed for other types of health care services received within the provider network. Nothing in this subsection shall be construed to require a health carrier to perform, induce, pay for, reimburse, guarantee, arrange, provide any resources for or refer a patient for an abortion, as defined in section 188.015, other than a spontaneous abortion or to prevent the death of the female upon whom the abortion is performed, or to supersede or conflict with section 376.805; and

(2) Notify enrollees annually of cancer screenings covered by the enrollees' health benefit plan and the current American Cancer Society guidelines for all cancer screenings or notify enrollees at intervals consistent with current American Cancer Society guidelines of cancer screenings which are covered by the

enrollees' health benefit plans. The notice shall be delivered by mail unless the enrollee and health carrier have agreed on another method of notification; and

(3) Include coverage for services related to diagnosis, treatment and appropriate management of osteoporosis when such services are provided by a person licensed to practice medicine and surgery in this state, for individuals with a condition or medical history for which bone mass measurement is medically indicated for such individual. In determining whether testing or treatment is medically appropriate, due consideration shall be given to peer-reviewed medical literature. A policy, provision, contract, plan or agreement may apply to such services the same deductibles, coinsurance and other limitations as apply to other covered services; and

(4) If the health benefit plan also provides coverage for pharmaceutical benefits, provide coverage for contraceptives either at no charge or at the same level of deductible, coinsurance or co-payment as any other covered drug.

No such deductible, coinsurance or co-payment shall be greater than any drug on the health benefit plan's formulary. As used in this section, "contraceptive" shall include all prescription drugs and devices approved by the federal Food and Drug Administration for use as a contraceptive, but shall exclude all drugs and devices that are intended to induce an abortion, as defined in section 188.015, which shall be subject to section 376.805. Nothing in this subdivision shall be construed to exclude coverage for prescription contraceptive drugs or devices ordered by a health care provider with prescriptive authority for reasons other than contraceptive or abortion purposes.

2. For the purposes of this section, "health carrier" and "health benefit plan" shall have the same meaning as defined in section 376.1350.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

4. Notwithstanding the provisions of subdivision (4) of subsection 1 of this section to the contrary:

(1) Any health carrier shall offer and issue to any person or entity purchasing a health benefit plan, a health benefit plan that excludes coverage for contraceptives if the use or provision of such contraceptives is contrary to the moral, ethical or religious beliefs or tenets of such person or entity;

(2) Upon request of an enrollee who is a member of a group health benefit plan and who states that the use or provision of contraceptives is contrary to his or her moral, ethical or religious beliefs, any health carrier shall issue to or on behalf of such enrollee a policy form that excludes coverage for contraceptives. Any administrative costs to a group health benefit plan associated with such exclusion of coverage not offset by the decreased costs of providing coverage shall be borne by the group policyholder or group plan holder;

(3) Any health carrier which is owned, operated or controlled in substantial part by an entity that is operated pursuant to moral, ethical or religious tenets that are contrary to the use or provision of contraceptives shall be exempt from the provisions of subdivision (4) of subsection 1 of this section. For purposes of this subsection, if new premiums are charged for a contract, plan or policy, it shall be determined to be a new contract, plan or policy.

5. Except for a health carrier that is exempted from providing coverage for contraceptives pursuant to this section, a health carrier shall allow enrollees in a health benefit plan that excludes coverage for contraceptives pursuant to subsection 4 of this section to purchase a health benefit plan that includes coverage for contraceptives.

6. Any health benefit plan issued pursuant to subsection 1 of this section shall provide clear and conspicuous written notice on the enrollment form or any accompanying materials to the enrollment form and the group health benefit plan application and contract:

(1) Whether coverage for contraceptives is or is not included;

(2) That an enrollee who is a member of a group health benefit plan with coverage for contraceptives has the right to exclude coverage for contraceptives if such coverage is contrary to his or her moral, ethical or religious beliefs;

(3) That an enrollee who is a member of a group health benefit plan without coverage for contraceptives has the right to purchase coverage for contraceptives;

(4) Whether an optional rider for elective abortions has been purchased by the group contract holder pursuant to section 376.805; and

(5) That an enrollee who is a member of a group health plan with coverage for elective abortions has the right to exclude and not pay for coverage for elective abortions if such coverage is contrary to his or her moral, ethical, or religious beliefs.

For purposes of this subsection, if new premiums are charged for a contract, plan, or policy, it shall be determined to be a new contract, plan, or policy.

7. Health carriers shall not disclose to the person or entity who purchased the health benefit plan the names of enrollees who exclude coverage for contraceptives in the health benefit plan or who purchase a health benefit plan that includes coverage for contraceptives. Health carriers and the person or entity who purchased the health benefit plan shall not discriminate against an enrollee because the enrollee excluded coverage for contraceptives in the health benefit plan or purchased a health benefit plan that includes coverage for contraceptives.

8. The departments of health and senior services and insurance, financial institutions and professional registration may promulgate rules necessary to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

376.1200. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a health services corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care

delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1996, shall offer coverage for the treatment of breast cancer by dose-intensive chemotherapy/autologous bone marrow transplants or stem cell transplants when performed pursuant to nationally accepted peer review protocols utilized by breast cancer treatment centers experienced in dose-intensive chemotherapy/autologous bone marrow transplants or stem cell transplants. The offer of benefits under this section shall be in writing and must be accepted in writing by the individual or group policyholder or contract holder.

2. Such health care service shall not be subject to any greater deductible or co-payment than any other health care service provided by the policy, contract or plan, except that the policy, contract or plan may contain a provision imposing a lifetime benefit maximum of not less than one hundred thousand dollars, for dose-intensive chemotherapy/autologous bone marrow transplants or stem cell transplants for breast cancer treatment.

3. Benefits may be administered for such health care service through a managed care program of exclusive and/or preferred contractual arrangements with one or more providers rendering such health care service. These contractual arrangements may provide that the provider shall hold the patient harmless for the cost of rendering such health care service if it is subsequently found by the entity authorized to resolve disputes that:

(1) Such care did not qualify under the protocols established for the providing of care for such health care service;

(2) Such care was not medically appropriate; or

(3) The provider otherwise failed to comply with the utilization management or other managed care provision agreed to in any contract between the entity and the provider.

4. The provisions of this section shall not apply to short-term travel, accident-only, limited or specified disease policies, or to short-term nonrenewable policies [of not more than seven months duration] **having a duration of less than one year.**

5. Nothing in this section shall prohibit an entity from including all or part of such health care services as standard coverage in its policies, contracts or plans.

376.1209. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that provide coverage for the surgical procedure known as a mastectomy, and which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1998, shall provide coverage for prosthetic devices or reconstructive surgery necessary to restore symmetry as recommended by the oncologist or primary care physician for the patient incident to the mastectomy. Coverage for prosthetic devices and reconstructive surgery shall be subject to the same deductible and coinsurance conditions applied to the mastectomy and all other terms and conditions applicable to other benefits with the exception that no time limit shall be imposed on an individual for the receipt of prosthetic devices or reconstructive surgery and if such individual changes his or her insurer, then the new policy subject to the federal Women's Health and Cancer Rights Act (Sections 901-903 of P.L. 105-277), as amended, shall provide coverage consistent with the federal Women's Health and Cancer Rights Act



(Sections 901-903 of P.L. 105-277), as amended, and any regulations promulgated pursuant to such act.

2. As used in this section, the term “mastectomy” means the removal of all or part of the breast for medically necessary reasons, as determined by a physician licensed pursuant to chapter 334.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, **short-term major medical policy having a duration of less than one year**, or long-term care policy.

376.1210. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1997, and providing for maternity benefits, shall provide coverage for a minimum of forty-eight hours of inpatient care following a vaginal delivery and a minimum of ninety-six hours of inpatient care following a cesarean section for a mother and her newly born child in a hospital as defined in section 197.020 or any other health care facility licensed to provide obstetrical care under the provisions of chapter 197.

2. Notwithstanding the provisions of subsection 1 of this section, any entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1997, and providing for maternity benefits, may authorize a shorter length of hospital stay for services related to maternity and newborn care if:

(1) A shorter hospital stay meets with the approval of the attending physician after consulting with the mother. The physician’s approval to discharge shall be made in accordance with the most current version of the “Guidelines for Perinatal Care” prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists, or similar guidelines prepared by another nationally recognized medical organization; and

(2) The entity providing the individual or group health insurance policy provides coverage for post-discharge care to the mother and her newborn.

3. Post-discharge care shall consist of a minimum of two visits at least one of which shall be in the home, in accordance with accepted maternal and neonatal physical assessments, by a registered professional nurse with experience in maternal and child health nursing or a physician. The location and schedule of the post-discharge visits shall be determined by the attending physician. Services provided by the registered professional nurse or physician shall include, but not be limited to, physical assessment of the newborn and mother, parent education, assistance and training in breast or bottle feeding, education and services for complete childhood immunizations, the performance of any necessary and appropriate clinical tests and submission of a metabolic specimen satisfactory to the state laboratory. Such services shall be in accordance with the medical criteria outlined in the most current version of the “Guidelines for Perinatal Care” prepared

by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists, or similar guidelines prepared by another nationally recognized medical organization. Any abnormality, in the condition of the mother or the child, observed by the nurse shall be reported to the attending physician as medically appropriate.

4. For the purposes of this section, “attending physician” shall include the attending obstetrician, pediatrician, or other physician attending the mother or newly born child.

5. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description shall provide notice to policyholders, insured persons and participants regarding the coverage required by this section. Such notice shall be in writing and prominently positioned in the policy, certificate of coverage or summary plan description.

6. Such health care service shall not be subject to any greater deductible or co-payment than other similar health care services provided by the policy, contract or plan.

7. No insurer may provide financial disincentives to, or deselect, terminate the services of, require additional documentation from, require additional utilization review, or reduce payments to, or otherwise penalize the attending physician in retaliation solely for ordering care consistent with the provisions of this section.

**8. The provisions of this section shall not apply to short-term major medical policies having a duration of less than one year.**

9. The department of insurance, financial institutions and professional registration shall adopt rules and regulations to implement and enforce the provisions of this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

376.1215. 1. All individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a health services corporation, individual and group service contracts issued by a health maintenance organization and all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description shall provide coverage for immunizations of a child from birth to five years of age as provided by department of health and senior services regulations.

2. Such coverage shall not be subject to any deductible or co-payment limits.

3. The contract issued by a health maintenance organization may provide that the benefits required pursuant to this section shall be covered benefits only if the services are rendered by a provider who is designated by and affiliated with the health maintenance organization, except that the health maintenance organization shall, as a condition of participation, comply with the immunization requirements of state or federally funded health programs.

4. This section shall not apply to supplemental insurance policies, including life care contracts, accident-only policies, specified disease policies, hospital policies providing a fixed daily benefit only, Medicare supplement policies, long-term care policies, coverage issued as a supplement to liability insurance, short-

term major medical policies [of six months or less duration] **having a duration of less than one year**, and other supplemental policies as determined by the department of insurance, financial institutions and professional registration.

5. The department of health and senior services shall promulgate rules and regulations to determine which immunizations shall be covered by policies, plans or contracts described in this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024. 6. No health care provider shall charge more than one hundred percent of the reasonable and customary charges for providing any immunization.

376.1218. 1. Any health carrier or health benefit plan that offers or issues health benefit plans, other than Medicaid health benefit plans, which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2006, shall provide coverage for early intervention services described in this section that are delivered by early intervention specialists who are health care professionals licensed by the state of Missouri and acting within the scope of their professions for children from birth to age three identified by the Part C early intervention system as eligible for services under Part C of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1431, et seq. Such coverage shall be limited to three thousand dollars for each covered child per policy per calendar year, with a maximum of nine thousand dollars per child.

2. As used in this section, “health carrier” and “health benefit plan” shall have the same meaning as such terms are defined in section 376.1350.

3. In the event that any health benefit plan is found not to be required to provide coverage under subsection 1 of this section because of preemption by a federal law, including but not limited to the act commonly known as ERISA contained in Title 29 of the United States Code, or in the event that subsection 1 of this section is found to be unconstitutional, then the lead agency shall be responsible for payment and provision of any benefit provided under this section.

4. For purposes of this section, “early intervention services” means medically necessary speech and language therapy, occupational therapy, physical therapy, and assistive technology devices for children from birth to age three who are identified by the Part C early intervention system as eligible for services under Part C of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1431, et seq. Early intervention services shall include services under an active individualized family service plan that enhance functional ability without effecting a cure. An individualized family service plan is a written plan for providing early intervention services to an eligible child and the child’s family that is adopted in accordance with 20 U.S.C. Section 1436. The Part C early intervention system, on behalf of its contracted regional Part C early intervention system centers and providers, shall be considered the rendering provider of services for purposes of this section.

5. No payment made for specified early intervention services shall be applied by the health carrier or health benefit plan against any maximum lifetime aggregate specified in the policy or health benefit plan if the carrier opts to satisfy its obligations under this section under subdivision (2) of subsection 7 of this section. A health benefit plan shall be billed at the applicable Medicaid rate at the time the covered benefit is delivered, and the health benefit plan shall pay the Part C early intervention system at such rate for benefits covered by this section. Services under the Part C early intervention system shall be delivered as prescribed by the individualized family service plan and an electronic claim filed in accordance with the carrier’s or plan’s standard format. Beginning January 1, 2007, such claims’ payments shall be made in

accordance with the provisions of sections 376.383 and 376.384.

6. The health care service required by this section shall not be subject to any greater deductible, co-payment, or coinsurance than other similar health care services provided by the health benefit plan.

7. (1) Subject to the provisions of this section, payments made during a calendar year by a health carrier or group of carriers affiliated by or under common ownership or control to the Part C early intervention system for services provided to children covered by the Part C early intervention system shall not exceed one-half of one percent of the direct written premium for health benefit plans as reported to the department of insurance, financial institutions and professional registration on the health carrier's most recently filed annual financial statement.

(2) In lieu of reimbursing claims under this section, a carrier or group of carriers affiliated by or under common ownership or control may, on behalf of all of the carrier's or carriers' health benefit plan or plans providing coverage under this section, directly pay the Part C early intervention system by January thirty-first of the calendar year an amount equal to one-half of one percent of the direct written premium for health benefit plans as reported to the department of insurance, financial institutions and professional registration on the health carrier's most recently filed annual financial statement, or five hundred thousand dollars, whichever is less, and such payment shall constitute full and complete satisfaction of the health benefit plan's obligation for the calendar year. Nothing in this subsection shall require a health carrier or health benefit plan providing coverage under this section to amend or modify any provision of an existing policy or plan relating to the payment or reimbursement of claims by the health carrier or health benefit plan.

8. This section shall not apply to a supplemental insurance policy, including a life care contract, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, hospitalization-surgical care policy, policy that is individually underwritten or provides such coverage for specific individuals and members of their families, long-term care policy, or short-term major medical policies [of six months or less duration] **having a duration of less than one year.**

9. Except for health carriers or health benefit plans making payments under subdivision (2) of subsection 7 of this section, the department of insurance, financial institutions and professional registration shall collect data related to the number of children receiving private insurance coverage under this section and the total amount of moneys paid on behalf of such children by private health carriers or health benefit plans. The department shall report to the general assembly regarding the department's findings no later than January 30, 2007, and annually thereafter.

10. Notwithstanding the provisions of section 23.253 to the contrary, the provisions of this section shall not sunset.

376.1219. 1. Each policy issued by an entity offering individual and group health insurance which provides coverage on an expense-incurred basis, individual and group health service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group health arrangements to the extent not preempted by federal law, and all health care plans provided by managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed in this state on or after September 1, 1997, shall provide coverage for formula and low protein modified food products recommended by a physician for the treatment of a patient with phenylketonuria or any inherited disease of amino and organic acids who is covered under the policy, contract, or plan and who is less than six years of age.

2. For purposes of this section, “low protein modified food products” means foods that are specifically formulated to have less than one gram of protein per serving and are intended to be used under the direction of a physician for the dietary treatment of any inherited metabolic disease. Low protein modified food products do not include foods that are naturally low in protein.

3. The coverage required by this section may be subject to the same deductible for similar health care services provided by the policy, contract, or plan as well as a reasonable coinsurance or co-payment on the part of the insured, which shall not be greater than fifty percent of the cost of the formula and food products, and may be subject to an annual benefit maximum of not less than five thousand dollars per covered child. Nothing in this section shall prohibit a carrier from using individual case management or from contracting with vendors of the formula and food products.

4. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, **short-term major medical policy having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

376.1220. 1. Each policy issued by an entity offering individual and group health insurance which provides coverage on an expense-incurred basis, individual or group health service, or indemnity contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group health arrangements to the extent not preempted by federal law, and all health care plans provided by managed health care delivery entities of any type or description that are delivered, issued for delivery, continued or renewed in this state shall provide coverage for newborn hearing screening, necessary rescreening, audiological assessment and follow-up, and initial amplification.

2. The health care service required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the policy, contract or plan.

3. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

4. Coverage for newborn hearing screening and any necessary rescreening and audiological assessment shall be provided to newborns eligible for medical assistance pursuant to section 208.151, and the children’s health program pursuant to sections 208.631 to 208.660, with payment for the newborn hearing screening required in section 191.925, and any necessary rescreening, audiological assessment and follow-up, and amplification as described in section 191.928.

376.1224. 1. For purposes of this section, the following terms shall mean:

(1) “Applied behavior analysis”, the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationships between environment and behavior;

(2) “Autism service provider”:

(a) Any person, entity, or group that provides diagnostic or treatment services for autism spectrum disorders who is licensed or certified by the state of Missouri; or

(b) Any person who is licensed under chapter 337 as a board-certified behavior analyst by the behavior analyst certification board or licensed under chapter 337 as an assistant board-certified behavior analyst;

(3) “Autism spectrum disorders”, a neurobiological disorder, an illness of the nervous system, which includes Autistic Disorder, Asperger’s Disorder, Pervasive Developmental Disorder Not Otherwise Specified, Rett’s Disorder, and Childhood Disintegrative Disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association;

(4) “Diagnosis of autism spectrum disorders”, medically necessary assessments, evaluations, or tests in order to diagnose whether an individual has an autism spectrum disorder;

(5) “Habilitative or rehabilitative care”, professional, counseling, and guidance services and treatment programs, including applied behavior analysis, that are necessary to develop the functioning of an individual;

(6) “Health benefit plan”, shall have the same meaning ascribed to it as in section 376.1350;

(7) “Health carrier”, shall have the same meaning ascribed to it as in section 376.1350;

(8) “Line therapist”, an individual who provides supervision of an individual diagnosed with an autism diagnosis and other neurodevelopmental disorders pursuant to the prescribed treatment plan, and implements specific behavioral interventions as outlined in the behavior plan under the direct supervision of a licensed behavior analyst;

(9) “Pharmacy care”, medications used to address symptoms of an autism spectrum disorder prescribed by a licensed physician, and any health-related services deemed medically necessary to determine the need or effectiveness of the medications only to the extent that such medications are included in the insured’s health benefit plan;

(10) “Psychiatric care”, direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices;

(11) “Psychological care”, direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices;

(12) “Therapeutic care”, services provided by licensed speech therapists, occupational therapists, or physical therapists;

(13) “Treatment for autism spectrum disorders”, care prescribed or ordered for an individual diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist, including equipment medically necessary for such care, pursuant to the powers granted under such licensed physician’s or licensed psychologist’s license, including, but not limited to:

(a) Psychiatric care;

(b) Psychological care;

(c) Habilitative or rehabilitative care, including applied behavior analysis therapy;

(d) Therapeutic care;

(e) Pharmacy care.

2. All group health benefit plans that are delivered, issued for delivery, continued, or renewed on or after January 1, 2011, if written inside the state of Missouri, or written outside the state of Missouri but insuring Missouri residents, shall provide coverage for the diagnosis and treatment of autism spectrum disorders to the extent that such diagnosis and treatment is not already covered by the health benefit plan.

3. With regards to a health benefit plan, a health carrier shall not deny or refuse to issue coverage on, refuse to contract with, or refuse to renew or refuse to reissue or otherwise terminate or restrict coverage on an individual or their dependent because the individual is diagnosed with autism spectrum disorder.

4. (1) Coverage provided under this section is limited to medically necessary treatment that is ordered by the insured's treating licensed physician or licensed psychologist, pursuant to the powers granted under such licensed physician's or licensed psychologist's license, in accordance with a treatment plan.

(2) The treatment plan, upon request by the health benefit plan or health carrier, shall include all elements necessary for the health benefit plan or health carrier to pay claims. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and duration of treatment, and goals.

(3) Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, a health carrier shall have the right to review the treatment plan not more than once every six months unless the health carrier and the individual's treating physician or psychologist agree that a more frequent review is necessary. Any such agreement regarding the right to review a treatment plan more frequently shall only apply to a particular individual being treated for an autism spectrum disorder and shall not apply to all individuals being treated for autism spectrum disorders by a physician or psychologist. The cost of obtaining any review or treatment plan shall be borne by the health benefit plan or health carrier, as applicable.

5. Coverage provided under this section for applied behavior analysis shall be subject to a maximum benefit of forty thousand dollars per calendar year for individuals through eighteen years of age. Such maximum benefit limit may be exceeded, upon prior approval by the health benefit plan, if the provision of applied behavior analysis services beyond the maximum limit is medically necessary for such individual. Payments made by a health carrier on behalf of a covered individual for any care, treatment, intervention, service or item, the provision of which was for the treatment of a health condition unrelated to the covered individual's autism spectrum disorder, shall not be applied toward any maximum benefit established under this subsection. Any coverage required under this section, other than the coverage for applied behavior analysis, shall not be subject to the age and dollar limitations described in this subsection.

6. The maximum benefit limitation for applied behavior analysis described in subsection 5 of this section shall be adjusted by the health carrier at least triennially for inflation to reflect the aggregate increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as defined and officially published by the United States Department of Labor, or its successor agency. Beginning January 1, 2012, and annually thereafter, the current value of the maximum benefit limitation for applied behavior analysis coverage adjusted for inflation in accordance with this subsection shall be calculated by the director of the department of insurance, financial institutions and professional registration. The director shall furnish the calculated value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021.

7. Subject to the provisions set forth in subdivision (3) of subsection 4 of this section, coverage provided

under this section shall not be subject to any limits on the number of visits an individual may make to an autism service provider, except that the maximum total benefit for applied behavior analysis set forth in subsection 5 of this section shall apply to this subsection.

8. This section shall not be construed as limiting benefits which are otherwise available to an individual under a health benefit plan. The health care coverage required by this section shall not be subject to any greater deductible, coinsurance, or co-payment than other physical health care services provided by a health benefit plan. Coverage of services may be subject to other general exclusions and limitations of the contract or benefit plan, not in conflict with the provisions of this section, such as coordination of benefits, exclusions for services provided by family or household members, and utilization review of health care services, including review of medical necessity and care management; however, coverage for treatment under this section shall not be denied on the basis that it is educational or habilitative in nature.

9. To the extent any payments or reimbursements are being made for applied behavior analysis, such payments or reimbursements shall be made to either:

(1) The autism service provider, as defined in this section; or

(2) The entity or group for whom such supervising person, who is certified as a board-certified behavior analyst by the Behavior Analyst Certification Board, works or is associated.

Such payments or reimbursements under this subsection to an autism service provider or a board-certified behavior analyst shall include payments or reimbursements for services provided by a line therapist under the supervision of such provider or behavior analyst if such services provided by the line therapist are included in the treatment plan and are deemed medically necessary.

10. Notwithstanding any other provision of law to the contrary, health carriers shall not be held liable for the actions of line therapists in the performance of their duties.

11. The provisions of this section shall apply to any health care plans issued to employees and their dependents under the Missouri consolidated health care plan established pursuant to chapter 103 that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2011. The terms “employees” and “health care plans” shall have the same meaning ascribed to them in section 103.003.

12. The provisions of this section shall also apply to the following types of plans that are established, extended, modified, or renewed on or after January 1, 2011:

(1) All self-insured governmental plans, as that term is defined in 29 U.S.C. Section 1002(32);

(2) All self-insured group arrangements, to the extent not preempted by federal law;

(3) All plans provided through a multiple employer welfare arrangement, or plans provided through another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, or any waiver or exception to that act provided under federal law or regulation; and

(4) All self-insured school district health plans.

13. The provisions of this section shall not automatically apply to an individually underwritten health benefit plan, but shall be offered as an option to any such plan.

14. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit



only, Medicare supplement policy, long-term care policy, short-term major medical policy [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy.

15. Any health carrier or other entity subject to the provisions of this section shall not be required to provide reimbursement for the applied behavior analysis delivered to a person insured by such health carrier or other entity to the extent such health carrier or other entity is billed for such services by any Part C early intervention program or any school district for applied behavior analysis rendered to the person covered by such health carrier or other entity. This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan, an individualized education plan, or an individualized service plan. This section shall not be construed as affecting any obligation to provide reimbursement pursuant to section 376.1218.

16. The provisions of sections 376.383, 376.384, and 376.1350 to 376.1399 shall apply to this section.

17. The director of the department of insurance, financial institutions and professional registration shall grant a small employer with a group health plan, as that term is defined in section 379.930, a waiver from the provisions of this section if the small employer demonstrates to the director by actual claims experience over any consecutive twelve-month period that compliance with this section has increased the cost of the health insurance policy by an amount of two and a half percent or greater over the period of a calendar year in premium costs to the small employer.

18. The provisions of this section shall not apply to the Mo HealthNet program as described in chapter 208.

19. (1) By February 1, 2012, and every February first thereafter, the department of insurance, financial institutions and professional registration shall submit a report to the general assembly regarding the implementation of the coverage required under this section. The report shall include, but shall not be limited to, the following:

- (a) The total number of insureds diagnosed with autism spectrum disorder;
- (b) The total cost of all claims paid out in the immediately preceding calendar year for coverage required by this section;
- (c) The cost of such coverage per insured per month; and
- (d) The average cost per insured for coverage of applied behavior analysis;

(2) All health carriers and health benefit plans subject to the provisions of this section shall provide the department with the data requested by the department for inclusion in the annual report.

376.1225. 1. All individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed on or after August 28, 1998, shall provide coverage for administration of general anesthesia and hospital charges for dental care provided to the following covered persons:

- (1) A child under the age of five;

(2) A person who is severely disabled; or

(3) A person who has a medical or behavioral condition which requires hospitalization or general anesthesia when dental care is provided.

2. Each plan as described in this section must provide coverage for administration of general anesthesia and hospital or office charges for treatment rendered by a dentist, regardless of whether the services are provided in a participating hospital or surgical center or office.

3. Nothing in this section shall prevent a health carrier from requiring prior authorization for hospitalization for dental care procedures in the same manner that prior authorization is required for hospitalization for other covered diseases or conditions.

4. Nothing in this section shall apply to accident-only, dental-only plans or other specified disease, hospital indemnity, Medicare supplement or long-term care policies, or short-term major medical policies [of six months or less in duration] **having a duration of less than one year.**

376.1230. 1. Every policy issued by a health carrier, as defined in section 376.1350, shall provide coverage for chiropractic care delivered by a licensed chiropractor acting within the scope of his or her practice as defined in chapter 331. The coverage shall include initial diagnosis and clinically appropriate and medically necessary services and supplies required to treat the diagnosed disorder, subject to the terms and conditions of the policy. The coverage may be limited to chiropractors within the health carrier's network, and nothing in this section shall be construed to require a health carrier to contract with a chiropractor not in the carrier's network nor shall a carrier be required to reimburse for services rendered by a nonnetwork chiropractor unless prior approval has been obtained from the carrier by the enrollee. An enrollee may access chiropractic care within the network for a total of twenty-six chiropractic physician office visits per policy period, but may be required to provide the health carrier with notice prior to any additional visit as a condition of coverage. A health carrier may require prior authorization or notification before any follow-up diagnostic tests are ordered by a chiropractor or for any office visits for treatment in excess of twenty-six in any policy period. The certificate of coverage for any health benefit plan issued by a health carrier shall clearly state the availability of chiropractic coverage under the policy and any limitations, conditions, and exclusions.

2. A health benefit plan shall provide coverage for treatment of a chiropractic care condition and shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to treatment for a chiropractic care condition than for access to treatment for another physical health condition.

3. The provisions of this section shall not apply to any health plan or contract that is individually underwritten.

4. The provisions of this section shall not apply to benefits provided under the Medicaid program.

5. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policy [of six months' or less duration] **having a duration of less than one year**, or any other similar supplemental policy.

376.1232. 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2010, shall offer coverage for prosthetic devices and services, including original and replacement devices, as prescribed by

a physician acting within the scope of his or her practice.

2. For the purposes of this section, “health carrier” and “health benefit plan” shall have the same meaning as defined in section 376.1350.

3. The amount of the benefit for prosthetic devices and services under this section shall be no less than the annual and lifetime benefit maximums applicable to the basic health care services required to be provided under the health benefit plan. If the health benefit plan does not include any annual or lifetime maximums applicable to basic health care services, the amount of the benefit for prosthetic devices and services shall not be subject to an annual or lifetime maximum benefit level. Any co-payment, coinsurance, deductible, and maximum out-of-pocket amount applied to the benefit for prosthetic devices and services shall be no more than the most common amounts applied to the basic health care services required to be provided under the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

376.1235. 1. No health carrier or health benefit plan, as defined in section 376.1350, shall impose a co-payment or coinsurance percentage charged to the insured for services rendered for each date of service by a physical therapist licensed under chapter 334 or an occupational therapist licensed under chapter 324, for services that require a prescription, that is greater than the co-payment or coinsurance percentage charged to the insured for the services of a primary care physician licensed under chapter 334 for an office visit.

2. A health carrier or health benefit plan shall clearly state the availability of physical therapy and occupational therapy coverage under its plan and all related limitations, conditions, and exclusions.

3. Beginning September 1, 2016, the oversight division of the joint committee on legislative research shall perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if the provisions of this section regarding occupational therapy coverage were enacted. By December 31, 2016, the director of the oversight division of the joint committee on legislative research shall submit a report of the actuarial findings prescribed by this section to the speaker, the president pro tem, and the chairpersons of both the house of representatives and senate standing committees having jurisdiction over health insurance matters. If the fiscal note cost estimation is less than the cost of an actuarial analysis, the actuarial analysis requirement shall be waived.

**4. This section shall not apply to short-term major medical policies having a duration of less than one year.”; and**

Further amend said bill, Page 2, Section 376.1237, Lines 12-17, by deleting said lines and inserting in lieu thereof the following:

“4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies [of six months’ or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.”; and

Further amend said bill, page, and section, Line 18, by inserting after all of said section and line the following:

“376.1250. 1. All individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed on or after August 28, 1999, and providing coverage to any resident of this state shall provide benefits or coverage for:

(1) A pelvic examination and pap smear for any nonsymptomatic woman covered under such policy or contract, in accordance with the current American Cancer Society guidelines;

(2) A prostate examination and laboratory tests for cancer for any nonsymptomatic man covered under such policy or contract, in accordance with the current American Cancer Society guidelines; and

(3) A colorectal cancer examination and laboratory tests for cancer for any nonsymptomatic person covered under such policy or contract, in accordance with the current American Cancer Society guidelines.

2. Coverage and benefits related to the examinations and tests as required by this section shall be at least as favorable and subject to the same dollar limits, deductible, and co-payments as other covered benefits or services.

3. Nothing in this act shall apply to accident-only, hospital indemnity, Medicare supplement, long-term care, or other limited benefit health insurance policies.

4. The provisions of this section shall not apply to short-term major medical policies [of six months or less duration] **having a duration of less than one year.**

5. The attending physician shall advise the patient of the advantages, disadvantages, and risks, including cancer, associated with breast implantation prior to such operation.

6. Nothing in this section shall alter, impair or otherwise affect claims, rights or remedies available pursuant to law.

376.1253. 1. Each physician attending any patient with a newly diagnosed cancer shall inform the patient that the patient has the right to a referral for a second opinion by an appropriate board-certified specialist prior to any treatment. If no specialist in that specific cancer diagnosis area is in the provider network, a referral shall be made to a nonnetwork specialist in accordance with this section.

2. Each health carrier or health benefit plan, as defined in section 376.1350, that offers or issues health benefit plans which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2003, shall provide coverage for a second opinion rendered by a specialist in that specific cancer diagnosis area when a patient with a newly diagnosed cancer is referred to such specialist by his or her attending physician. Such coverage shall be subject to the same deductible and coinsurance conditions applied to other specialist referrals and all other terms and conditions applicable to other benefits, including the prior authorization and/or referral authorization requirements as specified in the applicable health insurance policy.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only,

Medicare supplement policy, long-term care policy, short-term major medical policies [of six months' or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

376.1257. 1. As used in this section the following terms shall mean:

(1) "Anticancer medications", medications used to kill or slow the growth of cancerous cells;

(2) "Covered person", a policyholder, subscriber, enrollee, or other individual enrolled in or insured by a health benefit plan for health insurance coverage;

(3) "Health benefit plan", shall have the same meaning as defined in section 376.1350.

2. Any health benefit plan that provides coverage and benefits for cancer treatment shall provide coverage of prescribed orally administered anticancer medications on a basis no less favorable than intravenously administered or injected anticancer medications.

3. Coverage of orally administered anticancer medication shall not be subject to any prior authorization, dollar limit, co-payment, deductible, or other out-of-pocket expense that does not apply to intravenously administered or injected anticancer medication, regardless of formulation or benefit category determination by the company administering the health benefit plan.

4. The health benefit plan shall not reclassify or increase any type of cost-sharing to the covered person for anticancer medications in order to achieve compliance with this section. Any change in health insurance coverage, which otherwise increases an out-of-pocket expense to anticancer medications, shall be applied to the majority of comparable medical or pharmaceutical benefits covered by the health benefit plan.

5. Notwithstanding the provisions of subsections 2, 3, and 4 of this section, a health benefit plan that limits the total amounts paid by a covered person through all cost-sharing requirements to no more than seventy-five dollars per thirty-day supply for any orally administered anticancer medication shall be considered in compliance with this section. On January 1, 2016, and on January first of each year thereafter, a health benefit plan may adjust such seventy-five dollar limit. The adjustment shall not exceed the Consumer Price Index for All Urban Consumers Midwest Region for that year. For purposes of this subsection "cost-sharing requirements" shall include co-payments, coinsurance, deductibles, and any other amounts paid by the covered person for that prescription.

6. For a health benefit plan that meets the definition of "high deductible health plan" as defined by 26 U.S.C. 223(c)(2), the provisions of subsection 5 of this section shall only apply after a covered person's deductible has been satisfied for the year.

**7. The provisions of this section shall not apply to short-term major medical policies having a duration of less than one year.**

**8. The provisions of this section shall become effective January 1, 2015.**

376.1275. 1. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2003, shall include coverage for their members for the cost for human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, for A, B, and DR antigens for utilization in bone marrow transplantation. The testing must be performed in a facility which is accredited by the American Association of Blood Banks or its successors, and is licensed under the Clinical Laboratory Improvement Act, 42 U.S.C.

Section 263a, as amended, and is accredited by the American Association of Blood Banks or its successors, the College of American Pathologists, the American Society for Histocompatibility and Immunogenetics (ASHI) or any other national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists. At the time of testing, the person being tested must complete and sign an informed consent form which also authorizes the results of the test to be used for participation in the National Marrow Donor Program. The health benefit plan may limit each enrollee to one such testing per lifetime to be reimbursed at a cost of no greater than seventy-five dollars by the health carrier or health benefit plan.

2. For the purposes of this section, “health carrier” and “health benefit plan” shall have the same meaning as defined in section 376.1350.

3. The health care service required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the health benefit plan.

4. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies [of six months’ or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

376.1290. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a health services corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements, to the extent not preempted by federal law, and all managed health care delivery entities of any type or description that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2002, shall offer coverage for testing pregnant women for lead poisoning and for all testing for lead poisoning authorized by sections 701.340 to 701.349 or by rule of the department of health and senior services promulgated pursuant to sections 701.340 to 701.349.

2. Health care services required by this section shall not be subject to any greater deductible or co-payment than any other health care service provided by the policy, contract or plan.

3. No entity enumerated in subsection 1 of this section shall reduce or eliminate coverage as a result of the requirements of this section.

4. Nothing in this section shall apply to **short-term major medical policies having a duration of one year or less, or to** accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance policies.

376.1400. 1. Every health insurance carrier offering policies of insurance in this state shall use standardized information for the explanation of benefits given to the health care provider whenever a claim is paid or denied. As used in this section, the term “health insurance carrier” shall have the meaning given to “health carrier” in section 376.1350. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care, short-term major medical policies [of six months or less duration] **having a duration of less than one year**, other limited benefit health insurance policies.

2. The standardized information shall contain the following:

- (1) The name of the insured;
- (2) The insured's identification number;
- (3) The date of service;
- (4) Amount of charge;
- (5) Explanation for any denial;
- (6) The amount paid;
- (7) The patient's full name;
- (8) The name and address of the insurer; and
- (9) The phone number to contact for questions on explanation of benefits.

3. All health insurance carriers shall use the standard explanation of benefits information after January 1, 2002.

376.1550. 1. Notwithstanding any other provision of law to the contrary, each health carrier that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2005, shall provide coverage for a mental health condition, as defined in this section, and shall comply with the following provisions:

(1) A health benefit plan shall provide coverage for treatment of a mental health condition and shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to treatment for a mental health condition than for access to treatment for a physical health condition. Any deductible or out-of-pocket limits required by a health carrier or health benefit plan shall be comprehensive for coverage of all health conditions, whether mental or physical;

(2) The coverages set forth in this subsection:

(a) May be administered pursuant to a managed care program established by the health carrier; and

(b) May deliver covered services through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri;

(3) A health benefit plan that does not otherwise provide for management of care under the plan or that does not provide for the same degree of management of care for all health conditions may provide coverage for treatment of mental health conditions through a managed care organization; provided that the managed care organization is in compliance with rules adopted by the department of insurance, financial institutions and professional registration that assure that the system for delivery of treatment for mental health conditions does not diminish or negate the purpose of this section. The rules adopted by the director shall assure that:

(a) Timely and appropriate access to care is available;

(b) The quantity, location, and specialty distribution of health care providers is adequate; and

(c) Administrative or clinical protocols do not serve to reduce access to medically necessary treatment

for any insured;

(4) Coverage for treatment for chemical dependency shall comply with sections 376.779, 376.810 to 376.814, and 376.825 to 376.836 and for the purposes of this subdivision the term “health insurance policy” as used in sections 376.779, 376.810 to 376.814, and 376.825 to 376.836, the term “health insurance policy” shall include group coverage.

2. As used in this section, the following terms mean:

(1) “Chemical dependency”, the psychological or physiological dependence upon and abuse of drugs, including alcohol, characterized by drug tolerance or withdrawal and impairment of social or occupational role functioning or both;

(2) “Health benefit plan”, the same meaning as such term is defined in section 376.1350;

(3) “Health carrier”, the same meaning as such term is defined in section 376.1350;

(4) “Mental health condition”, any condition or disorder defined by categories listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders except for chemical dependency;

(5) “Managed care organization”, any financing mechanism or system that manages care delivery for its members or subscribers, including health maintenance organizations and any other similar health care delivery system or organization;

(6) “Rate, term, or condition”, any lifetime or annual payment limits, deductibles, co-payments, coinsurance, and other cost-sharing requirements, out-of-pocket limits, visit limits, and any other financial component of a health benefit plan that affects the insured.

3. This section shall not apply to a health plan or policy that is individually underwritten or provides such coverage for specific individuals and members of their families pursuant to section 376.779, sections 376.810 to 376.814, and sections 376.825 to 376.836, a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policies [of six months or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

4. Notwithstanding any other provision of law to the contrary, all health insurance policies that cover state employees, including the Missouri consolidated health care plan, shall include coverage for mental illness. Multiyear group policies need not comply until the expiration of their current multiyear term unless the policyholder elects to comply before that time.

5. The provisions of this section shall not be violated if the insurer decides to apply different limits or exclude entirely from coverage the following:

(1) Marital, family, educational, or training services unless medically necessary and clinically appropriate;

(2) Services rendered or billed by a school or halfway house;

(3) Care that is custodial in nature;



- (4) Services and supplies that are not immediately nor clinically appropriate; or
- (5) Treatments that are considered experimental.

6. The director shall grant a policyholder a waiver from the provisions of this section if the policyholder demonstrates to the director by actual experience over any consecutive twenty-four-month period that compliance with this section has increased the cost of the health insurance policy by an amount that results in a two percent increase in premium costs to the policyholder. The director shall promulgate rules establishing a procedure and appropriate standards for making such a demonstration. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

376.1900. 1. As used in this section, the following terms shall mean:

(1) “Electronic visit”, or “e-visit”, an online electronic medical evaluation and management service completed using a secured web-based or similar electronic-based communications network for a single patient encounter. An electronic visit shall be initiated by a patient or by the guardian of a patient with the health care provider, be completed using a federal Health Insurance Portability and Accountability Act (HIPAA)-compliant online connection, and include a permanent record of the electronic visit;

(2) “Health benefit plan” shall have the same meaning ascribed to it in section 376.1350;

(3) “Health care provider” shall have the same meaning ascribed to it in section 376.1350;

(4) “Health care service”, a service for the diagnosis, prevention, treatment, cure or relief of a physical or mental health condition, illness, injury or disease;

(5) “Health carrier” shall have the same meaning ascribed to it in section 376.1350;

(6) “Telehealth” shall have the same meaning ascribed to it in section 208.670.

2. Each health carrier or health benefit plan that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2014, shall not deny coverage for a health care service on the basis that the health care service is provided through telehealth if the same service would be covered if provided through face-to-face diagnosis, consultation, or treatment.

3. A health carrier may not exclude an otherwise covered health care service from coverage solely because the service is provided through telehealth rather than face-to-face consultation or contact between a health care provider and a patient.

4. A health carrier shall not be required to reimburse a telehealth provider or a consulting provider for site origination fees or costs for the provision of telehealth services; however, subject to correct coding, a health carrier shall reimburse a health care provider for the diagnosis, consultation, or treatment of an insured or enrollee when the health care service is delivered through telehealth on the same basis that the health carrier covers the service when it is delivered in person.

5. A health care service provided through telehealth shall not be subject to any greater deductible, co-

payment, or coinsurance amount than would be applicable if the same health care service was provided through face-to-face diagnosis, consultation, or treatment.

6. A health carrier shall not impose upon any person receiving benefits under this section any co-payment, coinsurance, or deductible amount, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services that is not equally imposed upon all terms and services covered under the policy, contract, or health benefit plan.

7. Nothing in this section shall preclude a health carrier from undertaking utilization review to determine the appropriateness of telehealth as a means of delivering a health care service, provided that the determinations shall be made in the same manner as those regarding the same service when it is delivered in person.

8. A health carrier or health benefit plan may limit coverage for health care services that are provided through telehealth to health care providers that are in a network approved by the plan or the health carrier.

9. Nothing in this section shall be construed to require a health care provider to be physically present with a patient where the patient is located unless the health care provider who is providing health care services by means of telehealth determines that the presence of a health care provider is necessary.

10. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies [of six months' or less duration] **having a duration of less than one year**, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration. “; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 12

Amend House Amendment No. 12 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Line 4, by inserting immediately before the number “208.909” the following:

**“191.250. 1. This section shall be known and may be cited as “Simon’s Law”.**

**2. As used in this section the following terms shall mean:**

**(1) “End-of-life medical decision order for a child under juvenile or family court jurisdiction”, a decision issued by a juvenile or family court pertaining to life-sustaining treatment, including do-not-resuscitate orders, provided on behalf of and in the best interests of a child under juvenile or family court jurisdiction under section 211.031;**

**(2) “Reasonable medical judgment”, a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.**

**3. For a child who is not under juvenile or family court jurisdiction under section 211.031, no health care facility, nursing home, physician, nurse, or medical staff shall institute a do-not-resuscitate order or similar physician’s order, either orally or in writing, without the written or oral consent of at least one parent or legal guardian of the patient or resident under eighteen years of age**

who is not emancipated. If consent to implement a do-not-resuscitate order or similar physician's order is granted orally, two witnesses other than the parent, legal guardian, or physician shall be present and willing to attest to the consent given by the legal guardian of the patient or at least one parent of the patient. The provision of such consent shall be immediately recorded in the patient's medical record, specifying who provided the information, to whom the information was provided, which parent or legal guardian gave the consent, who the witnesses were, and the date and time the consent was obtained.

4. The requirements of subsection 3 of this section shall not apply if a reasonably diligent effort of at least forty-eight hours without success has been made to contact and inform each known parent or legal guardian of the intent to implement a do-not-resuscitate order or similar physician's order.

5. Consent previously given under subsection 3 of this section may be revoked orally or in writing by the parent or legal guardian of the patient or resident who granted the original permission. Such revocation of prior consent shall take precedence over any prior consent to implement a do-not-resuscitate order or similar physician's order and shall be immediately recorded in the patient's or resident's medical records, specifying who provided the information, to whom the information was provided, which parent or legal guardian revoked consent, who the witnesses were, and the date and time the revocation was obtained.

6. For a child under juvenile court jurisdiction under section 211.031, a juvenile or family court may issue an end-of-life medical decision order, a physician's order, or any other medical decision order, or may appoint a guardian for the child for that purpose. The children's division shall not be appointed as guardian for a child to make end-of-life medical decisions, including do-not-resuscitate orders. In the event a child under the jurisdiction of a juvenile or family court under section 211.031 is returned to the custody of the legal guardian or parent, the legal guardian or parent may revoke the consent for the end-of-life medical decisions, or similar physician's orders ordered by the court, including do-not-resuscitate orders for the child. Revocation may be orally or in writing and shall be immediately recorded in the patient's medical records, specifying who provided the information, to whom the information was provided, which parent or legal guardian revoked consent, who the witnesses were, and the date and time the revocation was obtained.

7. For the purposes of this section, a relative caregiver under the provisions of section 431.058 shall have the same authority given to a parent or legal guardian of a nonemancipated patient or resident under eighteen years of age, provided that such a patient or resident is not under juvenile or family court jurisdiction under section 211.031.

8. Nothing in this section shall be construed to require any health care facility, nursing home, physician, nurse, or medical staff to provide or continue any treatment, including resuscitative efforts, food, medication, oxygen, intravenous fluids, or nutrition that would be:

(1) Medically inappropriate because, in reasonable medical judgement, providing such treatment would create a greater risk of causing or hastening the death of the patient; or

(2) Medically inappropriate because, in reasonable medical judgement, providing such treatment would be potentially harmful or cause unnecessary pain, suffering, or injury to the patient.

9. Nothing in this section shall require health care providers to continue cardiopulmonary resuscitation or manual ventilation beyond a time in which, in their reasonable medical judgment,

**there is no further benefit to the patient or likely recovery of the patient.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“208.909. 1. Consumers receiving personal care assistance services shall be responsible for:

(1) Supervising their personal care attendant;

(2) Verifying wages to be paid to the personal care attendant;

(3) Preparing and submitting time sheets, signed by both the consumer and personal care attendant, to the vendor on a biweekly basis;

(4) Promptly notifying the department within ten days of any changes in circumstances affecting the personal care assistance services plan or in the consumer’s place of residence;

(5) Reporting any problems resulting from the quality of services rendered by the personal care attendant to the vendor. If the consumer is unable to resolve any problems resulting from the quality of service rendered by the personal care attendant with the vendor, the consumer shall report the situation to the department; [and]

(6) Providing the vendor with all necessary information to complete required paperwork for establishing the employer identification number; **and**

**(7) Allowing the vendor to comply with its quality assurance and supervision process, which shall include, but not be limited to, bi-annual face-to-face home visits and monthly case management activities.**

2. Participating vendors shall be responsible for:

(1) Collecting time sheets or reviewing reports of delivered services and certifying the accuracy thereof;

(2) The Medicaid reimbursement process, including the filing of claims and reporting data to the department as required by rule;

(3) Transmitting the individual payment directly to the personal care attendant on behalf of the consumer;

(4) Monitoring the performance of the personal care assistance services plan. **Such monitoring shall occur during the bi-annual face-to-face home visits under section 208.918. The vendor shall document whether the attendant was present and if services are being provided to the consumer as set forth in the plan of care.**

3. No state or federal financial assistance shall be authorized or expended to pay for services provided to a consumer under sections 208.900 to 208.927, if the primary benefit of the services is to the household unit, or is a household task that the members of the consumer’s household may reasonably be expected to share or do for one another when they live in the same household, unless such service is above and beyond typical activities household members may reasonably provide for another household member without a

disability.

4. No state or federal financial assistance shall be authorized or expended to pay for personal care assistance services provided by a personal care attendant who is listed on any of the background check lists in the family care safety registry under sections 210.900 to [210.937] **210.936**, unless a good cause waiver is first obtained from the department in accordance with section 192.2495.

5. (1) All vendors shall, by July 1, 2015, have, maintain, and use a telephone tracking system for the purpose of reporting and verifying the delivery of consumer-directed services as authorized by the department of health and senior services or its designee. [Use of such a system prior to July 1, 2015, shall be voluntary.] The telephone tracking system shall be used to process payroll for employees and for submitting claims for reimbursement to the MO HealthNet division. At a minimum, the telephone tracking system shall:

- (a) Record the exact date services are delivered;
- (b) Record the exact time the services begin and exact time the services end;
- (c) Verify the telephone number from which the services are registered;
- (d) Verify that the number from which the call is placed is a telephone number unique to the client;
- (e) Require a personal identification number unique to each personal care attendant;

(f) Be capable of producing reports of services delivered, tasks performed, client identity, beginning and ending times of service and date of service in summary fashion that constitute adequate documentation of service; and

(g) Be capable of producing reimbursement requests for consumer approval that assures accuracy and compliance with program expectations for both the consumer and vendor.

(2) [The department of health and senior services, in collaboration with other appropriate agencies, including centers for independent living, shall establish telephone tracking system pilot projects, implemented in two regions of the state, with one in an urban area and one in a rural area. Each pilot project shall meet the requirements of this section and section 208.918. The department of health and senior services shall, by December 31, 2013, submit a report to the governor and general assembly detailing the outcomes of these pilot projects. The report shall take into consideration the impact of a telephone tracking system on the quality of the services delivered to the consumer and the principles of self-directed care.

(3)] As new technology becomes available, the department may allow use of a more advanced tracking system, provided that such system is at least as capable of meeting the requirements of this subsection.

[(4)] (3) The department of health and senior services shall promulgate by rule the minimum necessary criteria of the telephone tracking system. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

[6. In the event that a consensus between centers for independent living and representatives from the executive branch cannot be reached, the telephony report issued to the general assembly and governor shall include a minority report which shall detail those elements of substantial dissent from the main report.

7. No interested party, including a center for independent living, shall be required to contract with any particular vendor or provider of telephony services nor bear the full cost of the pilot program.]

208.918. 1. In order to qualify for an agreement with the department, the vendor shall have a philosophy that promotes the consumer's ability to live independently in the most integrated setting or the maximum community inclusion of persons with physical disabilities, and shall demonstrate the ability to provide, directly or through contract, the following services:

(1) Orientation of consumers concerning the responsibilities of being an employer[,] **and** supervision of personal care attendants including the preparation and verification of time sheets. **Such orientation shall include notifying consumers that falsification of personal care attendant time sheets shall be considered fraud and shall be reported to the department;**

(2) Training for consumers about the recruitment and training of personal care attendants;

(3) Maintenance of a list of persons eligible to be a personal care attendant;

(4) Processing of inquiries and problems received from consumers and personal care attendants;

(5) Ensuring the personal care attendants are registered with the family care safety registry as provided in sections 210.900 to [210.937] **210.936**; and

(6) The capacity to provide fiscal conduit services through a telephone tracking system by the date required under section 208.909.

2. In order to maintain its agreement with the department, a vendor shall comply with the provisions of subsection 1 of this section and shall:

(1) Demonstrate sound fiscal management as evidenced on accurate quarterly financial reports [and annual audit] submitted to the department; [and]

(2) **Attest that all adequate documentation for all information is provided on reports, and billing records have sufficient required documentation to support the amounts claimed;**

(3) Demonstrate a positive impact on consumer outcomes regarding the provision of personal care assistance services as evidenced on accurate quarterly and annual service reports submitted to the department;

[(3)] (4) Implement a quality assurance and supervision process that ensures program compliance and accuracy of records:

(a) **The department of health and senior services shall promulgate by rule a consumer-directed services division provider certification manager course; and**

(b) **The vendor shall perform with the consumer at least bi-annual face-to-face home visits to provide ongoing monitoring of the provision of services in the plan of care and assess the quality of care being delivered. The bi-annual face-to-face home visits do not preclude the vendor's responsibility from its ongoing diligence of case management oversight; [and**

[(4)] **(5)** Comply with all provisions of sections 208.900 to 208.927, and the regulations promulgated thereunder; **and**

**(6) Maintain a proper business location, the criteria for which shall be defined by the department of health and senior services by rule.**

**3. No state or federal funds shall be authorized or expended if the owner, primary operator, certified manager, or any direct employee of the consumer-directed services vendor is also the personal care attendant.**

208.924. A consumer's personal care assistance services may be discontinued under circumstances such as the following:

(1) The department learns of circumstances that require closure of a consumer's case, including one or more of the following: death, admission into a long-term care facility, no longer needing service, or inability of the consumer to consumer-direct personal care assistance service;

(2) The consumer has falsified records; **provided false information of his or her condition, functional capacity, or level of care needs;** or committed fraud;

(3) The consumer is noncompliant with the plan of care. Noncompliance requires persistent actions by the consumer which negate the services provided in the plan of care;

(4) The consumer or member of the consumer's household threatens or abuses the personal care attendant or vendor to the point where their welfare is in jeopardy and corrective action has failed;

(5) The maintenance needs of a consumer are unable to continue to be met because the plan of care hours exceed availability; and

(6) The personal care attendant is not providing services as set forth in the personal care assistance services plan and attempts to remedy the situation have been unsuccessful.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting the following after all of said section and line:

**“208.1070. 1. For purposes of this section, the term “long-acting reversible contraceptive (LARC)” shall include, but not be limited to, intrauterine devices (IUDs) and birth control implants.**

**2. Notwithstanding any other provision of law, any LARC that is prescribed to and obtained for a MO HealthNet participant may be transferred to another MO HealthNet participant if the LARC was not delivered to, implanted in, or used on the original MO HealthNet participant to whom the LARC was prescribed. In order to be transferred to another MO HealthNet participant under the provisions of this section, the LARC shall:**

**(1) Be in the original, unopened package;**

**(2) Have been in the possession of the health care provider for at least twelve weeks. The provisions of this subdivision may be waived upon the written consent of the original MO HealthNet participant to whom the LARC was prescribed;**

**(3) Not have left the possession of the health care provider who originally prescribed the LARC; and**

**(4) Be medically appropriate and not contraindicated for the MO HealthNet participant to whom the LARC is being transferred.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting immediately after said line the following:

**“334.1000. As used in sections 334.1000 to 334.1030, the following terms shall mean:**

**(1) “Advisory committee”, the Missouri radiologic imaging and radiation therapy advisory committee;**

**(2) “Board”, the state board of registration for the healing arts;**

**(3) “Certification organization”, a certification organization that specializes in the certification and registration of radiologic imaging or radiation therapy technical personnel that is accredited by the National Commission for Certifying Agencies, American National Standards Institute, or other accreditation organization recognized by the board;**

**(4) “Ionizing radiation”, radiation that may consist of alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, or other particles capable of producing ions. Ionizing radiation does not include non-ionizing radiation, such as radiofrequency or microwaves, visible infrared or ultraviolet light, or ultrasound;**

**(5) “Licensed practitioner”, a person licensed to practice medicine, chiropractic medicine, podiatry, or dentistry in this state with education and specialist training in the medical or dental use of radiation who is deemed competent to independently perform or supervise radiologic imaging or radiation therapy procedures by their respective state licensure board;**

**(6) “Limited x-ray machine operator”, a person who is licensed to perform only x-ray or bone densitometry procedures not involving the administration or utilization of contrast media on selected specific parts of human anatomy under the supervision of a licensed practitioner;**

**(7) “Nuclear medicine technologist”, a person who is licensed to perform a variety of nuclear medicine and molecular imaging procedures using sealed and unsealed radiation sources, ionizing radiation, adjunctive medicine and pharmaceuticals associated with nuclear medicine procedures, and therapeutic procedures using unsealed radioactive sources;**

**(8) “Radiation therapist”, a person who is licensed to administer ionizing radiation to human beings for therapeutic purposes;**

**(9) “Radiation therapy”, the use of ionizing radiation for the purpose of treating disease;**

**(10) “Radiographer”, a person who is licensed to perform a comprehensive set of diagnostic radiographic procedures using external ionizing radiation to produce radiographic, fluoroscopic, or digital images;**



(11) “Radiologic imaging”, any procedure or article intended for use in the diagnosis or visualization of disease or other medical conditions in human beings, including, but not limited to computed tomography, fluoroscopy, nuclear medicine, radiography, and other procedures using ionizing radiation;

(12) “Radiologist”, a physician licensed in this state and certified by or board-eligible to be certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian College of Physicians and Surgeons in that medical specialty;

(13) “Radiologist assistant”, a person who is licensed to perform a variety of activities under the supervision of a radiologist in the areas of patient care, patient management, radiologic imaging, or interventional procedures guided by radiologic imaging, and who does not interpret images, render diagnoses or prescribe medications or therapies.

334.1005. 1. Except as provided in this section, after January 1, 2020, only a person licensed under the provisions of sections 334.1000 to 334.1030 or a licensed practitioner may perform radiologic imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes.

2. The board shall issue licenses to persons certified by a certification organization to perform nuclear medicine technology, radiation therapy, radiography, and radiologist assistant procedures and to limited x-ray machine operators meeting licensure standards established by the board.

3. No person, corporation, or facility shall knowingly employ a person who does not hold a license or who is not exempt from the provisions of sections 334.1000 to 334.1030 to perform radiologic imaging or radiation therapy procedures for more than one hundred eighty days.

4. Nothing in this section relating to radiologic imaging or radiation therapy shall limit or enlarge the practice of a licensed practitioner.

5. The provisions of section 334.1000 to 334.1030 shall not apply to the following:

(1) A dental hygienist or dental assistant licensed by this state;

(2) A resident physician enrolled in and attending a school or college of medicine, chiropractic, podiatry, dentistry, radiologic imaging, or radiation therapy who performs radiologic imaging or radiation therapy procedures on humans;

(3) A student enrolled in and attending a school or college of medicine, chiropractic, podiatry, dentistry, radiologic imaging, or radiation therapy who performs radiologic imaging or radiation therapy procedures on humans while under the supervision of a licensed practitioner or a person holding a nuclear medicine technologist, radiation therapist, radiographer, or radiologist assistant license;

(4) A person who is employed by the United States government when performing radiologic imaging or radiation therapy associated with that employment; or

(5) A person performing radiologic imaging procedures on nonhuman subjects or cadavers.

334.1010. 1. There is hereby created the “Missouri Radiologic Imaging and Radiation Therapy Advisory Committee”. The board shall provide administrative support to the advisory committee.

The advisory committee shall guide, advise, and make recommendations to the board, and shall consist of five members appointed by the director of the division of professional registration, a majority of whom shall be licensed practitioners, individuals certified or registered by a certification organization, or individuals licensed under sections 334.1000 to 334.1030.

2. The board, based on recommendations, guidance, and advice from the advisory committee, shall:

(1) Establish scopes of practice for limited x-ray machine operators, nuclear medicine technologists, radiation therapists, radiographers, and radiologist assistants;

(2) Promulgate rules for issuance of licenses;

(3) Establish minimum requirements for the issuance of licenses and recognition of licenses issued by other states;

(4) Establish minimum requirements for continuing education;

(5) Determine fees and requirements for the issuance of new licenses and renewal of licenses;

(6) Contract to use a competency based examination that shall provide for a virtually administered option for the determination of limited x-ray machine operator qualifications for licensure;

(7) Promulgate rules for acceptance of certification and registration by a certification organization recognized by the board as qualification for licensure;

(8) Promulgate rules for issuance of licenses to retired military personnel and spouses of active-duty military personnel;

(9) Establish ethical, moral, and practice standards; and

(10) Promulgate rules and procedures for the denial or refusal to renew a license, and the suspension, revocation, or other discipline of active licensees.

3. The board shall create alternative licensure requirements for individuals working in rural health clinics as defined in P.L. 95-210 and for areas of this state that the board deems too remote to contain a sufficient number of qualified persons licensed under sections 334.1000 to 334.1030 to perform radiologic imaging or radiation therapy procedures.

4. All fees payable pursuant to the provisions of sections 334.1000 to 334.1030 shall be collected by the division of professional registration, which shall transmit such funds to the department of revenue for deposit in the state treasury to the credit of the board of registration for the healing arts fund. The division of professional registration and the board of registration for the healing arts may use these funds as necessary for the administration of sections 334.1000 to 334.1030.

5. The fee charged for a limited x-ray machine operator examination shall not exceed the actual cost to administer the examination.

334.1015. 1. To be eligible for licensure by the board, at the time of application an applicant shall be at least eighteen years of age.

2. The board shall accept nuclear medicine technology, radiation therapy, radiography, or radiologist assistant certification and registration by a certification organization recognized by the

board as a qualification for licensure.

**3. The board may issue limited x-ray machine operator licenses in the following areas:**

- (1) Chest radiography: radiography of the thorax, heart, and lungs;**
- (2) Extremity radiography: radiography of the upper and lower extremities, including the pectoral girdle;**
- (3) Spine radiography: radiography of the vertebral column;**
- (4) Skull/sinus radiography: radiography of the skull and facial structures;**
- (5) Podiatric radiography: radiography of the foot, ankle, and lower leg below the knee;**
- (6) Bone densitometry: performance and analysis of bone density scans; or**
- (7) Other areas the board deems necessary to ensure necessary services throughout the state.**

**4. The board may require a limited x-ray machine operator to verify training in x-ray procedures at their place of employment, including a minimum of one hundred hours of supervised experience performing x-ray procedures.**

**(1) The hours shall be sufficient for individuals to be licensed in any limited machine operator area for which they pass an examination;**

**(2) The hours shall be documented by the licensee and verified by the licensee's supervisor.**

**5. Individuals shall be licensed in any limited machine operator area for which they successfully pass an examination as defined by the board.**

**6. The board shall not require, but may recommend, any advance class work, either remote or in person, prior to a limited x-ray machine operator candidate taking such examination.**

**7. No additional testing requirements or other stipulations shall be imposed after the initial examination for limited x-ray machine operator licensure provided the licensee maintain required continuing education and is not disciplined under rules promulgated pursuant to subdivision (10) of subsection 2 of section 334.1010.**

**8. The board shall require limited x-ray machine operators to complete a minimum of twelve hours biannually of continuing education that may be fulfilled by approved continuing education activities at the licensee's place of employment.**

**9. The board may accept certification from the American Chiropractic Registry of Radiologic Technologists for persons applying for a limited x-ray machine operator license in spine radiography.**

**10. The board may accept certification from the American Society of Podiatric Medical Assistants for persons applying for a limited x-ray machine operator license in podiatric radiography.**

**11. The board may accept certification from the International Society of Clinical Densitometry for persons applying for a limited x-ray machine operator license in bone densitometry.**

**334.1020. 1. A licensee who violates any provision of sections 334.1000 to 334.1030 shall be guilty of a class A misdemeanor. Each act of such unlawful practice shall constitute a distinct and separate**

offense.

**2. The board may assess a civil penalty not in excess of two hundred dollars for each violation of sections 334.1000 to 334.1030 or any rules adopted by the board. The clear proceeds of any civil penalty assessed under this section shall be remitted to the credit of the public school fund of the state.**

**334.1025. A person who has been engaged in the practice of radiologic imaging and radiation therapy, other than a radiologist assistant, and who does not hold a current certification and registration by a certification organization recognized by the board may continue to practice in the radiologic imaging or radiation therapy modality in which they are currently employed, provided that such person:**

- (1) Registers with the board on or before January 1, 2020;**
- (2) Does not change the scope of their current practice or current place of employment;**
- (3) Completes all continuing education requirements for their modality biennially as prescribed by the board;**
- (4) Practices only under the supervision of a licensed practitioner; and**
- (5) Meets all licensure requirements of sections 334.1000 to 334.1030 and the rules adopted by the board and obtains a license from the board on or before October 1, 2023.**

**334.1030. The board may promulgate rules to implement the provisions of sections 334.1000 to 334.1030. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 15

Amend House Amendment No. 15 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 5, Lines 6 through 9, by deleting all of said lines and inserting in lieu thereof the following:

**“3. [This section shall not be construed to limit the rights provided under law for a patient to bring a civil action for damages against a physician, hospital, registered or licensed practical nurse, pharmacist, any other individual or entity providing health care services, or an employee of any entity listed in this subsection] Notwithstanding the provisions of section 538.210 or any other law to the contrary, any physician licensed under chapter 334, any hospital licensed under chapter 197, any pharmacist licensed under chapter 338, any nurse licensed under chapter 335, or any other person employed or directed by any of the above, which provides care, treatment or professional services to any patient under section 192.945 shall not be liable for any civil damages for acts or omissions unless the damages were occasioned by gross negligence or by willful or wanton acts or omissions by such physician, hospital,**

**pharmacist, nurse or person in rendering such care and treatment.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting after said section and line the following:

“191.480. 1. For purposes of this section, the following terms shall mean:

(1) **“Dispensing organization”, an entity licensed under chapter 261 to distribute medical cannabis;**

(2) **“Eligible patient”, a person who meets all of the following:**

(a) Has a terminal illness;

(b) Has considered all other treatment options currently approved by the [United States] **federal** Food and Drug Administration and all relevant clinical trials conducted in this state;

(c) Has received a prescription or recommendation from the person’s physician for an investigational drug, biological product, or device;

(d) Has given written informed consent which shall be at least as comprehensive as the consent used in clinical trials for the use of the investigational drug, biological product, or device or, if the patient is a minor or lacks the mental capacity to provide informed consent, a parent or legal guardian has given written informed consent on the patient’s behalf; and

(e) Has documentation from the person’s physician that the person has met the requirements of this subdivision;

[(2)] (3) **“Investigational drug, biological product, or device”, a drug, biological product, or device, any of which are used to treat the patient’s terminal illness, that has successfully completed phase one of a clinical trial but has not been approved for general use by the [United States] federal Food and Drug Administration and remains under investigation in a clinical trial. The term shall not include Schedule I controlled substances except for medical cannabis. The term shall include medical cannabis from a dispensing organization;**

[(3)] (4) **“Terminal illness”, a disease that without life-sustaining procedures will result in death in the near future or a state of permanent unconsciousness from which recovery is unlikely.**

2. A **dispensing organization or** manufacturer of an investigational drug, biological product, or device may make available the **dispensing organization’s or** manufacturer’s investigational drug, biological product, or device to eligible patients under this section. This section does not require that a **dispensing organization or** manufacturer make available an investigational drug, biological product, or device to an eligible patient. A **dispensing organization or** manufacturer may:

(1) Provide an investigational drug, biological product, or device to an eligible patient without receiving compensation; or

(2) Require an eligible patient to pay the costs of or associated with the manufacture of the investigational drug, biological product, or device.

3. This section does not require a health care insurer to provide coverage for the cost of any investigational drug, biological product, or device. A health care insurer may provide coverage for an investigational drug, biological product, or device.

4. This section does not require the department of corrections to provide coverage for the cost of any investigational drug, biological product, or device.

5. Notwithstanding any other provision of law to the contrary, no state agency or regulatory board shall revoke, fail to renew, or take any other action against a physician's license issued under chapter 334 based solely on the physician's recommendation to an eligible patient regarding prescription for or treatment with an investigational drug, biological product, or device. Action against a health care provider's Medicare certification based solely on the health care provider's recommendation that a patient have access to an investigational drug, biological product, or device is prohibited.

6. [If a provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable] **Notwithstanding any other provision of law to the contrary, no state agency or regulatory board shall revoke, fail to renew, or take any other action against a dispensing organization's license issued under chapter 261 based solely on the dispensing organization's sale of medical cannabis to an eligible patient under this section.**

7. If the clinical trial is closed due to lack of efficacy or toxicity, the drug shall not be offered. If notice is given on a drug, product, or device taken by a patient outside of a clinical trial, the pharmaceutical company or patient's physician shall notify the patient of the information from the safety committee of the clinical trial.

8. Except in the case of gross negligence or willful misconduct, any person who manufactures, imports, distributes, prescribes, dispenses, or administers an investigational drug or device to an eligible patient with a terminal illness in accordance with this section shall not be liable in any action under state law for any loss, damage, or injury arising out of, relating to, or resulting from:

(1) The design, development, clinical testing and investigation, manufacturing, labeling, distribution, sale, purchase, donation, dispensing, prescription, administration, or use of the drug or device; or

(2) The safety or effectiveness of the drug or device.

**9. Any official, employee, or agent of this state who blocks or attempts to block access of an eligible patient to an investigational drug, biological product, or device is guilty of a class A misdemeanor.**

**10. If any provision of this section or its application to any person or circumstance is held invalid, such determination shall not affect the provisions or applications of this section which may be given effect without the invalid provision or application, and to that end the provisions of this section are severable.**

192.945. 1. As used in this section, the following terms shall mean:

(1) "Department", the department of health and senior services;

(2) "Hemp extract", as such term is defined in section 195.207;

(3) “Hemp extract registration card”, a card issued by the department under this section;

(4) “Intractable epilepsy”, epilepsy that as determined by a neurologist does not respond to three or more treatment options overseen by the neurologist;

**(5) “Medical cannabis”, as such term is defined in section 195.207;**

**(6) “Medical cannabis registration card”, a card issued by the department under this section;**

**[(5)] (7) “Neurologist”, a physician who is licensed under chapter 334 and board certified in neurology;**

**[(6)] (8) “Parent”, a parent or legal guardian of a minor who is responsible for the minor’s medical care;**

**[(7)] (9) “Registrant”, an individual to whom the department issues a hemp extract or medical cannabis registration card under this section;**

**(10) “Terminal illness”, a disease or condition as defined in section 191.480.**

2. The department shall issue a hemp extract **or medical cannabis** registration card to an individual who:

(1) Is eighteen years of age or older;

(2) Is a Missouri resident;

(3) Provides the department with a statement signed by a neurologist **or physician** that:

(a) Indicates that the individual suffers from intractable epilepsy and may benefit from treatment with hemp extract **or that the individual suffers from a terminal illness and may benefit from treatment with medical cannabis at the same dosage and with the same method of smokeless administration used in a clinical trial;** [and]

(b) **Indicates that the individual has considered all other treatment options currently approved by the federal Food and Drug Administration and all relevant clinical trials conducted in this state; and**

(c) Is consistent with a record from the neurologist **or physician** concerning the individual contained in the database described in subsection [9] **11** of this section;

(4) Pays the department a fee in an amount established by the department under subsection [6] **8** of this section; and

(5) Submits an application to the department on a form created by the department that contains:

(a) The individual’s name and address;

(b) A copy of the individual’s valid photo identification; and

(c) Any other information the department considers necessary to implement the provisions of this section.

3. The department shall issue a hemp extract **or medical cannabis** registration card to a parent who:

(1) Is eighteen years of age or older;

(2) Is a Missouri resident;

(3) Provides the department with a statement signed by a neurologist **or physician** that:

(a) Indicates that a minor in the parent's care suffers from intractable epilepsy and may benefit from treatment with hemp extract **or suffers from a terminal illness and may benefit from medical cannabis at the same dosage and with the same method of smokeless administration used in a clinical trial;** [and]

(b) **Indicates that the individual has considered all other treatment options currently approved by the federal Food and Drug Administration and all relevant clinical trials conducted in this state; and**

(c) Is consistent with a record from the neurologist **or physician** concerning the minor contained in the database described in subsection [9] **11** of this section;

(4) Pays the department a fee in an amount established by the department under subsection [6] **8** of this section; and

(5) Submits an application to the department on a form created by the department that contains:

(a) The parent's name and address;

(b) The minor's name;

(c) A copy of the parent's valid photo identification; and

(d) Any other information the department considers necessary to implement the provisions of this section.

4. The department shall maintain a record of the name of each registrant and the name of each minor receiving care from a registrant.

5. The department shall promulgate rules to:

(1) Implement the provisions of this section including establishing the information the applicant is required to provide to the department and establishing in accordance with recommendations from the department of public safety the form and content of the hemp extract **and medical cannabis** registration [card] **cards**; and

(2) Regulate the distribution of hemp extract from a cannabidiol oil care center **and medical cannabis from a cannabis care center, as defined in section 261.265**, to a registrant, which shall be in addition to any other state or federal regulations[; and].

**6. The department shall publish a list of diseases and conditions for which a medical cannabis registration card may be issued. The list shall only contain terminal illnesses as defined under section 191.480. The department shall publish a list of diseases and conditions for which a hemp extract registration card may be issued. The list shall only contain intractable epilepsy.**

7. The department may promulgate rules to authorize clinical trials involving hemp extract **and medical cannabis**.

[6.] **8.** The department shall establish fees that are no greater than the amount necessary to cover the cost the department incurs to implement the provisions of this section.



[7.] **9.** The registration cards issued under this section shall be valid for one year and renewable if at the time of renewal the registrant meets the requirements of either subsection 2 or 3 of this section.

[8.] **10.** The neurologist **or physician** who signs the statement described in subsection 2 or 3 of this section shall:

(1) Keep a record of the neurologist's **or physician's** evaluation and observation of a patient who is a registrant or minor under a registrant's care including the patient's response to hemp extract **or medical cannabis**; and

(2) Transmit the record described in subdivision (1) of this subsection to the department.

[9.] **11.** The department shall maintain a database of the records described in subsection [8] **10** of this section and treat the records as identifiable health data.

[10.] **12.** The department may share the records described in subsection [9] **11** of this section with a higher education institution for the purpose of studying hemp extract **or medical cannabis**.

[11.] **13.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 14, 2014, shall be invalid and void.

192.947. 1. No individual or health care entity organized under the laws of this state shall be subject to any adverse action by the state or any agency, board, or subdivision thereof, including civil or criminal prosecution, denial of any right or privilege, the imposition of a civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission if such individual or health care entity, in its normal course of business and within its applicable licenses and regulations, acts in good faith upon or in furtherance of any order or recommendation by a neurologist **or physician** authorized under section 192.945 relating to the medical use and administration of hemp extract **or medical cannabis** with respect to an eligible patient.

2. The provisions of subsection 1 of this section shall apply to the recommendation, possession, handling, storage, transfer, destruction, dispensing, or administration of hemp extract **and medical cannabis**, including any act in preparation of such dispensing or administration.

3. This section shall not be construed to limit the rights provided under law for a patient to bring a civil action for damages against a physician, hospital, registered or licensed practical nurse, pharmacist, any other individual or entity providing health care services, or an employee of any entity listed in this subsection.

195.207. 1. As used in sections 192.945, 261.265, 261.267, and this section, the term ["hemp extract"] **"medical cannabis"** shall mean [an] **a noncombustible** extract from a cannabis plant or a **noncombustible** mixture or preparation containing cannabis plant material. **"Hemp extract"** shall mean the same, except that it:

(1) Is composed of no more than three-tenths percent tetrahydrocannabinol by weight;

(2) Is composed of at least five percent cannabidiol by weight; and

(3) Contains no other psychoactive substance.

2. Notwithstanding any other provision of this chapter, an individual who has been issued a valid hemp extract **or medical cannabis** registration card under section 192.945, or is a minor under a registrant's care, and possesses or uses hemp extract **or medical cannabis** is not subject to the penalties described in this chapter for possession or use of the hemp extract **or medical cannabis** if the individual:

(1) Possesses or uses the hemp extract only to treat intractable epilepsy **or medical cannabis only to treat a terminal illness**, as **such terms are** defined in section 192.945;

(2) Originally obtained the hemp extract **or medical cannabis** from a sealed container with a label indicating the hemp extract's **or medical cannabis'** place of origin and a number that corresponds with a certificate of analysis **and a warning label with all possible side effects**;

(3) Possesses, in close proximity to the hemp extract **or medical cannabis**, a certificate of analysis that:

(a) Has a number that corresponds with the number on the label described in subdivision (2) of this subsection;

(b) Indicates the hemp extract's **or medical cannabis'** ingredients including its percentages of tetrahydrocannabinol and cannabidiol **and all other cannabinoid compounds, terpenes, and solvents** by weight;

(c) Is created by a laboratory that is not affiliated with the producer of the hemp extract **or medical cannabis** and is licensed in the state where the hemp extract **or medical cannabis** was produced; and

(d) Is transmitted by the laboratory to the department of health and senior services; and

(4) Has a current hemp extract **or medical cannabis** registration card issued by the department of health and senior services under section 192.945.

3. Notwithstanding any other provision of this chapter, an individual who possesses hemp extract **or medical cannabis** lawfully under subsection 2 of this section and administers hemp extract **or medical cannabis** to a minor suffering from intractable epilepsy **or a terminal illness** is not subject to the penalties described in this chapter for administering the hemp extract **or medical cannabis** to the minor if:

(1) The individual is the minor's parent or legal guardian; and

(2) The individual is registered with the department of health and senior services as the minor's parent under section 192.945.

4. An individual who has been issued a valid hemp extract **or medical cannabis** registration card under section 192.945, or is a minor under a registrant's care, may possess up to twenty ounces of hemp extract **or medical cannabis** pursuant to this section. Subject to any rules or regulations promulgated by the department of health and senior services, an individual may apply for a waiver if a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the physician's professional judgment, twenty ounces is an insufficient amount to properly alleviate the patient's medical condition or symptoms associated with such medical condition.

261.265. 1. For purposes of this section, the following terms shall mean:

(1) "Cannabidiol oil care center", the premises specified in an application for a cultivation and

production facility license in which the licensee is authorized to distribute processed hemp extract to persons possessing a hemp extract registration card issued under section 192.945;

(2) **“Cannabis care center”**, the premises specified in an application for a cultivation and production facility license in which the licensee is authorized to distribute processed medical cannabis to persons possessing a medical cannabis registration card issued under section 192.945;

(3) **“Cannabis cultivation and production facility”**, the land and premises in which the licensee is authorized to distribute processed medical cannabis to persons possessing a medical cannabis registration card issued under section 192.945;

(4) **“Cannabis cultivation and production facility license”**, a license that authorizes the licensee to grow, cultivate, process, and possess medical cannabis;

(5) **“Cannabis grower”**, an entity issued a cultivation and production facility license by the department of agriculture that produces medical cannabis for the treatment of terminal illnesses;

(6) **“Department”**, the department of agriculture;

(7) **“Hemp”**:

(a) All nonseed parts and varieties of the cannabis sativa plant, whether growing or not, that contain a crop-wide average tetrahydrocannabinol (THC) concentration that does not exceed the lesser of:

a. Three-tenths of one percent on a dry weight basis; or

b. The percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801, et seq.; and

(b) Any cannabis sativa seed that is:

a. Part of a growing crop;

b. Retained by a grower for future planting; or

c. For processing into or use as agricultural hemp seed.

**This term shall not include industrial hemp commodities or products;**

(8) **“Hemp cultivation and production facility”**, the land and premises specified in an application for a cultivation and production facility license on which the licensee is authorized to grow, cultivate, process, and possess hemp and hemp extract;

[(3)] (9) **“Hemp cultivation and production facility license”**, a license that authorizes the licensee to grow, cultivate, process, and possess hemp and hemp extract, and distribute hemp extract to its cannabidiol oil care centers;

[(4)] **“Department”**, the department of agriculture;

(5)] (10) **“Hemp grower”**, a nonprofit entity issued a cultivation and production facility license by the department of agriculture that produces hemp extract for the treatment of intractable epilepsy;

[(6)] **“Hemp”**:

(a) All nonseed parts and varieties of the cannabis sativa plant, whether growing or not, that contain a crop-wide average tetrahydrocannabinol (THC) concentration that does not exceed the lesser of:

a. Three-tenths of one percent on a dry weight basis; or

b. The percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801, et seq.;

(b) Any cannabis sativa seed that is:

a. Part of a growing crop;

b. Retained by a grower for future planting; or

c. For processing into or use as agricultural hemp seed.

This term shall not include industrial hemp commodities or products;]

[ (7) ] (11) “Hemp monitoring system”, an electronic tracking system that includes, but is not limited to, testing and data collection established and maintained by the cultivation and production facility and is available to the department for the purposes of documenting the hemp extract production and retail sale of the hemp extract;

**(12) “Medical cannabis”:**

**(a) All nonseed parts and varieties of the cannabis plant, whether growing or not; and**

**(b) Any cannabis seed that is:**

**a. Part of a growing crop;**

**b. Retained by a grower for future planting; or**

**c. For processing into or use as agricultural cannabis seed.**

**2. The department shall issue a cultivation and production facility license to an entity to grow or cultivate the cannabis plant used to make medical cannabis, as defined in subsection 1 of section 195.207, on the entity’s property if the entity has submitted to the department an application as required by the department under subsection 9 of this section and the entity meets all requirements of this section and the department’s rules.**

**3. A cannabis grower may produce, manufacture, and distribute medical cannabis as defined in section 195.207 for the treatment of persons suffering from a terminal illness consistent with any and all state and local regulations regarding the production, manufacture, or distribution of such product.**

**4. The department shall issue a hemp cultivation and production facility license to a nonprofit entity to grow or cultivate the cannabis plant used to make hemp extract as defined in subsection 1 of section 195.207 or hemp on the entity’s property if the entity has submitted to the department an application as required by the department under subsection [7] 9 of this section[,], and the entity meets all requirements of this section and the department’s rules[,], and there are fewer than two licensed cultivation and production facilities operating in the state[.]**

**[3.] 5. A hemp grower may produce and manufacture hemp and hemp extract, and distribute help extract as defined in section 195.207 for the treatment of persons suffering from intractable epilepsy as defined in**

section 192.945 consistent with any and all state or federal regulations regarding the production, manufacture, or distribution of such product. [The department shall not issue more than two cultivation and production facility licenses for the operation of such facilities at any one time.]

[4.] 6. The department shall maintain a list of growers.

[5.] 7. All growers shall keep records in accordance with rules adopted by the department. Upon at least three days' notice, the director of the department may audit the required records during normal business hours. The director may conduct an audit for the purpose of ensuring compliance with this section.

[6.] 8. In addition to an audit conducted in accordance with subsection [5] 7 of this section, the director may inspect independently, or in cooperation with the state highway patrol or a local law enforcement agency, any hemp **or medical cannabis** crop during the crop's growth phase and take a representative composite sample for field analysis. If a **hemp** crop contains an average tetrahydrocannabinol (THC) concentration exceeding the lesser of:

(1) Three-tenths of one percent on a dry weight basis; or

(2) The percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801, et seq.,

the director may detain, seize, or embargo the **hemp** crop.

[7.] 9. The department shall promulgate rules including, but not limited to:

(1) Application requirements for licensing, including requirements for the submission of fingerprints and the completion of a criminal background check;

(2) Security requirements for cultivation and production facility premises, including, at a minimum, lighting, physical security, video and alarm requirements;

(3) Rules relating to hemp **and cannabis** monitoring systems as defined in this section;

(4) Other procedures for internal control as deemed necessary by the department to properly administer and enforce the provisions of this section, including reporting requirements for changes, alterations, or modifications of the premises;

(5) Requirements that any hemp extract **or medical cannabis** received from a legal source be submitted to a testing facility designated by the department to ensure that such hemp extract **or medical cannabis** complies with the provisions of section 195.207 and to ensure that the hemp extract **or medical cannabis** does not contain any pesticides. **The department shall only designate testing facilities that maintain internal standard operating procedures, maintain quality control and quality assurance programs, and are certified by the International Organization for Standardization and agree to have the inspections and reports of the International Organization for Standardization made available to the department. The department or an independent third party authorized by the department may conduct an inspection of the practices, procedures, and programs adopted, followed, and maintained pursuant to this subdivision and inspect all records of the independent testing facility that are related to the inspection.** Any hemp extract **or medical cannabis** that is not submitted for testing or which after testing is found not to comply with the provisions of section 195.207 shall not be distributed or used and shall be submitted to the department for destruction; [and]

**(6) Requirements that each independent testing facility shall:**

**(a) Follow the most recent version of the Cannabis Inflorescence: Standards of Identity, Analysis, and Quality Control monograph published by the American Herbal Pharmacopoeia; or**

**(b) Notify the department of the alternative testing methodology that the facility is following for each quality assurance test it conducts. The department may require the independent testing facility to have the testing methodology followed under this paragraph validated by an independent third party to ensure that the methodology followed by the facility produces scientifically accurate results before the facility may use the methodology when conducting testing services;**

**(7) Rules for an independent testing facility to have its basic proficiency to execute correctly the analytical testing methodologies used by the facility validated and monitored on an ongoing basis by an independent third party; and**

**[(6)] (8) Rules regarding the manufacture, storage, and transportation of hemp, [and] hemp extract, and medical cannabis, which shall be in addition to any other state or federal regulations.**

**[8.] 10.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 14, 2014.

**[9.] 11.** All hemp **and cannabis** waste from the production of hemp extract **or medical cannabis** shall either be destroyed, recycled by the licensee at the hemp **or medical cannabis** cultivation and production facility, or donated to the department or an institution of higher education for research purposes, and shall not be used for commercial purposes.

**[10.] 12.** In addition to any other liability or penalty provided by law, the director may revoke or refuse to issue or renew a cultivation and production facility license and may impose a civil penalty on a grower for any violation of this section, or section 192.945 or 195.207. The director may not impose a civil penalty under this section that exceeds two thousand five hundred dollars.

**13.** Notwithstanding any other provision of law to the contrary, a person who commits any acts that are unlawful under section 191.480, 192.945, 192.947, 195.207, 261.265, or 263.250 with the intent to distribute medical cannabis to minors shall be guilty of a class D felony.

**14.** Any manufacturing, storage, or testing of medical cannabis or any medical cannabis product shall meet all requirements of the department of health and senior services and all local health departments.

263.250. 1. The plant “marijuana”, botanically known as cannabis sativa, is hereby declared to be a noxious weed and all owners and occupiers of land shall destroy all such plants growing upon their land. Any person who knowingly allows such plants to grow on his land or refuses to destroy such plants after being notified to do so shall allow any sheriff or such other persons as designated by the county commission to enter upon any land in this state and destroy such plants.

2. Entry to such lands shall not be made, by any sheriff or other designated person to destroy such plants,

until fifteen days' notice by certified mail shall be given the owner or occupant to destroy such plants or a search warrant shall be issued on probable cause shown. In all such instances, the county commission shall bear the cost of destruction and notification.

**3. The provisions of this section shall not apply to the licensed production of hemp oil or medical cannabis under chapter 261.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

**“21.790. 1. There is hereby established a joint committee of the general assembly, which shall be known as the “Joint Committee on Substance Abuse Prevention and Treatment”. The committee shall be composed of six members from the house of representatives, six members from the senate, and four members appointed by the governor. The senate members of the committee shall be appointed by the president pro tempore of the senate and the house members by the speaker of the house of representatives. There shall be at least two members from the minority party of the senate and at least two members from the minority party of the house of representatives. The members appointed by the governor shall include one member from the health care industry, one member who is a first responder or law enforcement officer, one member who is a member of the judiciary or a prosecuting attorney, and one member representing a substance abuse prevention advocacy group.**

**2. The committee shall select a chairperson and a vice-chairperson, one of whom shall be a member of the senate and one a member of the house of representatives. A majority of the members shall constitute a quorum. The committee shall meet at least once during each legislative session and at all other times as the chairperson may designate.**

**3. The committee shall:**

**(1) Conduct hearings on current and estimated future drug and substance use and abuse within the state;**

**(2) Explore solutions to substance abuse issues; and**

**(3) Draft or modify legislation as necessary to effectuate the goals of finding and funding education and treatment solutions to curb drug and substance use and abuse.**

**4. The committee shall report annually to the general assembly and the governor. The report shall include recommendations for legislation pertaining to substance abuse prevention and treatment.**

**190.096. 1. This section shall be known and may be cited as the “Tactical Response to Traumatic Injuries Act”.**

**2. For purposes of this section, “trauma public access kit” or “trauma PAK” means a first aid response kit that contains at least all of the following:**

**(1) Two tourniquets;**

**(2) Two pressure dressings that are inspected for replacement no less than every three years;**

**(3) Four chest seals that are inspected for replacement no less than every three years;**

**(4) Medical materials and equipment similar to those described in subdivisions (1), (2), and (3) of this subsection, and any additional items that are approved by local law enforcement or first responders, that adequately treat a traumatic injury, and can be stored in a readily available kit; and**

**(5) Instructional documents based upon nationally or internationally recognized evidence-based treatment recommendations, guidelines, and programs.**

**3. In order to ensure public safety, a person or entity that supplies a trauma kit may provide the person or entity that acquires the trauma kit with all information governing the use, installation, operation, training, and maintenance of the trauma kit.**

**4. The placement of trauma PAKs in public or private buildings, facilities, or structures is voluntary, but this shall not preclude any state agency or political subdivision from adopting mandatory building standards requiring the placement of PAKs in public buildings, facilities, or structures. If any person or entity places or requires the placement of PAKs in private buildings, facilities, or structures, then such persons or entities shall comply with the requirements of subsection 5 of this section in order for such person or entity, or any agents thereof, to claim immunity from civil damages under subsection 6 of this section.**

**5. In order to ensure public safety, the entity responsible for managing the building, facility, or tenants of a structure in which a trauma PAK is placed that is an occupied structure shall do all of the following:**

**(1) Comply with all regulations governing the placement of a trauma PAK;**

**(2) Inspect all trauma PAKs acquired and placed on the premises of a building, facility, or structure every three years from the date of installation to ensure that all materials, supplies, and equipment contained in the trauma PAK are not expired, and replace any expired materials, supplies, and equipment as necessary;**

**(3) Restock the trauma PAK after each use and replace any materials, supplies, and equipment as necessary to ensure that all materials, supplies, and equipment required to be contained in the trauma PAK are contained in the trauma PAK;**

**(4) At least once per year, notify tenants of the building, facility, or structure of the location of the trauma PAK and provide information to tenants regarding contact information for training in the use of the trauma PAK; and**

**(5) Provide tenants with instructions in the use of the trauma PAK from the training programs described in subdivision (5) of subsection 2 of this section.**

**6. Notwithstanding any other provision of law, a person or entity that acquires and places a trauma kit for emergency care in a structure shall not be liable for any civil damages resulting from any acts or omissions in the rendering of emergency care by use of the trauma kit if that person or entity has complied with subsection 5 of this section.**

**7. Any person who gratuitously and in good faith renders emergency care or treatment by the use of a trauma PAK at the scene of an emergency shall not be held liable for any civil damages as a result of such care or treatment, unless the person acts in a willful and wanton or reckless manner in**



**providing the care or treatment. The person or entity who provides appropriate training to the person using the trauma PAK, the person or entity responsible for the site where the trauma PAK is located, the person or entity that owns the trauma PAK, the person or entity that provided clinical protocol for trauma PAK sites or programs, and the person or entity that reviews and approves the clinical protocol shall likewise not be held liable for civil damages resulting from the use of a trauma PAK. Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538. The protections specified in this section shall not apply in the case of personal injury or wrongful death that results from the gross negligence or willful or wanton misconduct of the person who renders emergency care or treatment by the use of a trauma PAK.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

Titling change adopted.

In which the concurrence of the Senate is respectfully requested.

### INTRODUCTIONS OF GUESTS

On behalf of Senator Schupp and himself, Senator Kehoe introduced to the Senate, Nick Rallo, St. Louis.

Senator Walsh introduced to the Senate, Brian P. Kelley and his family, and representatives of the Brotherhood of Locomotive Engineers and Trainmen’s Missouri State Legislative Board.

Senator Cunningham introduced to the Senate, Blake Joseph Engemann, Hermann; and Blake was made an honorary page.

Senator Cierpiot introduced to the Senate, teachers Grace Carrender and Hillary Henry, and one hundred fourth-grade students from Voy Spears, Jr. Elementary School, Blue Springs.

Senator Rowden introduced to the Senate, his sister, Principal Beka Jouret, and parents and students from Christian Chapel School, Columbia.

Senator Rowden introduced to the Senate, Jennifer Sutterer, Columbia.

Senator Brown introduced to the Senate, his wife, Kathy, his daughter, Danette Sherrill, and his grandchildren, Rio and Maya Sherrill, and Kennedy Brown.

Senator Dixon introduced to the Senate, Luke Miller, Ballwin.

Senator Schupp introduced to the Senate, Madison Malugen, Farmington.

Senator Hummel introduced to the Senate, Nick Eberle, St. Louis.

Senator Riddle introduced to the Senate, teachers Ms. Hoskins, Ms. McManus, Ms. Olson and Ms. Webber, parents, and fourth-grade students from Eugene Field Elementary School, Mexico.

Senator Koenig introduced to the Senate, the Physician of the Day, Matthew V. Satterly, M.D., Glendale.

Senator Dixon introduced to the Senate, Suzanne Cronkhite, and her daughter, Addison, Springfield.

Senator Cierpiot introduced to the Senate, his wife, former State Representative Connie Cierpiot, Lee's Summit; former State Representative Linda Bartelsmeyer, Monett; and former State Representative Catherine Enz, St. Louis.

Senator Hegeman introduced to the Senate, Hannah Ankenbauer, Massena, Iowa.

On motion of Senator Onder, the Senate adjourned under the rules.

#### SENATE CALENDAR

---

SIXTY-SEVENTH DAY—WEDNESDAY, MAY 9, 2018

---

#### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HB 2644-Rowland

#### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

1. SJR 36-Schatz, with SCS
2. SB 678-Eigel
3. SB 1102-Kehoe, with SCS
4. SB 1015-Wieland, with SCS
5. SB 709-Schatz, with SCS
6. SB 640-Sater
7. SB 963-Wieland, with SCS
8. SB 952-Rowden

9. SB 864-Hoskins
10. SB 998-Schatz, with SCS
11. SB 703-Hegeman
12. SB 915-Crawford
13. SB 934-Hegeman
14. SB 988-Rowden, with SCS
15. SB 790-Cierpiot, with SCS
16. SB 734-Schatz, with SCS

#### HOUSE BILLS ON THIRD READING

1. HCS for HB 1456, with SCS (Wallingford)  
(In Fiscal Oversight)

2. HCS for HB 1872 (Hegeman)  
(In Fiscal Oversight)

- |  |  |
|--|--|
| 3. HB 1516-Wiemann (Riddle)<br>(In Fiscal Oversight)           | 9. HCS for HB 1868, with SCS (Riddle)              |
| 4. HCS for HB 1388, with SCS (Schatz)<br>(In Fiscal Oversight) | 10. HCS for HB 2249, with SCS (Riddle)             |
| 5. HB 1719-Grier, with SCS (Riddle)<br>(In Fiscal Oversight)   | 11. HCS for HB 2540, with SCS (Eigel)              |
| 6. HB 1633-Corlew, with SCS (Dixon)                            | 12. HCS for HB 2129 (Romine)                       |
| 7. HB 1250-Plocher, with SCS (Dixon)                           | 13. HB 1446-Eggleston, with SCS (Sater)            |
| 8. HCS for HB 2042, with SCS (Dixon)                           | 14. HCS for HBs 2337 & 2272, with SCS<br>(Wieland) |
|  | 15. HCS for HBs 2277 & 1983, with SCS              |
|  | 16. HCS for HB 2031 (Hoskins)                      |

### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 &  
667-Eigel (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 546-Munzlinger, with SS#4 (pending)   | SB 767-Hoskins, with SCS, SS for SCS &<br>SA 2 (pending)            |
| SB 550-Wasson, with SCS  | SB 774-Munzlinger   |
| SBs 555 & 609-Brown, with SCS  | SB 813-Riddle, with SCS & SA 1 (pending)                            |
| SB 556-Brown, with SA 1 (pending)  | SB 822-Hegeman, with SCS & SS for SCS<br>(pending)                  |
| SB 561-Sater, with SA 1 (pending)  | SB 832-Rowden, with SCS, SS#2 for SCS &<br>point of order (pending) |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                            | SB 837-Rowden   |
| SB 578-Romine  | SB 848-Riddle   |
| SB 591-Hegeman, with SCS   | SB 849-Kehoe and Schupp, with SCS, SA 1<br>& SA 1 to SA 1 (pending) |
| SB 596-Riddle, with SCS  | SB 859-Koenig, with SCS & SS for SCS<br>(pending)                   |
| SB 599-Schatz  | SB 860-Koenig, with SCS, SS for SCS &<br>SA 1 (pending)             |
| SB 602-Onder, with SCS   | SB 861-Hegeman, with SCS  |
| SB 612-Koenig, with SCS, SS#2 for SCS,<br>SA 2, SSA 1 for SA 2 & SA 1 to SSA 1<br>for SA 2 (pending) | SB 865-Kehoe  |
| SB 663-Schatz, with SCS, SS for SCS &<br>SA 1 (pending)  | SB 893-Sater, with SCS, SS for SCS &<br>SA 1 (pending)              |
| SB 730-Wallingford, with SCS & SA 1<br>(pending)   |   |
| SB 751-Schatz  |   |

SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)  
SB 920-Riddle, with SS & SA 2 (pending)

SB 928-Onder, with SCS  
SB 1003-Wasson, with SS & SA 1 (pending)  
SB 1021-Dixon and Wallingford, with SCS

### HOUSE BILLS ON THIRD READING

HB 1247-Pike (Onder)  
HCS for HB 1251, with SCS (Crawford)  
HB 1252-Plocher (Riddle)  
HCS for HB 1264 (Hegeman)  
HB 1267-Lichtenegger (Munzlinger)  
SS#2 for SCS for HCS for HBs 1288, 1377  
& 2050 (Dixon) (In Fiscal Oversight)  
HB 1303-Alferman, with SCS (Rowden)  
HB 1329-Remole, with SCS, SS for SCS &  
SA 5 (pending) (Munzlinger)  
HB 1389-Fitzpatrick, with SCS (Schatz)  
HB 1409-Fitzpatrick (Kehoe)  
HB 1413-Taylor, with SCS, SS for SCS &  
SA 1 (pending) (Onder)  
SS for HB 1415-Lauer (Wasson)  
(In Fiscal Oversight)  
HB 1428-Muntzel, with SS, SA 1 & SSA 1  
for SA 1 (pending) (Munzlinger)  
HB 1442-Alferman, with SCS, SS for SCS &  
SA 1 (pending) (Schatz)  
HCS for HB 1443, with SCS (Sater)  
HCS for HB 1461 (Rowden)  
HB 1484-Brown (57) (Romine)  
HCS#2 for HB 1503, with SCS (Hoskins)  
HB 1558-Neely, with SCS (Romine)  
HB 1578-Kolkmeier (Munzlinger)  
HCS for HB 1597, with SCS (Dixon)  
HCS for HB 1605, with SCS (Kehoe)  
HCS for HB 1611 (Riddle)  
HCS for HB 1614 (Hegeman)  
HCS for HB 1617, with SCS, SS#2 for SCS  
& SA 1 (pending) (Onder)

HB 1630-Evans (Rowden)  
HCS for HB 1645 (Rowden)  
HB 1646-Eggleston (Hegeman)  
HB 1691-Miller, with SCS & SS for SCS  
(pending) (Emery)  
HCS for HB 1710, with SCS (Eigel)  
HCS for HBs 1729, 1621 & 1436 (Brown)  
HCS for HB 1796, with SS (pending)  
(Rowden)  
HB 1809-Tate (Schatz)  
HB 1831-Ruth, with SA 1 & SA 1 to SA 1  
(pending) (Wieland)  
HB 1968-Grier (Schatz)  
HCS for HB 1991, with SCS (Rowden)  
HB 1998-Bondon, with SCS (Emery)  
HCS for HB 2017 (Brown)  
HCS for HB 2018 (Brown)  
HB 2026-Wilson, with SCS (Rowden)  
HB 2043-Tate (Wasson)  
HB 2044-Taylor, with SCS (pending)  
(Dixon)  
HCS for HB 2079, with SCS (Crawford)  
HCS for HB 2119 (Rowden)  
HB 2122-Engler, with SCS (Schatz)  
HCS for HB 2171, with SA 1 (pending)  
(Sater)  
HB 2179-Richardson (Kehoe)  
HB 2183-Bondon (Crawford)  
HCS for HB 2216, with SCS (Emery)  
HJR 59-Brown (57) (Romine)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 718-Eigel, with HCS, as amended  
SB 793-Wallingford, with HCS, as amended

SB 800-Libla, with HCS, as amended

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SB 569-Cunningham, with HCS, as amended  
SS for SB 608-Hoskins, with HCS  
SB 660-Riddle, with HCS, as amended  
SS for SCS for SB 707-Schatz, with HCS,  
as amended  
SS for SCS for SB 775-Brown, with HCS,  
as amended  
SS for SCS for SB 826-Sater, with HCS,  
as amended  
SS for SB 870-Hegeman, with HCS,  
as amended  
SCS for SB 892-Walsh, with HA 1, HA 2,  
HA 3, HA 4 & HA 5  
HB 1291-Henderson, with SS for SCS,  
as amended (Romine)  
(House adopted CCR and passed CCS)  
HB 1858-Christofanelli, with SS (Eigel)  
(House adopted CCR and passed CCS)

HCS for HB 1879, with SS for SCS,  
as amended (Cunningham)  
HCS for HB 2002, with SCS (Brown)  
HCS for HB 2003, with SCS (Brown)  
HCS for HB 2004, with SCS (Brown)  
HCS for HB 2005, with SCS (Brown)  
HCS for HB 2006, with SCS, as amended  
(Brown)  
HCS for HB 2007, with SCS, as amended  
(Brown)  
HCS for HB 2008, with SCS (Brown)  
HCS for HB 2009, with SCS (Brown)  
HCS for HB 2010, with SS for SCS (Brown)  
HCS for HB 2011, with SCS (Brown)  
HCS for HB 2012, with SCS (Brown)  
HCS for HB 2013, with SCS (Brown)

Requests to Recede or Grant Conference

SB 687-Sater, with HCS, as amended  
(Senate requests House recede or grant  
conference)  
SB 743-Sater, with HCS, as amended  
(Senate requests House recede or grant  
conference)

SB 806-Crawford, with HCS, as amended  
(Senate requests House recede or grant  
conference)

## RESOLUTIONS

SR 1137-Walsh, with SS (pending)  
SR 1487-Schaaf

SR 2020-Schaaf

## Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)  
SCR 35-Hegeman  
SCR 49-Schatz  
SCR 50-Hegeman  
SCR 52-Emery

SCR 53-Munzlinger  
HCR 63-Haefner (Wieland)  
HCR 69-Davis (Hoskins)  
HCR 70-Franks, Jr. (Nasheed)  
HCR 96-Conway (Eigel)

## To be Referred

HCS for HCR 77

✓

# Journal of the Senate

SECOND REGULAR SESSION

---

SIXTY-SEVENTH DAY—WEDNESDAY, MAY 9, 2018

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let us not love in word or in speech, but in deed and in truth.” (I John 3:18)

Lord You have promised to be with us always so we ask that You bless us this day with Your presence so we may be energized to continue our work in what has seemed to be a very long week. Help us have confidence that what we do is in keeping with what You require of us and is the most helpful to Your people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read.

Senator Kehoe requested unanimous consent of the Senate to correct the Senate Journal for Tuesday, May 8, 2018, Page 1565, Line 8, by deleting all of said line and inserting in lieu thereof the following:

“taken up and passed **HCS for SB 743**, entitled:”

Which request was granted.

The Journal for Tuesday, May 8, 2018 was approved as corrected.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Hegeman offered Senate Resolution No. 2042, regarding Stacey Calfee, Maryville, which was adopted.

Senator Hegeman offered Senate Resolution No. 2043, regarding Sue Akin, Graham, which was adopted.

Senator Hegeman offered Senate Resolution No. 2044, regarding Kay Smith, Fairfax, which was adopted.

Senator Hegeman offered Senate Resolution No. 2045, regarding the Seventieth Wedding Anniversary of William and Christine McLain, Laredo, which was adopted.

Senator Hegeman offered Senate Resolution No. 2046, regarding the Seventieth Wedding Anniversary of Howard and Glennis Baldwin, Unionville, which was adopted.

Senator Hegeman offered Senate Resolution No. 2047, regarding Debbie Kent, Craig, which was adopted.

## REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SB 949**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Richard assumed the Chair.

Senator Brown, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2019**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following reports:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS** for **HB 1667**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS** for



**HB 1713**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1249**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Libla, Chairman of the Committee on Small Business and Industry, submitted the following report:

Mr. President: Your Committee on Small Business and Industry, to which was referred **HB 1832**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 2347**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Parson assumed the Chair.

### **REFERRALS**

President Pro Tem Richard referred **HB 1633**, with SCS; HCS for **HBs 2277** and **1983**, with SCS; HCS for **HB 1868**, with SCS; HCS for **HB 2249**, with SCS; HCS for **HBs 2337** and **2272**, with SCS; HCS for **HB 2042**, with SCS; and HCS for **HB 2540**, with SCS, to the Committee on Fiscal Oversight.

President Pro Tem Richard referred HCS for **HCR 77** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **HOUSE BILLS ON THIRD READING**

**HB 1558**, with SCS, introduced by Representative Neely, entitled:

An Act to amend chapter 573, RSMo, by adding thereto two new sections relating to the offense of nonconsensual dissemination of private sexual images, with a penalty provision.

Was called from the Informal Calendar and taken up by Senator Romine.

SCS for **HB 1558**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1558**

An Act to amend chapter 573, RSMo, by adding thereto two new sections relating to the offense of nonconsensual dissemination of private sexual images, with a penalty provision.

Was taken up.

Senator Romine moved that **SCS** for **HB 1558** be adopted.

Senator Romine offered **SS** for **SCS** for **HB 1558**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1558

An Act to amend chapter 573, RSMo, by adding thereto two new sections relating to the offense of nonconsensual dissemination of private sexual images, with a penalty provision.

Senator Romine moved that **SS** for **SCS** for **HB 1558** be adopted.

Senator Schupp offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1558, Page 5, Section 573.112, Line 20, by inserting after all of said line the following:

“Section B. Because of the urgent need to protect the safety of the citizens of this state, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

Senator Romine moved that **SS** for **SCS** for **HB 1558**, as amended, be adopted, which motion prevailed.

On motion of Senator Romine, **SS** for **SCS** for **HB 1558**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HB 1646**, introduced by Representative Eggleston, entitled:

An Act to repeal section 263.245, RSMo, and to enact in lieu thereof one new section relating to brush control on county roads.

Was called from the Informal Calendar and taken up by Senator Hegeman.

On motion of Senator Hegeman, **HB 1646** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HB 1252**, introduced by Representative Plocher, entitled:

An Act to repeal section 376.782, RSMo, and to enact in lieu thereof one new section relating to low-dose mammography screening.

Was called from the Informal Calendar and taken up by Senator Riddle.

On motion of Senator Riddle, **HB 1252** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Koenig—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Sater moved that **HCS** for **HB 2171**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

Senator Schupp moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Sater, **HCS** for **HB 2171**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder	Richard
Riddle	Romine	Rowden	Sater	Schaaf	Schatz	Wallingford
Wasson	Wieland—23					

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Hummel	Nasheed	Rizzo	Schupp
Sifton	Walsh—9					

Absent—Senator Hegeman—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HB 2183**, introduced by Representative Bondon, entitled:

An Act to repeal sections 197.052, 197.305, and 536.031, RSMo, and to enact in lieu thereof three new sections relating to licensure of healthcare facilities.

Was called from the Informal Calendar and taken up by Senator Crawford.

On motion of Senator Crawford, **HB 2183** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Hegeman—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS No. 2** for **HB 1503**, with **SCS**, entitled:

An Act to repeal sections 30.750 and 30.756, RSMo, and to enact in lieu thereof three new sections relating to small business loans for veterans.

Was taken up by Senator Hoskins.

**SCS** for **HCS No. 2** for **HB 1503**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
HOUSE BILL NO. 1503

An Act to repeal sections 30.750, 30.756, 41.050, 41.070, 41.080, 41.110, 41.260, 41.450, 41.460, 41.490, 41.500, 115.013, 301.074, 301.075, and 301.145, RSMo, and to enact in lieu thereof seventeen new sections relating to military affairs, with an existing penalty provision.

Was taken up.

President Pro Tem Richard assumed the Chair.

Senator Hoskins moved that **SCS** for **HCS No. 2** for **HB 1503** be adopted, which motion prevailed.

On motion of Senator Hoskins, **SCS** for **HCS No. 2** for **HB 1503** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS** for **HB 1991**, with **SCS**, entitled:

An Act to repeal sections 67.1830 and 67.1846, RSMo, and to enact in lieu thereof fourteen new sections relating to the deployment of utilities infrastructure.

Was called from the Informal Calendar and taken up by Senator Rowden.

**SCS** for **HCS** for **HB 1991**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1991

An Act to repeal sections 67.1830 and 67.1846, RSMo, and to enact in lieu thereof fourteen new sections relating to the deployment of utilities infrastructure.

Was taken up.

Senator Rowden moved that **SCS** for **HCS** for **HB 1991** be adopted.

Senator Rowden offered **SS** for **SCS** for **HCS** for **HB 1991**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1991

An Act to repeal sections 67.1830 and 67.1846, RSMo, and to enact in lieu thereof sixteen new sections relating to the deployment of wireless facilities infrastructure, with a delayed effective date for certain sections.

Senator Rowden moved that **SS** for **SCS** for **HCS** for **HB 1991** be adopted.

Senator Wallingford assumed the Chair.

Senator Nasheed offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1991, Page 32, Section 67.5116, Line 5 of said page, by inserting immediately after “hundred” the word “**fifty**”.

Senator Nasheed moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Richard assumed the Chair.

Senator Rowden offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1991, Page 27, Section 67.5113, Line 14 of said page, by striking the following: “, permit, or charge a fee”.

Senator Rowden moved that the above amendment be adopted, which motion prevailed.

Senator Rowden moved that **SS** for **SCS** for **HCS** for **HB 1991**, as amended, be adopted, which motion prevailed.

On motion of Senator Rowden, **SS** for **SCS** for **HCS** for **HB 1991**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senator Nasheed—1

Absent—Senators

Dixon                      Schaaf—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Rowden, title to the bill was agreed to.

Senator Rowden moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### **REPORTS OF STANDING COMMITTEES**

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HCS** for **HBs 2280, 2120, 1468** and **1616**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 2562**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HB 1892**, begs leave to report that it has considered the same and recommends that the bill do pass.

### **RESOLUTIONS**

Senator Richard offered Senate Resolution No. 2048, regarding Sharon Beshore, Joplin, which was adopted.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber.

On motion of Senator Kehoe, the Senate recessed until 3:00 p.m.



**RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

**CONCURRENT RESOLUTIONS**

Senator Emery moved that **SCR 52** be taken up for adoption, which motion prevailed.

On motion of Senator Emery, **SCR 52** was adopted by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

## NAYS—Senators—None

## Absent—Senators

Schatz              Schupp—2

## Absent with leave—Senators—None

## Vacancies—1

Senator Hegeman moved that **SCR 35** be taken up for adoption, which motion prevailed.

On motion of Senator Hegeman, **SCR 35** was adopted by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

## NAYS—Senators—None

## Absent—Senator Schatz—1

## Absent with leave—Senators—None

## Vacancies—1

**HCR 70**, introduced by Representative Franks, Jr., entitled:

Relating to youth violence.

Was taken up by Senator Nasheed.

On motion of Senator Nasheed, **HCR 70** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schupp	Sifton	Wallingford	Walsh	Wasson

Wieland—29

NAYS—Senators—None

Absent—Senators

Dixon	Richard	Schaaf	Schatz—4
-------	---------	--------	----------

Absent with leave—Senators—None

Vacancies—1

The President declared the concurrent resolution passed.

On motion of Senator Nasheed, title to the concurrent resolution was agreed to.

Senator Nasheed moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2002**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2002**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2003**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2003**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2004**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2004**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2005**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2005**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2006**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2006**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2007**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2007**.

### **PRIVILEGED MOTIONS**

Senator Brown, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2002** moved that the following conference committee report be taken up, which motion prevailed.

#### **CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2002**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2002.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2002.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, be truly agreed to and finally passed.

#### **FOR THE HOUSE:**

/s/ Scott Fitzpatrick  
/s/ Justin Alferman  
/s/ Lyle Rowland  
/s/ Kip Kendrick  
/s/ DaRon McGee

#### **FOR THE SENATE:**

/s/ Dan Brown  
/s/ Dan Hegeman  
/s/ Mike Cunningham  
/s/ S. Kiki Curls  
/s/ Jason Holsman

Senator Brown moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senator Emery—1

## Absent—Senators

Schaaf                Schatz—2

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Brown, **CCS for SCS for HCS for HB 2002**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2002

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Rowden	Sater	Schupp	Sifton	Wallingford	Walsh	Wasson
Wieland—29						

NAYS—Senator Emery—1

## Absent—Senators

Romine                Schaaf                Schatz—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Brown, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2003** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2003

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2003, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2003.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2003.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2003, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Scott Fitzpatrick  
/s/ Justin Alferman  
/s/ Lyle Rowland  
/s/ Kip Kendrick  
/s/ DaRon McGee

FOR THE SENATE:

/s/ Dan Brown  
/s/ Dan Hegeman  
/s/ David Sater  
/s/ S. Kiki Curls  
Jamilah Nasheed

Senator Brown moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder
Richard	Riddle	Rizzo	Romine	Rowden	Sater	Wallingford
Wasson	Wieland—23					

NAYS—Senators

Chappelle-Nadal	Holsman	Hummel	Nasheed	Schupp	Sifton	Walsh—7
-----------------	---------	--------	---------	--------	--------	---------

Absent—Senators

Hegeman	Schaaf	Schatz—3
---------	--------	----------

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Brown, **CCS** for **SCS** for **HCS** for **HB 2003**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2003

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Wallingford	Wasson	Wieland—24				

NAYS—Senators

Chappelle-Nadal	Holsman	Hummel	Nasheed	Schupp	Sifton	Walsh—7
-----------------	---------	--------	---------	--------	--------	---------

Absent—Senators

Schaaf	Schatz—2
--------	----------

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Brown, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2004** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2004

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2004, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2004.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2004.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2004, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Scott Fitzpatrick

/s/ Justin Alferman

/s/ Kathie Conway

/s/ Michael Butler

/s/ Greg Razer

FOR THE SENATE:

/s/ Dan Brown

/s/ Dan Hegeman

/s/ Mike Cunningham

/s/ S. Kiki Curls

/s/ Jason Holsman

Senator Brown moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators—None

Absent—Senators

Sater	Schaaf	Schatz—3
-------	--------	----------

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Brown, **CCS** for **SCS** for **HCS** for **HB 2004**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2004

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
-------	-----------------	----------	----------	------------	-------	-------

Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators

Schaaf      Schatz—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Brown, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2005** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2005

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2005, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2005.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2005.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2005, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Scott Fitzpatrick  
/s/ Justin Alferman  
/s/ Kurt M. Bahr  
/s/ Kip Kendrick  
/s/ Peter Merideth

FOR THE SENATE:

/s/ Dan Brown  
/s/ Dan Hegeman  
/s/ Mike Cunningham  
/s/ S. Kiki Curls  
/s/ Jason Holsman



Senator Brown moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators—None

Absent—Senators

Koenig	Schaaf	Schatz—3
--------	--------	----------

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Brown, **CCS** for **SCS** for **HCS** for **HB 2005**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2005

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators—None

Absent—Senators

Koenig	Schaaf	Schatz—3
--------	--------	----------

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Brown, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2006**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2006

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2006, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2006, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2006.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2006, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Scott Fitzpatrick  
/s/ Justin Alferman  
/s/ Craig Redmon  
/s/ Kip Kendrick  
/s/ Tommie Pierson Jr.

FOR THE SENATE:

/s/ Dan Brown  
/s/ Dan Hegeman  
/s/ Mike Cunningham  
/s/ S. Kiki Curls  
/s/ Jason Holsman

Senator Brown moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Schupp	Sifton	Wallingford	Walsh	Wasson

Wieland—29

NAYS—Senators—None

Absent—Senators

Koenig	Sater	Schaaf	Schatz—4
--------	-------	--------	----------

Absent with leave—Senators—None

Vacancies—1

President Pro Tem Richard assumed the Chair.

On motion of Senator Brown, **CCS** for **SCS** for **HCS** for **HB 2006**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2006

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2018, and ending June 30, 2019.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators—None

Absent—Senators

Koenig	Schaaf	Schatz—3
--------	--------	----------

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2008**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2008**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2009**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2009**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 2010**, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 2010**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2011**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2011**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2012**, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2012**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the motion to dissolve the Conference Committee on **SCS** for **HCS** for **HB 2013** was adopted. The House has taken up and adopted **SCS** for **HCS** for **HB 2013** and has passed **SCS** for **HCS** for **HB 2013**.

### **PRIVILEGED MOTIONS**

Senator Brown, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2007**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

#### **CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2007**

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2007.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2007, be truly agreed to and finally passed.

## FOR THE HOUSE:

/s/ Scott Fitzpatrick  
 /s/ Justin Alferman  
 /s/ Craig Redmon  
 /s/ Ingrid Burnett  
 /s/ Kip Kendrick

## FOR THE SENATE:

/s/ Dan Brown  
 /s/ Dan Hegeman  
 /s/ Mike Cunningham  
 /s/ S. Kiki Curls  
 /s/ Jamilah Nasheed

Senator Brown moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Crawford	Cunningham	Curls	Dixon	Emery
Hegeman	Holsman	Hoskins	Kehoe	Koenig	Libla	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—27	

## NAYS—Senator Hummel—1

## Absent—Senators

Cierpiot	Sater	Schaaf	Schatz—4
----------	-------	--------	----------

## Absent with leave—Senator Eigel—1

## Vacancies—1

On motion of Senator Brown, **CCS** for **SCS** for **HCS** for **HB 2007**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
 SENATE COMMITTEE SUBSTITUTE FOR  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 HOUSE BILL NO. 2007

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Crawford	Cunningham	Curls	Dixon	Emery
Hegeman	Holsman	Hoskins	Kehoe	Koenig	Libla	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—28

## NAYS—Senator Hummel—1

Absent—Senators

Cierpiot

Schaaf

Schatz—3

Absent with leave—Senator Eigel—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Brown, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2008** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2008

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2008.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2008.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2008, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Scott Fitzpatrick

/s/ Justin Alferman

/s/ Kathie Conway

/s/ Michael Butler

/s/ Karla May

FOR THE SENATE:

/s/ Dan Brown

/s/ Dan Hegeman

/s/ Mike Cunningham

/s/ S. Kiki Curls

/s/ Jason Holsman

Senator Brown moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown

Chappelle-Nadal

Cierpiot

Crawford

Cunningham

Curls

Dixon

Eigel

Emery

Hegeman

Holsman

Hoskins

Hummel

Kehoe

Koenig

Libla

Munzlinger

Nasheed

Onder

Richard

Riddle

Rizzo	Romine	Rowden	Sater	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators

Schaaf	Schatz—2
--------	----------

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Brown, **CCS** for **SCS** for **HCS** for **HB 2008**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2008

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators

Schaaf	Schatz—2
--------	----------

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Brown, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2009** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2009

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2009, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2009.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2009.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2009, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Scott Fitzpatrick  
/s/ Justin Alferman  
/s/ Kathie Conway  
/s/ Kip Kendrick  
/s/ Karla May

FOR THE SENATE:

/s/ Dan Brown  
/s/ David Sater  
/s/ Mike Cunningham  
/s/ S. Kiki Curls  
/s/ Jamilah Nasheed

Senator Brown moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senator Eigel—1

Absent—Senators

Schaaf      Schatz—2

Absent with leave—Senators—None

Vacancies—1



On motion of Senator Brown, **CCS** for **SCS** for **HCS** for **HB 2009**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2009

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2018, and ending June 30, 2019.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schupp	Sifton	Wallingford	Walsh

Wasson—29

NAYS—Senators

Eigel                      Wieland—2

Absent—Senators

Schaaf                      Schatz—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Brown, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 2010** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2010

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2010.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2010.

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, be truly agreed to and finally passed.

**FOR THE HOUSE:**

/s/ Scott Fitzpatrick

/s/ Justin Alferman

/s/ David Wood

Deb Lavender

Crystal Quade

**FOR THE SENATE:**

/s/ Dan Brown

/s/ Dan Hegeman

/s/ David Sater

/s/ S. Kiki Curls

/s/ Jamilah Nasheed

Senator Brown moved that the above conference committee report be adopted, which motion prevailed by the following vote:

**YEAS—Senators**

Brown	Crawford	Cunningham	Curls	Dixon	Eigel	Emery
Hegeman	Hoskins	Hummel	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Wallingford	Wasson—23					

**NAYS—Senators**

Chappelle-Nadal	Holsman	Nasheed	Schupp	Sifton	Walsh	Wieland—7
-----------------	---------	---------	--------	--------	-------	-----------

**Absent—Senators**

Cierpiot	Schaaf	Schatz—3
----------	--------	----------

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Brown, **CCS** for **SS** for **SCS** for **HCS** for **HB 2010**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2010**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Wallingford	Wasson—23					

## NAYS—Senators

Chappelle-Nadal	Holsman	Hummel	Nasheed	Schupp	Sifton	Walsh
Wieland—8						

## Absent—Senators

Schaaf	Schatz—2
--------	----------

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Brown, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2011** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2011

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2011, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2011.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2011.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2011, be truly agreed to and finally passed.

FOR THE HOUSE:  
/s/ Scott Fitzpatrick  
/s/ Justin Alferman  
/s/ David Wood

FOR THE SENATE:  
/s/ Dan Brown  
/s/ Dan Hegeman  
/s/ David Sater

/s/ Deb Lavender  
/s/ Crystal Quade

/s/ S. Kiki Curls  
Jamilah Nasheed

Senator Brown moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Emery
Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder
Richard	Riddle	Rizzo	Romine	Rowden	Sater	Wallingford
Wasson	Wieland—23					

## NAYS—Senators

Chappelle-Nadal	Eigel	Holsman	Hummel	Nasheed	Schupp	Sifton
Walsh—8						

## Absent—Senators

Schaaf	Schatz—2
--------	----------

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Brown, **CCS** for **SCS** for **HCS** for **HB 2011**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2018, and ending June 30, 2019.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Emery
Hegeman	Hoskins	Hummel	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Wallingford	Wasson—23					

## NAYS—Senators

Chappelle-Nadal	Eigel	Holsman	Nasheed	Schupp	Sifton	Walsh
Wieland—8						

## Absent—Senators

Schaaf	Schatz—2
--------	----------

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Brown, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2012** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2012

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2012, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2012.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2012.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2012, be truly agreed to and finally passed.

FOR THE HOUSE:

/s/ Scott Fitzpatrick  
/s/ Justin Alferman  
/s/ Kurt M. Bahr  
/s/ Deb Lavender  
/s/ Peter Merideth

FOR THE SENATE:

/s/ Dan Brown  
/s/ Dan Hegeman  
/s/ David Sater  
/s/ S. Kiki Curls  
/s/ Jamilah Nasheed

Senator Brown moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Emery
Hegeman	Hoskins	Hummel	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Wallingford	Walsh	Wasson	Wieland—25			

NAYS—Senators

Eigel	Nasheed	Schupp	Sifton—4
-------	---------	--------	----------

Absent—Senators

Chappelle-Nadal      Holsman      Schaaf      Schatz—4

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Brown, **CCS** for **SCS** for **HCS** for **HB 2012**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2012

An Act to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2018, and ending June 30, 2019.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Emery
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Wallingford	Walsh	Wasson	Wieland—26		

NAYS—Senators

Eigel      Nasheed      Schupp      Sifton—4

Absent—Senators

Schaaf      Schatz—2

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING****HCS for HB 2017**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2018, and ending June 30, 2019.

Was called from the Informal Calendar and taken up by Senator Brown.

On motion of Senator Brown, **HCS for HB 2017** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

## NAYS—Senators—None

## Absent—Senators

Schaaf                      Schatz—2

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HCS for HB 2018**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for refunds, distributions, planning, expenses, and land improvements; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2018, and ending June 30, 2019.

Was called from the Informal Calendar and taken up by Senator Brown.

On motion of Senator Brown, **HCS for HB 2018** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

## NAYS—Senators—None

## Absent—Senators

Schaaf	Schatz—2
--------	----------

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HB 1250**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 2129**, entitled:

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to public awareness of organ donation.

Was taken up by Senator Romine.

Senator Romine offered **SS** for **HCS** for **HB 2129**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2129

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to public awareness of organ donation.

Senator Romine moved that **SS** for **HCS** for **HB 2129** be adopted.

At the request of Senator Romine, **HCS** for **HB 2129**, with **SS** (pending), was placed on the Informal Calendar.

**PRIVILEGED MOTIONS**

Senator Eigel, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HB 1858** moved that the following conference committee report be taken up, which motion prevailed.



CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 1858

The Conference Committee appointed on Senate Substitute for House Bill No. 1858 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Bill No. 1858;
2. That the House recede from its position on House Bill No. 1858;
3. That the attached Conference Committee Substitute for Senate Substitute for House Bill No. 1858 be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Phil Christofanelli  
/s/ Paul Curtman  
/s/ Cody Smith  
/s/ Jon Carpenter  
/s/ Judy Morgan

FOR THE SENATE:

/s/ Bill Eigel  
/s/ Andrew Koenig  
/s/ Wayne Wallingford  
/s/ Jamilah Nasheed  
/s/ John Rizzo

Senator Eigel moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Schupp	Sifton	Wallingford	Walsh	Wieland—28

NAYS—Senators—None

Absent—Senators

Sater	Schaaf	Schatz	Wasson—4
-------	--------	--------	----------

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—1

On motion of Senator Eigel, CCS for SS for **HB 1858**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 1858

An Act to repeal sections 32.069 and 143.811, RSMo, and to enact in lieu thereof three new sections relating to the department of revenue, with a delayed effective date for a certain section.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Schupp	Sifton	Wallingford	Walsh	Wieland—28

## NAYS—Senators—None

## Absent—Senators

Sater	Schaaf	Schatz	Wasson—4
-------	--------	--------	----------

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Eigel, title to the bill was agreed to.

Senator Eigel moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Romine, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 1291**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1291

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 1291, with Senate Substitute No. 1 for Senate Amendment No. 2, and Senate Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 1291, as amended;
2. That the House recede from its position on House No. 1291;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 1291, be Third Read and Finally Passed.

## FOR THE HOUSE:

/s/ Mike Henderson  
/s/ Cheri Toalson Reisch  
/s/ Nate Walker  
/s/ Joe Adams  
Ingrid Burnett

## FOR THE SENATE:

/s/ Gary Romine  
/s/ Dan Hegeman  
/s/ Bob Onder  
Scott Sifton  
/s/ Gina Walsh

Senator Romine moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schupp	Sifton	Wallingford	Walsh

Wieland—29

## NAYS—Senators—None

## Absent—Senators

Schaaf                      Schatz                      Wasson—3

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—1

On motion of Senator Romine, **CCS** for **SS** for **SCS** for **HB 1291**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1291

An Act to repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 59.800, 65.610, 65.620, 87.135, 94.900, 108.120, 137.555, 137.556, 162.441, 227.600, RSMo, and to enact in lieu thereof eighteen new sections relating to political subdivisions.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schupp	Sifton	Wallingford	Walsh

Wasson                      Wieland—30

## NAYS—Senators—None

## Absent—Senators

Schaaf                      Schatz—2

Absent with leave—Senator Chappelle-Nadal—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### **REPORTS OF STANDING COMMITTEES**

Senator Hegeman, Chairman of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 2208**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SB 806**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS for SB 806**, as amended. Representatives: Neely, Beard, Corlew, Mitten, Ellebracht.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SB 743**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS for SB 743**, as amended. Representatives: Redmon, Fraker, Roeber, Burnett, Morgan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SB 687**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS for SB 687**, as amended. Representatives: Rowland (155), Wood, Swan, Kendrick, Morgan.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 806**, as amended: Senators Crawford, Riddle, Wieland, Schupp and Walsh.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 743**, as amended: Senators Sater, Romine, Wasson, Holsman and Sifton.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 687**, as amended: Senators Sater, Romine, Hegeman, Holsman and Sifton.

### **RESOLUTIONS**

Senator Brown offered Senate Resolution No. 2049, regarding Major General John D. Havens, which was adopted.

Senator Brown offered Senate Resolution No. 2050, regarding Sergeant Major Franklin H. Havens, which was adopted.

Senator Curls offered Senate Resolution No. 2051, regarding Herndon Career Center Culinary Team, Raytown, which was adopted.

### **INTRODUCTION OF GUESTS**

Senator Wasson introduced to the Senate, the Physician of the Day, Dr. William Reynolds, Nixa.

Senator Cunningham introduced to the Senate, students and chaperones from Niangua R-V School.

On motion of Senator Kehoe, the Senate adjourned under the rules.

### **SENATE CALENDAR**

—————

SIXTY-EIGHTH DAY—THURSDAY, MAY 10, 2018

—————

### **FORMAL CALENDAR**

#### **HOUSE BILLS ON SECOND READING**

HB 2644-Rowland

#### **THIRD READING OF SENATE BILLS**

SS for SB 579-Libla (In Fiscal Oversight)  
SS for SB 699-Sifton (In Fiscal Oversight)

SS#2 for SCS for SB 949-Emery

## SENATE BILLS FOR PERFECTION

- |                              |                               |
|------------------------------|-------------------------------|
| 1. SJR 36-Schatz, with SCS   | 9. SB 864-Hoskins             |
| 2. SB 678-Eigel              | 10. SB 998-Schatz, with SCS   |
| 3. SB 1102-Kehoe, with SCS   | 11. SB 703-Hegeman            |
| 4. SB 1015-Wieland, with SCS | 12. SB 915-Crawford           |
| 5. SB 709-Schatz, with SCS   | 13. SB 934-Hegeman            |
| 6. SB 640-Sater              | 14. SB 988-Rowden, with SCS   |
| 7. SB 963-Wieland, with SCS  | 15. SB 790-Cierpiot, with SCS |
| 8. SB 952-Rowden             | 16. SB 734-Schatz, with SCS   |

## HOUSE BILLS ON THIRD READING

- |   |  |
|---|--|
| 1. HCS for HB 1456, with SCS (Wallingford)<br>(In Fiscal Oversight) | 11. HB 1446-Eggleston, with SCS (Koenig)                                 |
| 2. HCS for HB 1872 (Hegeman)<br>(In Fiscal Oversight)               | 12. HCS for HBs 2337 & 2272, with SCS<br>(Wieland) (In Fiscal Oversight) |
| 3. HB 1516-Wiemann (Riddle)<br>(In Fiscal Oversight)                | 13. HCS for HBs 2277 & 1983, with SCS<br>(Schatz) (In Fiscal Oversight)  |
| 4. HCS for HB 1388, with SCS (Riddle)<br>(In Fiscal Oversight)      | 14. HCS for HB 2031 (Hoskins)  |
| 5. HB 1719-Grier, with SCS (Riddle)<br>(In Fiscal Oversight)        | 15. HCS for HB 2019 (Brown)  |
| 6. HB 1633-Corlew, with SCS (Dixon)<br>(In Fiscal Oversight)        | 16. HCS for HB 1667, with SCS (Wallingford)                              |
| 7. HCS for HB 2042, with SCS (Dixon)<br>(In Fiscal Oversight)       | 17. HCS for HB 1713, with SCS (Sater)                                    |
| 8. HCS for HB 1868, with SCS (Riddle)<br>(In Fiscal Oversight)      | 18. HB 1249-Plocher, with SCS (Dixon)                                    |
| 9. HCS for HB 2249, with SCS (Riddle)<br>(In Fiscal Oversight)      | 19. HB 1832-Cornejo, with SCS (Riddle)                                   |
| 10. HCS for HB 2540, with SCS (Eigel)<br>(In Fiscal Oversight)      | 20. HB 2347-Davis, with SCS (Wallingford)                                |
|   | 21. HCS for HBs 2280, 2120, 1468 & 1616,<br>with SCS (Sater)             |
|   | 22. HB 2562-Austin, with SCS (Dixon)                                     |
|   | 23. HB 1892-Wilson (Cierpiot)  |
|   | 24. HB 2208-Curtman, with SCS (Eigel)                                    |

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 & 667-Eigel  
(In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)  
SB 550-Wasson, with SCS  
SBs 555 & 609-Brown, with SCS  
SB 556-Brown, with SA 1 (pending)  
SB 561-Sater, with SA 1 (pending)  
SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 578-Romine  
SB 591-Hegeman, with SCS  
SB 596-Riddle, with SCS  
SB 599-Schatz  
SB 602-Onder, with SCS  
SB 612-Koenig, with SCS, SS#2 for SCS,  
SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
for SA 2 (pending)  
SB 663-Schatz, with SCS, SS for SCS & SA 1  
(pending)  
SB 730-Wallingford, with SCS & SA 1  
(pending)  
SB 751-Schatz  
SB 767-Hoskins, with SCS, SS for SCS &  
SA 2 (pending)  
SB 774-Munzlinger

SB 813-Riddle, with SCS & SA 1 (pending)  
SB 822-Hegeman, with SCS & SS for SCS  
(pending)  
SB 832-Rowden, with SCS, SS#2 for SCS &  
point of order (pending)  
SB 837-Rowden  
SB 848-Riddle  
SB 849-Kehoe and Schupp, with SCS, SA 1  
& SA 1 to SA 1 (pending)  
SB 859-Koenig, with SCS & SS for SCS  
(pending)  
SB 860-Koenig, with SCS, SS for SCS & SA 1  
(pending)  
SB 861-Hegeman, with SCS  
SB 865-Kehoe  
SB 893-Sater, with SCS, SS for SCS & SA 1  
(pending)  
SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)  
SB 920-Riddle, with SS & SA 2 (pending)  
SB 928-Onder, with SCS  
SB 1003-Wasson, with SS & SA 1 (pending)  
SB 1021-Dixon and Wallingford, with SCS

## HOUSE BILLS ON THIRD READING

HB 1247-Pike (Onder)  
HB 1250-Plocher, with SCS (Dixon)  
HCS for HB 1251, with SCS (Crawford)  
HCS for HB 1264 (Hegeman)  
HB 1267-Lichtenegger (Munzlinger)  
SS#2 for SCS for HCS for HBs 1288, 1377  
& 2050 (Dixon) (In Fiscal Oversight)  
HB 1303-Alferman, with SCS (Rowden)  
HB 1329-Remole, with SCS, SS for SCS &  
SA 5 (pending) (Munzlinger)  
HB 1389-Fitzpatrick, with SCS (Schatz)  
HB 1409-Fitzpatrick (Kehoe)  
HB 1413-Taylor, with SCS, SS for SCS &  
SA 1 (pending) (Onder)  
SS for HB 1415-Lauer (Wasson)  
(In Fiscal Oversight)

HB 1428-Muntzel, with SS, SA 1 & SSA 1  
for SA 1 (pending) (Munzlinger)  
HB 1442-Alferman, with SCS, SS for SCS &  
SA 1 (pending) (Schatz)  
HCS for HB 1443, with SCS (Sater)  
HCS for HB 1461 (Rowden)  
HB 1484-Brown (57) (Romine)  
HB 1578-Kolkmeyer (Munzlinger)  
HCS for HB 1597, with SCS (Dixon)  
HCS for HB 1605, with SCS (Kehoe)  
HCS for HB 1611 (Riddle)  
HCS for HB 1614 (Hegeman)  
HCS for HB 1617, with SCS, SS#2 for SCS  
& SA 1 (pending) (Onder)  
HB 1630-Evans (Rowden)  
HCS for HB 1645 (Rowden)

HB 1691-Miller, with SCS & SS for SCS  
 (pending) (Emery)  
 HCS for HB 1710, with SCS (Eigel)  
 HCS for HBs 1729, 1621 & 1436 (Brown)  
 HCS for HB 1796, with SS (pending) (Rowden)  
 HB 1809-Tate (Schatz)  
 HB 1831-Ruth, with SA 1 & SA 1 to SA 1  
 (pending) (Wieland)  
 HB 1968-Grier (Schatz)  
 HB 1998-Bondon, with SCS (Emery)  
 HB 2026-Wilson, with SCS (Rowden)

HB 2043-Tate (Wasson)  
 HB 2044-Taylor, with SCS (pending) (Dixon)  
 HCS for HB 2079, with SCS (Crawford)  
 HCS for HB 2119 (Rowden)  
 HB 2122-Engler, with SCS (Schatz)  
 HCS for HB 2129, with SS (pending)  
 (Romine)  
 HB 2179-Richardson (Kehoe)  
 HCS for HB 2216, with SCS (Emery)  
 HJR 59-Brown (57) (Romine)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 718-Eigel, with HCS, as amended  
 SB 793-Wallingford, with HCS, as amended

SB 800-Libla, with HCS, as amended

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 569-Cunningham, with HCS, as amended  
 SS for SB 608-Hoskins, with HCS  
 SB 660-Riddle, with HCS, as amended  
 SB 687-Sater, with HCS, as amended  
 SS for SCS for SB 707-Schatz, with HCS,  
 as amended  
 SB 743-Sater, with HCS, as amended  
 SS for SCS for SB 775-Brown, with HCS,  
 as amended

SB 806-Crawford, with HCS, as amended  
 SS for SCS for SB 826-Sater, with HCS,  
 as amended  
 SS for SB 870-Hegeman, with HCS,  
 as amended  
 SCS for SB 892-Walsh, with HA 1, HA 2,  
 HA 3, HA 4 & HA 5  
 HCS for HB 1879, with SS for SCS,  
 as amended (Cunningham)

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)  
 SR 1487-Schaaf

SR 2020-Schaaf

##### Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)

SCR 49-Schatz



SCR 50-Hegeman  
SCR 53-Munzlinger  
HCR 63-Haefner (Wieland)

HCR 69-Davis (Hoskins)  
HCR 96-Conway (Eigel)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTY-EIGHTH DAY—THURSDAY, MAY 10, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“A little stress is like salt, it flavors the moment ...but excessive stress is killing us.” (Hans Seale)

Heavenly Father, you know that many of us thrive on the stress to accomplish those things we have set for us to complete and it excites us and gives us a sense of purpose. But we know in these closing days there is very much to be accomplished and our little stress is compounded and our bodies and spirits are starting to feel its negative effects, so we pray that Your calming presence may be with us and our hearts and minds find the serenity they need. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from Missourinet and Associated Press were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Schaaf offered the following resolution:

**SENATE RESOLUTION NO. 2052****NOTICE OF PROPOSED RULE CHANGE**

Notice is hereby given by the Senator from the 34th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 100 be amended to read as follows:

“Rule 100. A roll call vote of the senate shall be taken upon any question at the request of [five] **four** senators.”.

Senator Schaaf offered the following resolution:

**SENATE RESOLUTION NO. 2053****NOTICE OF PROPOSED RULE CHANGE**

Notice is hereby given by the Senator from the 34th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 98 be amended to read as follows:

“Rule 98. No standing rule or order of the senate shall be rescinded or changed without one day’s notice being given of the motion thereof, which notice shall be printed in the journal of the senate, and then only by a vote of at least a majority of the senators elected; except that any rule, including this rule, may be suspended for a special purpose, stated in the motion to suspend, by a vote of a [two-thirds] **three-fourths** majority of the members elected to the senate, and such rule shall remain suspended only until the senate proceeds to the consideration of business other than that for which the rule was suspended. Upon one day’s notice of the proposed rule change having been given, the senate resolution adopting such rule change shall not be assigned to a committee without consent of the sponsoring senator and shall be in order to be considered by the senate at any day or time thereafter upon motion of the sponsor during the order of business of Resolutions.”.

Senator Schaaf offered the following resolution:

**SENATE RESOLUTION NO. 2054****NOTICE OF PROPOSED RULE CHANGE**

Notice is hereby given by the Senator from the 34th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 96 be amended to read as follows:

“Rule 96. 1. Laptop computers may be used by [the press at the press table and by the research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. Beginning March 29, 2016, laptop computers may be used by] **Senators at their desks**, Senators’ staff and senate staff at the staff table and by the research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, the Kirchoff Gallery, the Pershing Gallery, the Bingham Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.”.

Senator Schaaf offered the following resolution:

**SENATE RESOLUTION NO. 2055****NOTICE OF PROPOSED RULE CHANGE**

Notice is hereby given by the Senator from the 34th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 92 be amended to read as follows:

“Rule 92. When a question has once been decided by a vote of the senate, any senator voting on that side which prevails may move for a reconsideration of the vote at any time within [three] **five** legislative days, excluding legislative days wherein the roll is not called, after the day on which the vote was had, except votes ordering bills printed as perfected, which may be reconsidered at any time before third reading of such bills. When a motion is made to reconsider the vote by which a bill failed of perfection, the presiding officer shall briefly state the nature of the bill and, thereupon, the vote on the motion to reconsider shall be immediately taken without interrogation or debate. All motions to reconsider shall be decided by a majority vote of the senators elected. Only one motion to reconsider shall be allowed on any question.”.

Senator Schaaf offered the following resolution:

SENATE RESOLUTION NO. 2056

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 34th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 84 be amended to read as follows:

“Rule 84. The previous question shall be in this form: “Shall the main question be now put?”. It shall only be admitted on written demand of [five] **ten** senators, and sustained by a vote of a majority of the senators elected, and in effect shall be put without debate, and bring the senate to direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments, and then upon the main question. On demand for the previous question, a call of the senate shall be in order, but after a majority of the senators elected have sustained such a motion, no call shall be in order prior to the decision on the main question.”.

Senator Schaaf offered the following resolution:

SENATE RESOLUTION NO. 2057

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 34th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 25 be amended to read as follows:

“Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, Food Production and Outdoor Resources, 8 members.
3. Committee on Appropriations, [11] **13** members.
4. Committee on Commerce, Consumer Protection, Energy and the Environment, 11 members.
5. Committee on Economic Development, 11 members.
6. Committee on Education, 9 members.
7. Committee on Fiscal Oversight, 7 members.
8. Committee on General Laws, 7 members.
9. Committee on Government Reform, 7 members.
10. Committee on Gubernatorial Appointments, 11 members.
11. Committee on Health and Pensions, 7 members.
12. Committee on Insurance and Banking, 7 members.
13. Committee on the Judiciary and Civil and Criminal Jurisprudence, 7 members.
14. Committee on Local Government and Elections, 7 members.
15. Committee on Professional Registration, 7 members.
16. Committee on Progress and Development, 4 members.
17. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.
18. Committee on Seniors, Families and Children, 7 members.
19. Committee on Small Business and Industry, 8 members.

20. Committee on Transportation, Infrastructure and Public Safety, 7 members.

21. Committee on Veterans and Military Affairs, 7 members.

22. Committee on Ways and Means, 7 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.”.

Senator Schaaf offered the following resolution:

SENATE RESOLUTION NO. 2058

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 34th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 12 be amended to read as follows:

“Rule 12. All committees listed in Rule 25 shall be appointed by the president pro tem of the senate, except as otherwise provided. The minority party members shall be chosen by the minority party in the manner determined by the minority party caucus. **Each member of the majority party shall have the opportunity to request the president pro tem to appoint the member as the chairperson of a standing committee of his or her choosing based on seniority of the member as determined under Senate Rule 29. The president pro tem shall, when so requested, appoint such member as the chairperson of the requested committee.**

At the beginning of each session the caucus chairman of the minority party may file with the secretary of the senate a statement setting forth the method by which minority party members are to be appointed as determined by the minority party caucus, but if no such statement is filed, the minority party members shall be appointed to committees by the minority floor leader.”.

Senator Schaaf offered the following resolution:

SENATE RESOLUTION NO. 2059

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 34th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 25 be amended to read as follows:

“Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, Food Production and Outdoor Resources, 8 members.
3. Committee on Appropriations, 11 members.
4. Committee on Commerce, Consumer Protection, Energy and the Environment, 11 members.
5. Committee on Economic Development, 11 members.
6. Committee on Education, 9 members.
7. Committee on Fiscal Oversight, 7 members.
8. Committee on General Laws, 7 members.
9. Committee on Government Reform, 7 members.
10. Committee on Gubernatorial Appointments, 11 members.
11. Committee on Health and Pensions, 7 members.
12. Committee on Insurance and Banking, 7 members.
13. Committee on the Judiciary and Civil and Criminal Jurisprudence, 7 members.
14. Committee on Local Government and Elections, 7 members.
15. Committee on Professional Registration, 7 members.
16. Committee on Progress and Development, 4 members.
17. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.
18. Committee on Seniors, Families and Children, 7 members.

19. Committee on Small Business and Industry, 8 members.
20. Committee on Transportation, Infrastructure and Public Safety, 7 members.
21. Committee on Veterans and Military Affairs, 7 members.
22. Committee on Ways and Means, 7 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee. **Upon receipt of articles of impeachment by the House of Representatives, a committee on impeachment shall be formed, consisting of 7 members, whose sole duty shall be the recommendation to the full senate of seven eminent jurists to be elected to a special commission to try the impeachment under Article VII, Section 2 of the Missouri Constitution.”.**

Senator Schaaf offered the following resolution:

SENATE RESOLUTION NO. 2060  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 34th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 48 be amended to read as follows:

“Rule 48. No bills, other than appropriation bills, shall be introduced in the senate after [March] **April** first of any regular session unless consented to by a majority of the elected members of the senate, and no bills other than appropriation bills shall be introduced in the senate after the sixtieth legislative day of any regular session, unless consented to by a majority of the elected members of the house and senate, or the governor requests consideration of the proposed legislation by a special message. (Constitution, Art. III, Sec. 25.)”.

Senator Schaaf offered the following resolution:

SENATE RESOLUTION NO. 2061  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 34th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 49 be amended to read as follows:

“Rule 49. Up to [one thousand] **five hundred** copies of all bills and joint resolutions shall be printed after their first reading and before a second reading is permitted, unless otherwise ordered. Bills and resolutions for the senate shall be printed in pamphlet form, as for the last and previous sessions, in page size eight and one-half by eleven inches. A copy of the printed bill shall be attached to the original bill when it is referred to committee, and thereafter the original and the printed copy thereof shall be kept together. The bill shall not be re-typed, but upon perfection a printed copy of the bill with all amendments or substitutes adopted incorporated shall be attached to the original bill. Upon final passage by the senate, the original, with a printed copy of the bill as perfected attached thereto, shall be transmitted to the house. Upon final passage by both houses the bill shall be printed as truly agreed and finally passed, shall be signed by the presiding officers in printed form, and shall be presented to the governor in printed form with appropriate spaces for signatures, and such printed bill, appropriately signed, shall constitute the original roll for the bill.”.

Senator Schaaf offered the following resolution:

SENATE RESOLUTION NO. 2062  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 34th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 25 be amended to read as follows:

“Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, Food Production and Outdoor Resources, 8 members.
3. Committee on Appropriations, 11 members.

4. Committee on Commerce, Consumer Protection, Energy and the Environment, 11 members.
5. Committee on Economic Development, 11 members.
6. Committee on Education, 9 members.
7. Committee on Fiscal Oversight, 7 members.
8. Committee on General Laws, 7 members.
9. Committee on Government Reform, 7 members.
10. Committee on Gubernatorial Appointments, 11 members.
11. Committee on Health and Pensions, 7 members.
12. Committee on Insurance and Banking, 7 members.
13. Committee on the Judiciary and Civil and Criminal Jurisprudence, 7 members.
14. Committee on Local Government and Elections, 7 members.
15. Committee on Professional Registration, 7 members.
16. Committee on Progress and Development, 4 members.
17. Committee on Rules, Joint Rules, Resolutions and Ethics, [7] 11 members.
18. Committee on Seniors, Families and Children, 7 members.
19. Committee on Small Business and Industry, 8 members.
20. Committee on Transportation, Infrastructure and Public Safety, 7 members.
21. Committee on Veterans and Military Affairs, 7 members.
22. Committee on Ways and Means, 7 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.”.

**Senator Schaaf offered the following resolution:**

SENATE RESOLUTION NO. 2063  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 34th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 28 be amended to read as follows:

“Rule 28. The duties of the standing committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Agriculture, Food Production and Outdoor Resources shall consider and report upon bills and matters referred to it relating to animals, animal disease, pest control, agriculture, food production, the state park system, conservation of the state’s natural resources, soil and water, wildlife and game refuges.

3. The Committee on Appropriations shall consider and report upon all bills and matters referred to it pertaining to general appropriations and disbursement of public money.

4. The Committee on Commerce, Consumer Protection, Energy and the Environment shall consider and report upon bills and matters referred to it relating to the development of state commerce, the commercial sector, consumer protection, telecommunications and cable issues, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to

environmental preservation.

5. The Committee on Economic Development shall consider and report upon bills and matters referred to it relating to the promotion of economic development, creation and retention of jobs, tourism and the promotion of tourism as a state industry, and community and business development.

6. The Committee on Education shall consider and report upon bills and matters referred to it relating to education in the state, including the public schools, libraries, programs and institutions of higher learning.

7. The Committee on Fiscal Oversight shall consider and report upon all bills, except regular appropriation bills, that require new appropriations or expenditures of appropriated funds in excess of \$100,000, or that reduce such funds by that amount during any of the first three years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on Fiscal Oversight for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on Fiscal Oversight for its consideration prior to it being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during any of the first three years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on Fiscal Oversight. **The Senator handling any such house bill that was re-referred to the Committee on Fiscal Oversight prior to third reading shall, prior to third reading, briefly describe the subject matter of the bill.** The author or first named sponsor of a bill referred to the Committee on Fiscal Oversight shall be entitled to a hearing on his/her bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on Fiscal Oversight may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted, the bill shall again be referred to the Committee on Fiscal Oversight.

8. The Committee on General Laws shall consider and report upon bills and matters referred to it relating to general topics.

9. The Committee on Government Reform shall review, study, and investigate all matters referred to it relating to the application, administration, execution, and effectiveness of all state laws and programs, the organization and operation of state agencies and other entities having responsibility for the administration and execution of state laws and programs, and any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation to improve the efficiency of any state law or program. Any findings of the committee may be reported to the senate and the Committee on Appropriations. The committee shall also consider and report upon bills and matters referred to it relating to improving governmental efficiency and management. The committee shall also consider and report upon bills and matters referred to it relating to improving governmental efficiency and management.

10. The Committee on Gubernatorial Appointments shall consider and report upon gubernatorial appointments referred to it.

11. The Committee on Health and Pensions shall consider and report upon bills and matters referred to it relating to health, MO HealthNet, alternative health care delivery system proposals, public health, disease control, hospital operations, mental health, developmental disabilities, and substance abuse and addiction. The committee shall also consider and report upon bills and matters referred to it concerning retirement and pensions and pension plans.

12. The Committee on Insurance and Banking shall consider and report upon bills and matters referred to it relating to the ownership and operation of insurance and banking; and life, accident, indemnity and other forms of insurance. The committee shall also take into consideration and report on bills and matters referred to it relating to banks and banking, savings and loan associations, and other financial institutions in the state.

13. The Committee on the Judiciary and Civil and Criminal Jurisprudence shall consider and report upon bills and matters relating to the judicial department of the state including the practice of the courts of this state, civil procedure and criminal laws, criminal costs and all related matters. The Committee shall also consider and report upon bills and matters referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

14. The Committee on Local Government and Elections shall consider and report upon bills and matters referred to it relating to the county government, township organizations, and political subdivisions. The committee shall consider and report upon bills and matters referred to it relating to election law.

15. The Committee on Professional Registration shall consider and report upon bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency.

16. The Committee on Progress and Development shall consider and report upon bills and matters referred to it concerning the changing or maintenance of issues relating to human welfare.

17. The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon bills and matters referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will



be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report. The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

18. The Committee on Seniors, Families and Children shall consider and report upon bills and matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, and family and children's issues. It shall also consider and report upon bills and matters referred to it concerning income maintenance, social services, and child support enforcement.

19. The Committee on Small Business and Industry shall consider and report upon bills and matters referred to it relating to the ownership and operation of small businesses. The committee shall also take into consideration and report on bills relating to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine bills referred to it relating to industrial development.

20. The Committee on Transportation, Infrastructure and Public Safety shall consider and report upon bills and matters referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles, motor vehicle registration and drivers' licenses and matters relating to the safety of the general public.

21. The Committee on Veterans and Military Affairs shall consider and report upon bills and matters concerning veterans' and military affairs.

22. The Committee on Ways and Means shall consider and report upon bills and matters referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.”.

Senator Schaaf offered the following resolution:

SENATE RESOLUTION NO. 2064

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 34th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 82 be amended to read as follows:

“Rule 82. If the question in debate contains several points, **including a bill or substitute thereof**, any senator may have it divided if it comprehends propositions in substance so distinct that by one being taken away a substantive proposition remains for the decision of the senate. On motion to strike out and insert, it shall not be in order to move for a division of the question, but a rejection of the motion to strike out and insert a different proposition shall not prevent a subsequent motion simply to strike out, nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert. [If the question in debate is a bill or a substitute thereof, a request to divide the bill or substitute shall not be in order.]”.

Senator Schaaf offered the following resolution:

SENATE RESOLUTION NO. 2065

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 34th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 6 be amended to read as follows:

“Rule 6. Upon the written request of the sponsor or floor handler of a bill, the committee on rules, joint rules, resolutions, and ethics may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee on rules, joint rules, resolutions, and ethics with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report. Except as otherwise provided for in this paragraph, only the regular appropriation bills, including the deficiency and the omnibus bills, bills providing for legislative or congressional redistricting, bills producing more than three million dollars in additional

state revenue, bills implementing amendments to the Missouri Constitution which were adopted at the immediately preceding state primary or general election, and bills requiring passage in order that the state receive funds from the federal government for the institution, continuance or expansion of federal-state programs, may be called up or considered out of the order in which the bill appears on the formal calendar of the senate. **The majority floor leader shall not request any member who has a senate bill on the perfection formal calendar or is handling a house bill on the house bills on third reading formal calendar to lay such bill on the informal calendar.**

All bills reported to the senate floor by the Committee on Governmental Accountability and Fiscal Oversight shall be placed on the appropriate formal calendar in a position, as near as may be, to that position which the bill would have had absent referral to the Committee on Governmental Accountability and Fiscal Oversight.”.

Senator Schaaf offered the following resolution:

SENATE RESOLUTION NO. 2066  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 34th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 50 be amended to read as follows:

“Rule 50. Referrals of bills and appointments to committee shall be made by the president pro tem; and no bill shall be considered for final passage unless it has been reported on by a committee and printed for the use of the senators. **When the senate proceeds to the order of business of Reports of Standing Committees, the presiding officer shall recognize chairmen seeking recognition in order of their seniority, except for the chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics and the chairman of the Committee on Fiscal Oversight, for the purpose of sending reports forward. Bills sent forward shall be placed on the appropriate calendar in the order in which such bills are received and in the order in which such bills are arranged by the chairman.** A report of all bills recommended “do pass” by a committee shall be submitted to the senate by the chairman and all committee amendments accompanying the report shall be printed in the Journal.

After a bill has been referred to a committee, one-third of the senators elected has the power to relieve a committee of further consideration of a bill and place it on the calendar for consideration. In any case where a committee has been relieved of further consideration of a bill as herein provided, a majority of the senators present but not less than one-third of the senators elected, may, at any time before final passage thereof, again refer the bill to the same or some other committee for consideration. No bill or resolution shall be reported adversely by any committee until the author of the bill or resolution has been given an opportunity to appear and be heard before the committee to which it is referred.

One-third of the senators elected may relieve a committee of an appointment and a motion to grant advice and consent of the Senate to that appointment is then in order upon a vote of the majority of the Senate.”.

**REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **HCS for HB 1872; HB 1719, with SCS; HB 1516; HCS for HB 1456, with SCS; and HCS for HB 1388, with SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointment and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Nancy E. Birch, William C. Prince and Jeanie M. Thies, as members of the Child Abuse and Neglect Review Board;

Also,

Michael Whitehead, Republican, as a member of the Jackson County Board of Election Commissioners;  
Also,

Reid K. Forrester, Republican, as a member of the Labor and Industrial Relations Commission; and  
Victor E. Callahan, as a member of the State Tax Commission.

Senator Richard requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Richard moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointment and reappointments, which motion prevailed.

President Pro Tem Richard assumed the Chair.

Senator Wasson, Chairman of the Committee on Economic Development, submitted the following report:

Mr. President: Your Committee on Economic Development, to which was referred **HB 2039**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Parson assumed the Chair.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 597**, entitled:

An Act to repeal sections 208.152, 354.150, 354.495, 374.115, 374.150, 374.230, 375.1218, 376.715, 376.717, 376.718, 376.720, 376.722, 376.724, 376.725, 376.726, 376.733, 376.734, 376.735, 376.737, 376.738, 376.742, 376.743, 376.746, 376.747, 376.748, 376.755, 376.756, and 376.758, RSMo, and to enact in lieu thereof twenty-seven new sections relating to fees for insurance services, with a delayed effective date for certain sections.

With House Amendment Nos. 1, 2, 3 and 4.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 597, Page 1, In the Title, Line 6, by deleting the words, “fees for”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 597, Page 1, Section A, Line 8, by inserting after all of said section and line the following:

“191.1145. 1. As used in sections 191.1145 and 191.1146, the following terms shall mean:

(1) “Asynchronous store-and-forward transfer”, the collection of a patient’s relevant health information and the subsequent transmission of that information from an originating site to a health care provider at a distant site without the patient being present;

(2) “Clinical staff”, any health care provider licensed in this state;

(3) “Distant site”, a site at which a health care provider is located while providing health care services by means of telemedicine;

(4) “Health care provider”, as that term is defined in section 376.1350;

(5) “Originating site”, a site at which a patient is located at the time health care services are provided to him or her by means of telemedicine. For the purposes of asynchronous store-and-forward transfer, originating site shall also mean the location at which the health care provider transfers information to the distant site;

(6) “Telehealth” or “telemedicine”, the delivery of health care services by means of information and communication technologies which facilitate the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient’s health care while such patient is at the originating site and the health care provider is at the distant site. Telehealth or telemedicine shall also include the use of asynchronous store-and-forward technology.

2. Any licensed health care provider shall be authorized to provide telehealth services if such services are within the scope of practice for which the health care provider is licensed and are provided with the same standard of care as services provided in person. **This section shall not be construed to prohibit a health carrier, as defined in section 376.1350, from reimbursing non-clinical staff for services otherwise allowed by law.**

3. In order to treat patients in this state through the use of telemedicine or telehealth, health care providers shall be fully licensed to practice in this state and shall be subject to regulation by their respective professional boards.

4. Nothing in subsection 3 of this section shall apply to:

(1) Informal consultation performed by a health care provider licensed in another state, outside of the context of a contractual relationship, and on an irregular or infrequent basis without the expectation or exchange of direct or indirect compensation;

(2) Furnishing of health care services by a health care provider licensed and located in another state in case of an emergency or disaster; provided that, no charge is made for the medical assistance; or

(3) Episodic consultation by a health care provider licensed and located in another state who provides such consultation services on request to a physician in this state.

5. Nothing in this section shall be construed to alter the scope of practice of any health care provider or to authorize the delivery of health care services in a setting or in a manner not otherwise authorized by the laws of this state.

6. No originating site for services or activities provided under this section shall be required to maintain immediate availability of on-site clinical staff during the telehealth services, except as necessary to meet the standard of care for the treatment of the patient’s medical condition if such condition is being treated by an eligible health care provider who is not at the originating site, has not previously seen the patient in person in a clinical setting, and is not providing coverage for a health care provider who has an established relationship with the patient.

7. Nothing in this section shall be construed to alter any collaborative practice requirement as provided

in chapters 334 and 335.”; and

Further amend said bill, Page 10, Section 208.152, Line 329, by inserting after all of said section and line the following:

“208.670. 1. As used in this section, these terms shall have the following meaning:

(1) **“Consultation”, a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association;**

(2) **“Distant site”, the same meaning as such term is defined in section 191.1145;**

(3) **“Originating site”, the same meaning as such term is defined in section 191.1145;**

(4) **“Provider”, [any provider of medical services and mental health services, including all other medical disciplines] the same meaning as the term “health care provider” is defined in section 191.1145, and such provider meets all other MO HealthNet eligibility requirements;**

[(2)] (5) **“Telehealth”, the same meaning as such term is defined in section 191.1145.**

2. [Reimbursement for the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program shall be allowed for orthopedics, dermatology, ophthalmology and optometry, in cases of diabetic retinopathy, burn and wound care, dental services which require a diagnosis, and maternal-fetal medicine ultrasounds.

3. The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the practice of telehealth in the MO HealthNet program. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth, certification of agencies offering telehealth, and payment for services by providers. Telehealth providers shall be required to obtain participant consent before telehealth services are initiated and to ensure confidentiality of medical information.

4. Telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. Reimbursement for such services shall be made in the same way as reimbursement for in-person contacts.

5. The provisions of section 208.671 shall apply to the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program] **The department of social services shall reimburse providers for services provided through telehealth if such providers can ensure services are rendered meeting the standard of care that would otherwise be expected should such services be provided in person. The department shall not restrict the originating site through rule or payment so long as the provider can ensure services are rendered meeting the standard of care that would otherwise be expected should such services be provided in person. Payment for services rendered via telehealth shall not depend on any minimum distance requirement between the originating and distant site. Reimbursement for telehealth services shall be made in the same way as reimbursement for in-person contact; however, consideration shall also be made for reimbursement to the originating site. Reimbursement for asynchronous store-and-forward may be capped at the reimbursement rate had the service been provided in person.**

208.677. [1. For purposes of the provision of telehealth services in the MO HealthNet program, the term “originating site” shall mean a telehealth site where the MO HealthNet participant receiving the telehealth service is located for the encounter. The standard of care in the practice of telehealth shall be the same as the standard of care for services provided in person. An originating site shall be one of the following locations:

- (1) An office of a physician or health care provider;
- (2) A hospital;
- (3) A critical access hospital;
- (4) A rural health clinic;
- (5) A federally qualified health center;
- (6) A long-term care facility licensed under chapter 198;
- (7) A dialysis center;
- (8) A Missouri state habilitation center or regional office;
- (9) A community mental health center;
- (10) A Missouri state mental health facility;
- (11) A Missouri state facility;

(12) A Missouri residential treatment facility licensed by and under contract with the children’s division. Facilities shall have multiple campuses and have the ability to adhere to technology requirements. Only Missouri licensed psychiatrists, licensed psychologists, or provisionally licensed psychologists, and advanced practice registered nurses who are MO HealthNet providers shall be consulting providers at these locations;

- (13) A comprehensive substance treatment and rehabilitation (CSTAR) program;
- (14) A school;
- (15) The MO HealthNet recipient’s home;
- (16) A clinical designated area in a pharmacy; or
- (17) A child assessment center as described in section 210.001.

2. If the originating site is a school, the school shall obtain permission from the parent or guardian of any student receiving telehealth services prior to each provision of service.] **Prior to the provision of telehealth services in a school, the parent or guardian of the child shall provide authorization for the provision of such service. Such authorization shall include the ability for the parent or guardian to authorize services via telehealth in the school for the remainder of the school year.”; and**

Further amend said bill, Page 11, Section 354.495, Line 15, by inserting after all of said section and line the following:

“354.603. 1. A health carrier shall maintain a network that is sufficient in number and types of providers to assure that all services to enrollees shall be accessible without unreasonable delay. In the case of

emergency services, enrollees shall have access twenty-four hours per day, seven days per week. The health carrier's medical director shall be responsible for the sufficiency and supervision of the health carrier's network. Sufficiency shall be determined by the director in accordance with the requirements of this section and by reference to any reasonable criteria, including but not limited to provider-enrollee ratios by specialty, primary care provider-enrollee ratios, geographic accessibility, reasonable distance accessibility criteria for pharmacy and other services, waiting times for appointments with participating providers, hours of operation, and the volume of technological and specialty services available to serve the needs of enrollees requiring technologically advanced or specialty care.

(1) In any case where the health carrier has an insufficient number or type of participating providers to provide a covered benefit, the health carrier shall ensure that the enrollee obtains the covered benefit at no greater cost than if the benefit was obtained from a participating provider, or shall make other arrangements acceptable to the director.

(2) The health carrier shall establish and maintain adequate arrangements to ensure reasonable proximity of participating providers, including local pharmacists, to the business or personal residence of enrollees. In determining whether a health carrier has complied with this provision, the director shall give due consideration to the relative availability of health care providers in the service area under, especially rural areas, consideration.

(3) A health carrier shall monitor, on an ongoing basis, the ability, clinical capacity, and legal authority of its providers to furnish all contracted benefits to enrollees. The provisions of this subdivision shall not be construed to require any health care provider to submit copies of such health care provider's income tax returns to a health carrier. A health carrier may require a health care provider to obtain audited financial statements if such health care provider received ten percent or more of the total medical expenditures made by the health carrier.

(4) A health carrier shall make its entire network available to all enrollees unless a contract holder has agreed in writing to a different or reduced network.

2. A health carrier shall file with the director, in a manner and form defined by rule of the department of insurance, financial institutions and professional registration, an access plan meeting the requirements of sections 354.600 to 354.636 for each of the managed care plans that the health carrier offers in this state. The health carrier may request the director to deem sections of the access plan as proprietary or competitive information that shall not be made public. For the purposes of this section, information is proprietary or competitive if revealing the information will cause the health carrier's competitors to obtain valuable business information. The health carrier shall provide such plans, absent any information deemed by the director to be proprietary, to any interested party upon request. The health carrier shall prepare an access plan prior to offering a new managed care plan, and shall update an existing access plan whenever it makes any change as defined by the director to an existing managed care plan. The director shall approve or disapprove the access plan, or any subsequent alterations to the access plan, within sixty days of filing. The access plan shall describe or contain at a minimum the following:

- (1) The health carrier's network;
- (2) The health carrier's procedures for making referrals within and outside its network;
- (3) The health carrier's process for monitoring and assuring on an ongoing basis the sufficiency of the

network to meet the health care needs of enrollees of the managed care plan;

(4) The health carrier's methods for assessing the health care needs of enrollees and their satisfaction with services;

(5) The health carrier's method of informing enrollees of the plan's services and features, including but not limited to the plan's grievance procedures, its process for choosing and changing providers, and its procedures for providing and approving emergency and specialty care;

(6) The health carrier's system for ensuring the coordination and continuity of care for enrollees referred to specialty physicians, for enrollees using ancillary services, including social services and other community resources, and for ensuring appropriate discharge planning;

(7) The health carrier's process for enabling enrollees to change primary care professionals;

(8) The health carrier's proposed plan for providing continuity of care in the event of contract termination between the health carrier and any of its participating providers, in the event of a reduction in service area or in the event of the health carrier's insolvency or other inability to continue operations. The description shall explain how enrollees shall be notified of the contract termination, reduction in service area or the health carrier's insolvency or other modification or cessation of operations, and transferred to other health care professionals in a timely manner; and

(9) Any other information required by the director to determine compliance with the provisions of sections 354.600 to 354.636.

3. In reviewing an access plan filed pursuant to subsection 2 of this section, the director shall deem a managed care plan's network to be adequate if it meets one or more of the following criteria:

(1) The managed care plan is a Medicare + Choice coordinated care plan offered by the health carrier pursuant to a contract with the federal Centers for Medicare and Medicaid Services;

(2) The managed care plan is being offered by a health carrier that has been accredited by the National Committee for Quality Assurance at a level of "accredited" or better, and such accreditation is in effect at the time the access plan is filed;

(3) The managed care plan's network has been accredited by the Joint Commission on the Accreditation of Health Organizations for Network Adequacy, and such accreditation is in effect at the time the access plan is filed. If the accreditation applies to only a portion of the managed care plan's network, only the accredited portion will be deemed adequate; [or]

(4) The managed care plan is being offered by a health carrier that has been accredited by the Utilization Review Accreditation Commission at a level of "accredited" or better, and such accreditation is in effect at the time the access plan is filed; **or**

**(5) The managed care plan is being offered by a health carrier that has been accredited by the Accreditation Association for Ambulatory Health Care, and such accreditation is in effect at the time the access plan is filed.”; and**

Further amend said bill, Page 15, Section 375.1218, Line 67, by inserting after all of said section and line the following:



“376.427. 1. As used in this section, the following terms mean:

(1) **“Health benefit plan”, as such term is defined in section 376.1350;**

(2) “Health care services”, medical, surgical, dental, podiatric, pharmaceutical, chiropractic, licensed ambulance service, and optometric services;

(3) **“Health carrier” or “carrier”, as such term is defined in section 376.1350;**

[(2)] (4) “Insured”, any person entitled to benefits under a contract of accident and sickness insurance, or medical-payment insurance issued as a supplement to liability insurance but not including any other coverages contained in a liability or a workers’ compensation policy, issued by an insurer;

[(3)] (5) “Insurer”, any person, reciprocal exchange, interinsurer, fraternal benefit society, health services corporation, self-insured group arrangement to the extent not prohibited by federal law, or any other legal entity engaged in the business of insurance;

[(4)] (6) “Provider”, a physician, hospital, dentist, podiatrist, chiropractor, pharmacy, licensed ambulance service, or optometrist, licensed by this state.

2. Upon receipt of an assignment of benefits made by the insured to a provider, the insurer shall issue the instrument of payment for a claim for payment for health care services in the name of the provider. All claims shall be paid within thirty days of the receipt by the insurer of all documents reasonably needed to determine the claim.

3. Nothing in this section shall preclude an insurer from voluntarily issuing an instrument of payment in the single name of the provider.

4. **Except as provided in subsection 5 of this section**, this section shall not require any insurer, health services corporation, health maintenance corporation or preferred provider organization which directly contracts with certain members of a class of providers for the delivery of health care services to issue payment as provided pursuant to this section to those members of the class which do not have a contract with the insurer.

**5. When a patient’s health benefit plan does not include or require payment to out-of-network providers for all or most covered services, which would otherwise be covered if the patient received such services from a provider in the carrier’s network, including but not limited to health maintenance organization plans, as such term is defined in section 354.400, or a health benefit plan offered by a carrier consistent with subdivision (19) of section 376.426, payment for all services shall be made directly to the providers when the health carrier has authorized such services to be received from a provider outside the carrier’s network.**

**376.690. 1. As used in this section, the following terms shall mean:**

(1) **“Emergency medical condition”, the same meaning given to such term in section 376.1350;**

(2) **“Facility”, the same meaning given to such term in section 376.1350;**

(3) **“Health care professional”, the same meaning given to such term in section 376.1350;**

(4) **“Health carrier”, the same meaning given to such term in section 376.1350;**

(5) **“Unanticipated out-of-network care”, health care services received by a patient in an in-**

network facility from an out-of-network health care professional from the time the patient presents with an emergency medical condition until the time the patient is discharged;

2. Health care professionals shall send any claim for charges incurred for unanticipated out-of-network care to the patient's health carrier on a U.S. Centers of Medicare and Medicaid Services Form 1500, or its successor form, or electronically using the 837 HIPAA format, or its successor.

(1) Within forty-five processing days, as defined in 376.383, of receiving the health care professional's claim, the health carrier shall offer to pay the health care professional a reasonable reimbursement for unanticipated out-of-network care based on the health care professional's services. If the health care professional participates in one or more of the carrier's commercial networks, the offer of reimbursement for unanticipated out-of-network care shall be the amount from the network which has the highest reimbursement.

(2) If the health care professional declines the health carrier's initial offer of reimbursement, the health carrier and health care professional shall have sixty days to negotiate in good faith to attempt to determine the reimbursement for the unanticipated out-of-network care.

(3) If the health carrier and health care professional do not agree to a reimbursement amount by the end of the sixty day negotiation period, the dispute shall be resolved through an arbitration process as specified in subsection 4 of this section.

(4) To initiate arbitration proceedings, either the health carrier or health care professional must provide written notification to the director and the other party within 120 days of the end of the negotiation period, indicating their intent to arbitrate the matter and notifying the director of the billed amount and the date and amount of the final offer by each party. A bill for unanticipated out of network care may be resolved between the parties at any point prior to the commencement of the arbitration proceedings. Bills may be combined for purposes of arbitration, but only to the extent the bills represent similar circumstances and services provided by the same health care professional, and the parties attempted to resolve the dispute in accordance with subdivisions (2) through (4) of this subsection.

(5) No health care professional shall send a bill to the patient for any difference between the reimbursement rate as determined under this subsection and the health care professional's billed charge.

3. When unanticipated out-of-network care is provided, the health care professional may bill a patient for no more than the cost-sharing requirements described under this section.

(1) Cost-sharing requirements shall be based on the reimbursement amount as determined under subsection 2 of this section.

(2) The patient's health carrier shall inform the health care professional of its enrollee's cost-sharing requirements within forty-five processing days of receiving a claim from the health care professional for services provided.

(3) The in-network deductible and out-of-pocket maximum cost-sharing requirements shall apply to the claim for the unanticipated out-of-network care.

4. The director shall ensure access to an external arbitration process when a health care

professional and health carrier cannot agree to a reimbursement under subdivision (2) of subsection 2 of this section. In order to ensure access, when notified of a parties' intent to arbitrate, the director shall randomly select an arbitrator for each case from the department's approved list of arbitrators or entities that provide binding arbitration. The director shall specify the criteria for an approved arbitrator or entity by rule. The costs of arbitration shall be shared equally between and will be directly billed to the health care professional and health carrier. These costs will include, but are not limited to, reasonable time necessary for the arbitrator to review materials in preparation for the arbitration, travel expenses and reasonable time following the arbitration for drafting of the final decision.

5. At the conclusion of such arbitration process, the arbitrator shall issue a final decision, which shall be binding on all parties. The arbitrator shall provide a copy of the final decision to the director. The initial request for arbitration, all correspondence and documents received by the Department and the final arbitration decision shall be considered a closed record under section 374.071. However, the director may release aggregated summary data regarding the arbitration process. The decision of the arbitrator shall not be considered an agency decision nor shall it be considered a contested case within the meaning of 536.010.

6. The arbitrator shall determine a dollar amount due under subsection 2 of this section between one hundred twenty percent of the Medicare allowed amount and the seventieth percentile of the usual and customary rate for the unanticipated out-of-network care, as determined by benchmarks from independent nonprofit organizations that are not affiliated with insurance carriers or provider organizations.

7. When determining a reasonable reimbursement rate, the arbitrator shall consider the following factors if the health care professional believes the payment offered for the unanticipated out-of-network care does not properly recognize:

- (1) The health care professional's training, education, or experience;
- (2) The nature of the service provided;
- (3) The health care professional's usual charge for comparable services provided;
- (4) The circumstances and complexity of the particular case, including the time and place the services were provided; and
- (5) The average contracted rate for comparable services provided in the same geographic area.

8. The enrollee shall not be required to participate in the arbitration process. The health care professional and health carrier shall execute a nondisclosure agreement prior to engaging in an arbitration under this section.

9. This section shall take effect on January 1, 2019.

10. The department of insurance, financial institutions and professional registration may promulgate rules and fees as necessary to implement the provisions of this section, including but not limited to, procedural requirements for arbitration. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if

**applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and**

Further amend said bill, Page 36, Section 376.758, Line 10, by inserting after all said section and line the following:

**“376.1065. 1. As used in this section, the following terms shall mean:**

**(1) “Contracting entity”, any health carrier, as such term is defined in section 376.1350, subject to the jurisdiction of the department engaged in the act of contracting with providers for the delivery of dental services, or the selling or assigning of dental network plans to other entities under the jurisdiction of the department;**

**(2) “Department”, the department of insurance, financial institutions and professional registration;**

**(3) “Official notification,” written communication by a provider or participating provider to a contracting entity describing such provider’s or participating provider’s change in contact information or participation status with the contracting entity;**

**(4) “Participating provider”, a provider who has an agreement with a contracting entity to provide dental services with an expectation of receiving payment, other than coinsurance, co-payments, or deductibles, directly or indirectly from such contracting entity;**

**(5) “Provider”, any person licensed under chapter 332.**

**2. A contracting entity shall, upon official notification, make changes contained in the official notification to their electronic provider material and their next edition of paper material made available to plan members or other potential plan members.**

**3. The department, when determining the result of a market conduct examination under sections 374.202 to 374.207, shall consider violations of this section by a contracting entity.**

376.1350. For purposes of sections 376.1350 to 376.1390,  
the following terms mean:

(1) “Adverse determination”, a determination by a health carrier or its designee utilization review organization that an admission, availability of care, continued stay or other health care service has been reviewed and, based upon the information provided, does not meet the health carrier’s requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness, and the payment for the requested service is therefore denied, reduced or terminated;

(2) “Ambulatory review”, utilization review of health care services performed or provided in an outpatient setting;

(3) “Case management”, a coordinated set of activities conducted for individual patient management of serious, complicated, protracted or other health conditions;

(4) “Certification”, a determination by a health carrier or its designee utilization review organization

that an admission, availability of care, continued stay or other health care service has been reviewed and, based on the information provided, satisfies the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care and effectiveness;

(5) "Clinical peer", a physician or other health care professional who holds a nonrestricted license in a state of the United States and in the same or similar specialty as typically manages the medical condition, procedure or treatment under review;

(6) "Clinical review criteria", the written screening procedures, decision abstracts, clinical protocols and practice guidelines used by the health carrier to determine the necessity and appropriateness of health care services;

(7) "Concurrent review", utilization review conducted during a patient's hospital stay or course of treatment;

(8) "Covered benefit" or "benefit", a health care service that an enrollee is entitled under the terms of a health benefit plan;

(9) "Director", the director of the department of insurance, financial institutions and professional registration;

(10) "Discharge planning", the formal process for determining, prior to discharge from a facility, the coordination and management of the care that a patient receives following discharge from a facility;

(11) "Drug", any substance prescribed by a licensed health care provider acting within the scope of the provider's license and that is intended for use in the diagnosis, mitigation, treatment or prevention of disease. The term includes only those substances that are approved by the FDA for at least one indication;

(12) "Emergency medical condition", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity, **regardless of the final diagnosis that is given**, that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that immediate medical care is required, which may include, but shall not be limited to:

(a) Placing the person's health in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain; or

(e) With respect to a pregnant woman who is having contractions:

a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or

b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;

(13) "Emergency service", a health care item or service furnished or required to evaluate and treat an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;

(14) "Enrollee", a policyholder, subscriber, covered person or other individual participating in a health

benefit plan;

(15) “FDA”, the federal Food and Drug Administration;

(16) “Facility”, an institution providing health care services or a health care setting, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health settings;

(17) “Grievance”, a written complaint submitted by or on behalf of an enrollee regarding the:

(a) Availability, delivery or quality of health care services, including a complaint regarding an adverse determination made pursuant to utilization review;

(b) Claims payment, handling or reimbursement for health care services; or

(c) Matters pertaining to the contractual relationship between an enrollee and a health carrier;

(18) “Health benefit plan”, a policy, contract, certificate or agreement entered into, offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services; except that, health benefit plan shall not include any coverage pursuant to liability insurance policy, workers’ compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(19) “Health care professional”, a physician or other health care practitioner licensed, accredited or certified by the state of Missouri to perform specified health services consistent with state law;

(20) “Health care provider” or “provider”, a health care professional or a facility;

(21) “Health care service”, a service for the diagnosis, prevention, treatment, cure or relief of a health condition, illness, injury or disease;

(22) “Health carrier”, an entity subject to the insurance laws and regulations of this state that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits or health services; except that such plan shall not include any coverage pursuant to a liability insurance policy, workers’ compensation insurance policy, or medical payments insurance issued as a supplement to a liability policy;

(23) “Health indemnity plan”, a health benefit plan that is not a managed care plan;

(24) “Managed care plan”, a health benefit plan that either requires an enrollee to use, or creates incentives, including financial incentives, for an enrollee to use, health care providers managed, owned, under contract with or employed by the health carrier;

(25) “Participating provider”, a provider who, under a contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to enrollees with an expectation of receiving payment, other than coinsurance, co-payments or deductibles, directly or indirectly from the health carrier;

(26) “Peer-reviewed medical literature”, a published scientific study in a journal or other publication in which original manuscripts have been published only after having been critically reviewed for scientific accuracy, validity and reliability by unbiased independent experts, and that has been determined by the International Committee of Medical Journal Editors to have met the uniform requirements for manuscripts submitted to biomedical journals or is published in a journal specified by the United States Department of Health and Human Services pursuant to Section 1861(t)(2)(B) of the Social Security Act, as amended, as acceptable peer-reviewed medical literature. Peer-reviewed medical literature shall not include publications or supplements to publications that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier;

(27) “Person”, an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing;

(28) “Prospective review”, utilization review conducted prior to an admission or a course of treatment;

(29) “Retrospective review”, utilization review of medical necessity that is conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding or adjudication for payment;

(30) “Second opinion”, an opportunity or requirement to obtain a clinical evaluation by a provider other than the one originally making a recommendation for a proposed health service to assess the clinical necessity and appropriateness of the initial proposed health service;

(31) “Stabilize”, with respect to an emergency medical condition, that no material deterioration of the condition is likely to result or occur before an individual may be transferred;

(32) “Standard reference compendia”:

(a) The American Hospital Formulary Service-Drug Information; or

(b) The United States Pharmacopoeia-Drug Information;

(33) “Utilization review”, a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, prospective review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review. Utilization review shall not include elective requests for clarification of coverage;

(34) “Utilization review organization”, a utilization review agent as defined in section 374.500.

376.1367. When conducting utilization review or making a benefit determination for emergency services:

(1) A health carrier shall cover emergency services necessary to screen and stabilize an enrollee, **as determined by the treating emergency department health care provider**, and shall not require prior authorization of such services;

(2) Coverage of emergency services shall be subject to applicable co-payments, coinsurance and deductibles;

(3) **Before a health carrier denies payment for an emergency medical service based on the absence**

**of an emergency medical condition, it shall review the enrollee's medical record regarding the emergency medical condition at issue. If a health carrier requests records for a potential denial where emergency services were rendered, the health care provider shall submit the record of the emergency services to the carrier within forty-five processing days, or the claim shall be subject to section 376.383. The health carrier's review of emergency services shall be completed by a board-certified physician licensed under chapter 334 to practice medicine in this state;**

(4) When an enrollee receives an emergency service that requires immediate post evaluation or post stabilization services, a health carrier shall provide an authorization decision within sixty minutes of receiving a request; if the authorization decision is not made within [thirty] **sixty** minutes, such services shall be deemed approved;

**(5) When a patient's health benefit plan does not include or require payment to out-of-network health care providers for emergency services including but not limited to health maintenance organization plans, as defined in section 354.400, or a health benefit plan offered by a health carrier consistent with subdivision (19) of section 376.426, payment for all emergency services as defined in section 376.1350 necessary to screen and stabilize an enrollee shall be paid directly to the health care provider by the health carrier. Additionally, any services authorized by the health carrier for the enrollee once the enrollee is stabilized shall also be paid by the health carrier directly to the health care provider.**

379.1545. Notwithstanding any other provision of law:

(1) An insurer may terminate or otherwise change the terms and conditions of a policy of portable electronics insurance only upon providing the policyholder and enrolled customers with at least thirty days' notice;

(2) If the insurer changes the terms and conditions of a policy of portable electronics insurance, the insurer shall provide the vendor and any policyholders with a revised policy or endorsement and each enrolled customer with a revised certificate, endorsement, updated brochure, or other evidence indicating a change in the terms and conditions has occurred and a summary of material changes;

(3) Notwithstanding subdivision (1) of this section, an insurer may terminate an enrolled customer's enrollment under a portable electronics insurance policy upon fifteen days' notice for discovery of fraud or material misrepresentation in obtaining coverage or in the presentation of a claim thereunder;

(4) Notwithstanding subdivision (1) of this section, an insurer may immediately terminate an enrolled customer's enrollment under a portable electronics insurance policy:

(a) For nonpayment of premium;

(b) If the enrolled customer ceases to have an active service with the vendor of portable electronics; or

(c) If an enrolled customer exhausts the aggregate limit of liability, if any, under the terms of the portable electronics insurance policy and the insurer sends notice of termination to the customer within thirty calendar days after exhaustion of the limit. However, if the notice is not timely sent, enrollment and coverage shall continue notwithstanding the aggregate limit of liability until the insurer sends notice of termination to the enrolled customer;



(5) Where a portable electronics insurance policy is terminated by a policyholder, the policyholder shall mail or deliver written notice to each enrolled customer advising the customer of the termination of the policy and the effective date of termination. The written notice shall be mailed or delivered to the customer at least thirty days prior to the termination;

(6) Whenever notice is required under this section, it shall be in writing and may be mailed or delivered to the vendor at the vendor's mailing address and to its affected enrolled customers' last known mailing addresses on file with the insurer. If notice is mailed, the insurer or vendor, as the case may be, shall maintain proof of mailing in a form authorized or accepted by the U.S. Postal Service or other commercial mail delivery service. Alternatively, an insurer or vendor policyholder may comply with any notice required by this section by providing electronic notice to a vendor or its affected enrolled customers, as the case may be, by electronic means. **For purposes of this subdivision, agreement to receive notices and correspondence by electronic means shall be determined in accordance with section 432.220.** Additionally, if an insurer or vendor policyholder provides electronic notice to an affected enrolled customer and such delivery by electronic means is not available or is undeliverable, the insurer or vendor policyholder shall provide written notice to the enrolled customer by mail in accordance with this section. If notice is accomplished through electronic means, the insurer or vendor of portable electronics, as the case may be, shall maintain proof that the notice was sent.

[208.671. 1. As used in this section and section 208.673, the following terms shall mean:

(1) "Asynchronous store-and-forward", the transfer of a participant's clinically important digital samples, such as still images, videos, audio, text files, and relevant data from an originating site through the use of a camera or similar recording device that stores digital samples that are forwarded via telecommunication to a distant site for consultation by a consulting provider without requiring the simultaneous presence of the participant and the participant's treating provider;

(2) "Asynchronous store-and-forward technology", cameras or other recording devices that store images which may be forwarded via telecommunication devices at a later time;

(3) "Consultation", a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association;

(4) "Consulting provider", a provider who, upon referral by the treating provider, evaluates a participant and appropriate medical data or images delivered through asynchronous store-and-forward technology. If a consulting provider is unable to render an opinion due to insufficient information, the consulting provider may request additional information to facilitate the rendering of an opinion or decline to render an opinion;

(5) "Distant site", the site where a consulting provider is located at the time the consultation service is provided;

(6) “Originating site”, the site where a MO HealthNet participant receiving services and such participant’s treating provider are both physically located;

(7) “Provider”, any provider of medical, mental health, optometric, or dental health services, including all other medical disciplines, licensed and providing MO HealthNet services who has the authority to refer participants for medical, mental health, optometric, dental, or other health care services within the scope of practice and licensure of the provider;

(8) “Telehealth”, as that term is defined in section 191.1145;

(9) “Treating provider”, a provider who:

(a) Evaluates a participant;

(b) Determines the need for a consultation;

(c) Arranges the services of a consulting provider for the purpose of diagnosis and treatment; and

(d) Provides or supplements the participant’s history and provides pertinent physical examination findings and medical information to the consulting provider.

2. The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program. Such rules shall include, but not be limited to:

(1) Appropriate standards for the use of asynchronous store-and-forward technology in the practice of telehealth;

(2) Certification of agencies offering asynchronous store-and-forward technology in the practice of telehealth;

(3) Timelines for completion and communication of a consulting provider’s consultation or opinion, or if the consulting provider is unable to render an opinion, timelines for communicating a request for additional information or that the consulting provider declines to render an opinion;

(4) Length of time digital files of such asynchronous store-and-forward services are to be maintained;

(5) Security and privacy of such digital files;

(6) Participant consent for asynchronous store-and-forward services; and

(7) Payment for services by providers; except that, consulting providers who decline to render an opinion shall not receive payment under this section unless and until an opinion is rendered.

Telehealth providers using asynchronous store-and-forward technology shall be required to obtain participant consent before asynchronous store-and-forward services are initiated and to ensure confidentiality of medical information.

3. Asynchronous store-and-forward technology in the practice of telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. The total payment for both the treating provider and the consulting provider shall not exceed the payment for a face-to-face consultation of the same level.

4. The standard of care for the use of asynchronous store-and-forward technology in the practice of telehealth shall be the same as the standard of care for services provided in person.]

[208.673. 1. There is hereby established the “Telehealth Services Advisory Committee” to advise the department of social services and propose rules regarding the coverage of telehealth services in the MO HealthNet program utilizing asynchronous store-and-forward technology.

2. The committee shall be comprised of the following members:

- (1) The director of the MO HealthNet division, or the director’s designee;
- (2) The medical director of the MO HealthNet division;
- (3) A representative from a Missouri institution of higher education with expertise in telehealth;
- (4) A representative from the Missouri office of primary care and rural health;
- (5) Two board-certified specialists licensed to practice medicine in this state;
- (6) A representative from a hospital located in this state that utilizes telehealth;
- (7) A primary care physician from a federally qualified health center (FQHC) or rural health clinic;
- (8) A primary care physician from a rural setting other than from an FQHC or rural health clinic;
- (9) A dentist licensed to practice in this state; and
- (10) A psychologist, or a physician who specializes in psychiatry, licensed to practice in this state.

3. Members of the committee listed in subdivisions (3) to (10) of subsection 2 of this section shall be appointed by the governor with the advice and consent of the senate. The first appointments to the committee shall consist of three members to serve three-year terms, three members to serve two-year

terms, and three members to serve a one-year term as designated by the governor. Each member of the committee shall serve for a term of three years thereafter.

4. Members of the committee shall not receive any compensation for their services but shall be reimbursed for any actual and necessary expenses incurred in the performance of their duties.

5. Any member appointed by the governor may be removed from office by the governor without cause. If there is a vacancy for any cause, the governor shall make an appointment to become effective immediately for the unexpired term.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.]

[208.675. For purposes of the provision of telehealth services in the MO HealthNet program, the following individuals, licensed in Missouri, shall be considered eligible health care providers:

- (1) Physicians, assistant physicians, and physician assistants;
- (2) Advanced practice registered nurses;
- (3) Dentists, oral surgeons, and dental hygienists under the supervision of a currently registered and licensed dentist;
- (4) Psychologists and provisional licensees;
- (5) Pharmacists;
- (6) Speech, occupational, or physical therapists;
- (7) Clinical social workers;
- (8) Podiatrists;
- (9) Optometrists;
- (10) Licensed professional counselors; and
- (11) Eligible health care providers under subdivisions (1) to (10) of this section practicing in a rural health clinic, federally qualified health center, or community mental health center.]”;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 597, Page 3, Section 208.152, Line 44, by inserting after the number, “(7)” the following words, “**Subject to appropriation,**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 597, Page 36, Section 376.758, Line 10, by inserting after all of said section and line the following:

“473.397. All claims and statutory allowances against the estate of a decedent shall be divided into the following classes:

- (1) Costs;
- (2) Expenses of administration;
- (3) Exempt property, family and homestead allowances;
- (4) Funeral expenses;
- (5) Debts and taxes due the United States of America;

**(6) Debts for medical assistance due to the state of Missouri under section 473.398;**

**(7) Expenses of the last sickness, wages of servants, claims for medicine and medical attendance during the last sickness, and the reasonable cost of a tombstone;**

**[(7)] (8) Debts and taxes due the state of Missouri, any county, or any political subdivision of the state of Missouri;**

**[(8)] (9) Judgments rendered against the decedent in his lifetime and judgments rendered upon attachments levied upon property of decedent during his lifetime;**

**[(9)] (10) All other claims not barred by section 473.360.**

473.398. 1. Upon the death of a person, who has been a participant of aid, assistance, care, services, or who has had moneys expended on his behalf by the department of health and senior services, department of social services, or the department of mental health, or by a county commission, the total amount paid to the decedent or expended upon his behalf after January 1, 1978, shall be a debt due the state or county, as the case may be, from the estate of the decedent. The debt shall be collected as provided by the probate code of Missouri, chapters 472, 473, 474 and 475.

2. Procedures for the allowance of such claims shall be in accordance with this chapter, and such claims shall be allowed as a claim of [the seventh] **either the sixth or eighth** class under [subdivision (7)] **subdivisions (6) and (8)** of section 473.397.

3. Such claim shall not be filed or allowed if it is determined that:

- (1) The cost of collection will exceed the amount of the claim;
- (2) The collection of the claim will adversely affect the need of the surviving spouse or dependents of

the decedent to reasonable care and support from the estate.

4. Claims consisting of moneys paid on the behalf of a participant as defined in 42 U.S.C. 1396 shall be allowed, except as provided in subsection 3 of this section, upon the showing by the claimant of proof of moneys expended. Such proof may include but is not limited to [the following items which are deemed to be competent and substantial evidence of payment:

(1)] computerized records maintained by any governmental entity as described in subsection 1 of this section of a request for payment for services rendered to the participant[]; and

(2) The certified statement of the treasurer or his designee that the payment was made], **which shall be deemed to be competent and substantial evidence of payment.**

5. The provisions of this section shall not apply to any claims, adjustments or recoveries specifically prohibited by federal statutes or regulations duly promulgated thereunder. Further, the federal government shall receive from the amount recovered any portion to which it is entitled.

6. Before any probate estate may be closed under this chapter, with respect to a decedent who, at the time of death, was enrolled in MO HealthNet, the personal representative of the estate shall file with the clerk of the court exercising probate jurisdiction a release from the MO HealthNet division evidencing payment of all MO HealthNet benefits, premiums, or other such costs due from the estate under law, unless waived by the MO HealthNet division.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Titling change adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 769**, entitled:

An Act to repeal sections 30.270, 67.085, 95.530, 110.010, 110.080, 110.140, 165.221, 165.231, 165.241, and 165.271, RSMo, and to enact in lieu thereof thirteen new sections relating to financial institutions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 2** for **SCS** for **SB 590**.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 590, Page 2, Section 253.545, Lines 18, 21, and 22, by deleting from each said line the word “**thirty**” and inserting in lieu thereof in each said line the word “**twenty**”; and

Further amend said bill, Page 3, Section 253.550, Line 37, by deleting the word “**may**” and inserting in lieu thereof the word “**shall**”; and

Further amend said bill, Page 5, Section 253.559, Lines 30 through 34, by deleting all of said lines and inserting in lieu thereof the following:

**“(5) A copy of all land use and building approvals reasonably”; and**

Further amend said bill and section, Page 6, Line 59, by inserting immediately after the phrase **“from the”** the following: **“local elected officials and”; and**

Further amend said bill and section, Page 7, Line 94, by inserting immediately after said line the following:

**“7. All taxpayers with applications receiving approval on or after July 1, 2019, shall submit within sixty days following the award of credits evidence of the capacity of the applicant to finance the costs and expenses for the rehabilitation of the eligible property in the form of a line of credit or letter of commitment subject to the lender’s termination for a material adverse change impacting the extension of credit. If the department of economic development determines that a taxpayer has failed to comply with the requirements under this subsection, then the department shall notify the applicant of such failure and the applicant shall have a thirty day period from the date of such notice to submit additional evidence to remedy the failure.”; and**

Further amend said bill and section by renumbering the section accordingly; and

Further amend said bill, Page 9, Section B, Lines 1 through 6, by deleting all of said section and lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 1879**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 1879**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 1350**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

### **REFERRALS**

President Pro Tem Richard referred **HCS** for **HBs 2280, 2120, 1468** and **1616** to the Committee on Fiscal Oversight.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 598**, entitled:

An Act to repeal section 227.240 RSMo, and to enact in lieu thereof one new section relating to the department of transportation utility corridor, with an existing penalty provision.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 598, Page 1, Section 227.240, Lines 13-17, by deleting all of said lines and inserting in lieu thereof the following:

**“3. The department of transportation utility corridor established for the placement of utility facilities on the right-of-way of highways in the state highway system shall be up to twelve feet in width when space is reasonably available, with the location of the utility corridor to be determined by the state highways and transportation commission. The commission”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate Representative Haefner has been removed from the Conference Committee on **HCS** for **SB 660**, as amended. The Speaker has appointed Representative Franklin to the Conference Committee for **HCS** for **SB 660**, as amended.

**PRIVILEGED MOTIONS**

Senator Walsh, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **SB 892** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 892

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 892, with House Amendment Nos. 1, 2, 3, 4, and 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 892, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 892;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 892, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Gina Walsh  
/s/ Scott Sifton  
/s/ Brian Munzlinger  
/s/ Mike Cunningham  
/s/ Sandy Crawford

FOR THE HOUSE:

/s/ Nate Walker  
/s/ Jack Bondon  
/s/ Jered Taylor  
/s/ Ira Anders  
/s/ Judy Morgan



Under the provisions of Senate Rule 91, Senator Riddle requested unanimous consent of the Senate to be excused from voting on the adoption of the conference committee report and 3rd reading of **CCS** for **SCS** for **SB 892**, which request was granted.

Senator Walsh moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Munzlinger	Richard	Rizzo	Romine	Rowden	Sater	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—26		

## NAYS—Senators

Koenig	Libla	Schaaf—3
--------	-------	----------

## Absent—Senators

Nasheed	Onder	Schatz—3
---------	-------	----------

Absent with leave—Senators—None

Excused from voting—Senator Riddle—1

Vacancies—1

On motion of Senator Walsh, **CCS** for **SCS** for **SB 892**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 892

An Act to repeal sections 56.363, 56.805, 56.807, 56.814, 56.833, 56.840, 169.291, 169.324, 169.350, 169.360, and 169.560, RSMo, and to enact in lieu thereof thirteen new sections relating to public employee retirement systems, with an existing penalty provision.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Munzlinger
Onder	Richard	Rizzo	Rowden	Sater	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—25			

## NAYS—Senators

Koenig	Libla	Schaaf—3
--------	-------	----------

## Absent—Senators

Eigel	Nasheed	Romine	Schatz—4
-------	---------	--------	----------

Absent with leave—Senators—None

Excused from voting—Senator Riddle—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Walsh, title to the bill was agreed to.

Senator Walsh moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### **THIRD READING OF SENATE BILLS**

**SS No. 2** for **SCS** for **SB 949**, introduced by Senator Emery, entitled:

#### **SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 949**

An Act to repeal sections 167.225, 167.263, 167.268, and 167.645, RSMo, and to enact in lieu thereof three new sections relating to reading intervention in schools.

Was taken up.

On motion of Senator Emery, **SS No. 2** for **SCS** for **SB 949** was read the 3rd time and passed by the following vote:

#### **YEAS—Senators**

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

**NAYS—Senators—None**

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Emery, title to the bill was agreed to.

Senator Emery moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

On motion of Senator Kehoe, the Senate recessed until 1:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

Senator Kehoe announced photographers from KOMU-TV and ABC-17 were given permission to take pictures in the Senate Chamber.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SBs 999** and **1000**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 603, 576** and **898**, entitled:

An Act to repeal sections 161.670, 167.121, 173.1101, 173.1102, 173.1104, 173.1105, and 173.1107, RSMo, and to enact in lieu thereof seven new sections relating to virtual education, with a delayed effective date.

With House Amendment Nos. 1, 3 and 4.

**HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 603, 576 and 898, Page 3, Section 161.670, Lines 53 through 56, by deleting all of said lines and inserting in lieu thereof the following:

**“(2) Each school district or charter school shall adopt a policy that”;** and

Further amend said bill, page, and section, Lines 63 through 68, by deleting all of said lines and inserting in lieu thereof the following:

**“student’s enrollment in the Missouri course access and virtual school program. If the school district or charter school disapproves a student’s request to enroll in a course or courses provided by the Missouri course access and virtual school program, including full-time enrollment in courses provided by the Missouri course access and virtual school program, the reason shall be provided in writing and it shall be for “good cause”. “Good cause” justification to disapprove a student’s request for enrollment in a course shall be a determination that doing so is not in the best educational interest of the student. In cases of denial by the school district or charter school, local education agencies shall inform the student and the student’s family of their right to appeal any enrollment denial in the Missouri course access and virtual school program to the local school district board or charter school governing body where the family shall be given an opportunity to present their reasons for the child or children to enroll in the Missouri course access and virtual school program in an official school board meeting. In addition, the school district or charter school administration shall provide its “good cause” justification for denial at a school board meeting or governing body meeting. Both the family and school administration shall also provide**

**their reasons in writing to the members of the school board or governing body and the documents shall be entered into the official board minutes. The members of the board or governing body shall issue their decision in writing within thirty calendar days, and then an appeal may be made to the department of elementary and secondary education, which shall provide”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 603, 576 & 898, Page 8, Section 167.121, Line 33, by inserting immediately after all of said section and line the following:

“173.234. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) “Board”, the coordinating board for higher education;

(2) “Books”, any books required for any course for which tuition was paid by a grant awarded under this section;

(3) “Eligible student”, the natural, adopted, or stepchild of a qualifying military member, who is less than twenty-five years of age and who was a dependent of a qualifying military member at the time of death or injury or within five years subsequent to the injury, or the spouse of a qualifying military member which was the spouse of a veteran at the time of death or injury or within five years subsequent to the injury;

(4) “Grant”, the veteran’s survivors grant as established in this section;

(5) “Institution of postsecondary education”, any approved Missouri public institution of postsecondary education, as defined in subdivision (3) of **subsection 1 of** section 173.1102;

(6) “Qualifying military member”, any member of the military of the United States, whether active duty, reserve, or National Guard, who served in the military after September 11, 2001, during time of war and for whom the following criteria apply:

(a) A veteran was a Missouri resident when first entering the military service or at the time of death or injury;

(b) A veteran died or was injured as a result of combat action or a veteran’s death or injury was certified by the Department of Veterans’ Affairs medical authority to be attributable to an illness or accident that occurred while serving in combat, or became eighty percent disabled as a result of injuries or accidents sustained in combat action after September 11, 2001; and

(c) “Combat veteran”, a Missouri resident who is discharged for active duty service having served since September 11, 2001, and received a DD214 in a geographic area entitled to receive combat pay tax exclusion exemption, hazardous duty pay, or imminent danger pay, or hostile fire pay;

(7) “Survivor”, an eligible student of a qualifying military member;

(8) “Tuition”, any tuition or incidental fee, or both, charged by an institution of postsecondary

education for attendance at the institution by a student as a resident of this state. The tuition grant shall not exceed the amount of tuition charged a Missouri resident at the University of Missouri-Columbia for attendance.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall award annually up to twenty-five grants to survivors of qualifying military members to attend institutions of postsecondary education in this state, which shall continue to be awarded annually to eligible recipients as long as the recipient achieves and maintains a cumulative grade point average of at least two and one-half on a four-point scale, or its equivalent. If the waiting list of eligible survivors exceeds fifty, the coordinating board may petition the general assembly to expand the quota. If the quota is not expanded, then the eligibility of survivors on the waiting list shall be extended.

3. A survivor may receive a grant under this section only so long as the survivor is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a survivor receive a grant beyond the completion of the first baccalaureate degree, regardless of age.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section; and

(2) Provide the forms and determine the procedures necessary for a survivor to apply for and receive a grant under this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

6. In order to be eligible to receive a grant under this section, a survivor shall be certified as eligible by the Missouri veterans' commission.

7. A survivor who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education, and who is selected to receive a grant under this section, shall receive the following:

(1) An amount not to exceed the actual tuition charged at the approved institution of postsecondary education where the survivor is enrolled or accepted for enrollment;

(2) An allowance of up to two thousand dollars per semester for room and board; and

(3) The actual cost of books, up to a maximum of five hundred dollars per semester.

8. A survivor who is a recipient of a grant may transfer from one approved public institution of postsecondary education to another without losing his or her entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at any time withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees, room and board, books, or other charges, the institution shall pay the portion of the refund to which he or she is entitled attributable to the grant for

that semester or similar grading period to the board.

9. If a survivor is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible survivor.

10. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

11. The benefits conferred by this section shall be available to any academically eligible student of a qualifying military member. Surviving children who are eligible shall be permitted to apply for full benefits conferred by this section until they reach twenty-five years of age.

12. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall be reauthorized as of June 13, 2016, and shall expire on August 28, 2020, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after June 13, 2016; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

173.616. 1. The following schools, training programs, and courses of instruction shall be exempt from the provisions of sections 173.600 to 173.618:

(1) A public institution;

(2) Any college or university represented directly or indirectly on the advisory committee of the coordinating board for higher education as provided in subsection 3 of section 173.005;

(3) An institution that is certified by the board as an “approved private institution” under subdivision (2) of **subsection 1 of** section 173.1102;

(4) A not-for-profit religious school that is accredited by the American Association of Bible Colleges, the Association of Theological Schools in the United States and Canada, or a regional accrediting association, such as the North Central Association, which is recognized by the Council on Postsecondary Accreditation and the United States Department of Education; and

(5) Beginning July 1, 2008, all out-of-state public institutions of higher education, as such term is defined in subdivision (13) of subsection 2 of section 173.005.

2. The coordinating board shall exempt the following schools, training programs and courses of instruction from the provisions of sections 173.600 to 173.618:

(1) A not-for-profit school owned, controlled and operated by a bona fide religious or denominational organization which offers no programs or degrees and grants no degrees or certificates other than those specifically designated as theological, bible, divinity or other religious designation;

(2) A not-for-profit school owned, controlled and operated by a bona fide eleemosynary organization which provides instruction with no financial charge to its students and at which no part of

the instructional cost is defrayed by or through programs of governmental student financial aid, including grants and loans, provided directly to or for individual students;

(3) A school which offers instruction only in subject areas which are primarily for avocational or recreational purposes as distinct from courses to teach employable, marketable knowledge or skills, which does not advertise occupational objectives and which does not grant degrees;

(4) A course of instruction, study or training program sponsored by an employer for the training and preparation of its own employees;

(5) A course of study or instruction conducted by a trade, business or professional organization with a closed membership where participation in the course is limited to bona fide members of the trade, business or professional organization, or a course of instruction for persons in preparation for an examination given by a state board or commission where the state board or commission approves that course and school;

(6) A school or person whose clientele are primarily students aged sixteen or under;

(7) A yoga teacher training course, program, or school.

3. A school which is otherwise licensed and approved under and pursuant to any other licensing law of this state shall be exempt from sections 173.600 to 173.618, but a state certificate of incorporation shall not constitute licensing for the purpose of sections 173.600 to 173.618.

4. Any school, training program or course of instruction exempted herein may elect by majority action of its governing body or by action of its director to apply for approval of the school, training program or course of instruction under the provisions of sections 173.600 to 173.618. Upon application to and approval by the coordinating board, such school training program or course of instruction may become exempt from the provisions of sections 173.600 to 173.618 at any subsequent time, except the board shall not approve an application for exemption if the approved school is then in any status of noncompliance with certification standards and a reversion to exempt status shall not relieve the school of any liability for indemnification or any penalty for noncompliance with certification standards during the period of the school's approved status."; and

Further amend said bill, Page 13, Section 173.1107, Line 8, by inserting immediately after all of said section and line the following:

"173.1150. 1. Notwithstanding any provision of law to the contrary, any individual who is in the process of separating from any branch of the military forces of the United States with an honorable discharge or a general discharge shall have student resident status for purposes of admission and in-state tuition at any approved public four-year institution in Missouri or in-state, in-district tuition at any approved two-year institution in Missouri.

2. To be eligible for student resident status under this section, any such individual shall demonstrate presence and declare residency within the state of Missouri. For purposes of attending a community college, an individual shall demonstrate presence and declare residency within the taxing district of the community college he or she attends.

3. The coordinating board for higher education shall promulgate rules to implement this section.

4. For purposes of this section, "approved public institution" shall have the same meaning as

provided in subdivision (3) of **subsection 1 of** section 173.1102.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

173.1153. 1. Notwithstanding any provision of law to the contrary, any individual who is currently serving in the Missouri National Guard or in a reserve component of the Armed Forces of the United States shall be deemed to be domiciled in this state for purposes of eligibility for in-state tuition at any approved public institution in Missouri.

2. To be eligible for in-state tuition under this section, any such individual shall demonstrate presence within the state of Missouri. For purposes of attending a community college, an individual shall demonstrate presence within the taxing district of the community college he or she attends.

3. If any such individual is eligible to receive financial assistance under any other federal or state student aid program, public or private, the full amount of such aid shall be reported to the coordinating board for higher education by the institution and the individual. The tuition limitation under this section shall be provided after all other federal and state aid for which the individual is eligible has been applied, and no individual shall receive more than the actual cost of attendance when the limitation is combined with other aid made available to such individual.

4. The coordinating board for higher education shall promulgate rules to implement this section.

5. For purposes of this section, “approved public institution” shall have the same meaning as provided in subdivision (3) of **subsection 1 of** section 173.1102.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.”; and

Further amend said bill and page, Section B, Line 1, by deleting the phrase “Section A” and inserting in lieu thereof the phrase “The repeal and reenactment of sections 161.670 and 167.121”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 603, 576 & 898, Page 5, Section 161.670, Lines 138 through 143, by deleting all of said lines and inserting in lieu thereof the following:



**“(14) Any online course or virtual program offered by a school district or charter school, including those offered prior to August 28, 2018, which meets the requirements of section 162.1250 shall be automatically approved to participate in the Missouri course access and virtual school program. Such course or program shall be subject to periodic renewal. A school district or charter school offering such a course or virtual school program shall be deemed an approved provider.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

### MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

GOVERNOR OF MISSOURI

JEFFERSON CITY

65102

May 10, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments:

James R. Wilson, Independent, 36981 State Highway AA, Anabel, Macon County, Missouri 63431, as a member of the State Fair Commission, for a term ending December 29, 2020, and until his successor is duly appointed and qualified; vice, Willis Jackson Magruder, term expired.

Patricia N. Thomas, Republican, 3444 Hobbs Lane, Jefferson City, Cole County, Missouri 65109, as a member of the State Fair Commission, for a term ending December 29, 2018, and until her successor is duly appointed and qualified; vice, Sherry Jones, term expired.

Jeffrey Miyake, Republican, 679 Cherry Ridge Boulevard, Springfield, Greene County, Missouri 65809, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2021, and until his successor is duly appointed and qualified; vice, Jenifer Placzek, term expired.

Melanie McDole, 320 West Southside Boulevard, Independence, Jackson County, Missouri 64055, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2022, and until her successor is duly appointed and qualified; vice, Janet E. Richardson, term expired.

Crissy L. Mayberry, 13026 State Highway 72, Millersville, Cape Girardeau County, Missouri 63766, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2018, and until her successor is duly appointed and qualified; vice, Dean Aye, term expired.

Sherry Jones, Republican, 20841 LIV 431, Dawn, Livingston County, Missouri 64638, as a member of the State Fair Commission, for a term ending December 29, 2021, and until her successor is duly appointed and qualified; vice, Lowell F. Mohler, term expired.

Matthew Hearne, Republican, 1 Price Court, Saint Louis, Saint Louis County, Missouri 63132, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2022, and until his successor is duly appointed and qualified; vice, David C. Zimmerman, term expired.

Michael B. Frazier, 596 North Buffalo Street, Marshfield, Webster County, Missouri 65706, as a member of the Missouri Developmental Disabilities Council, for a term ending June 30, 2020, and until his successor is duly appointed and qualified; vice, Vicki McCarrell, term expired.

John Stamm, Independent, 4152 Juniata Street #2, Saint Louis, Saint Louis City, Missouri 63116, as a member of the Missouri Community Service Commission, for a term ending March 26, 2021, and until his successor is duly appointed and qualified; vice, Nicole N. Roach, term expired.

Casey J. Short, 91 Route O, Greenfield, Dade County, Missouri 65661, as the student representative of the University of Central Missouri Board of Governors, for a term ending December 31, 2019, and until her successor is duly appointed and qualified; vice, Mathew R. Martinez, term expired.

Janet Rogers, 601 Center Street, Lathrop, Clinton County, Missouri 64465, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Rhonda K. Haight, term expired.

Margaret “Ellen” Nichols, Republican, 2122 East 47th Street, Joplin, Newton County, Missouri 64804, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2019, and until her successor is duly appointed and qualified; vice, Jeffrey Carter, term expired.

Chassity S. Nevels, 38866 West Saint Cloud Circle, Richmond, Ray County, Missouri 64085, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Lana M. Martin, withdrawn.

Robert P. MacDonald, Democrat, 218 Kaylee Circle, Poplar Bluff, Butler County, Missouri 63901, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2024, and until his successor is duly appointed and qualified; vice, Kendra Neely-Martin, term expired.

Carol S. Comer, 637 Norris Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Midwest Interstate Low-Level Radioactive Waste Compact Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Sarah Parker Pauley.

Tiffany Drake, P.O. Box 104231, Jefferson City, Cole County, Missouri 65110, as an alternate member of the Midwest Interstate Low-Level Radioactive Waste Compact Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Donna Washburn, 1059 East Nottingham Lane, Springfield, Greene County, Missouri 65810, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until her successor is duly appointed and qualified; vice, Kristen Buckley, resigned.

Amy Robins, 198 Fox Creek Drive, O’Fallon, Saint Charles County, Missouri 63366, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2020, and until her successor is duly appointed and qualified; vice, Nanci A. Bobrow, term expired.

Tiffany M. Middlemas, 1705 Kings Road, Kirksville, Adair County, Missouri 63501, as the student representative of the Truman State University Board of Governors, for a term ending January 1, 2020, and until her successor is duly appointed and qualified; vice, Carter Brooks Templeton, term expired.

Jon M. Kempker, 2139 Deer Trail, Jefferson City, Cole County, Missouri 65101, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until his successor is duly appointed and qualified; vice, Vincent M. Cannon, term expired.

Sarah E. Mullen, Independent, 140 Buckstone Pass, Defiance, Saint Charles County, Missouri, 63341, as a member of the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2021, and until her successor is duly appointed and qualified; vice, Sarah E. Mullen, withdrawn.

Bobby G. Robertson Jr., Republican, 950 East Minnehaha, Nixa, Christian County, Missouri 65714, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2018, and until his successor is duly appointed and qualified; vice, Bobby G. Robertson Jr., withdrawn.

Sherman “Bill” Birkes Jr., Republican, 502 Timber Hill Road, Joplin, Jasper County, Missouri 64801, as a member of the Missouri Ethics Commission, for a term ending March 15, 2022, and until his successor is duly appointed and qualified; vice, Nancy C. Hagan, term expired.

Respectfully submitted,  
Eric R. Greitens  
Governor

Senator Richard moved that the above appointments be returned to the Governor per his request, which motion prevailed.

### **PRIVILEGED MOTIONS**

Senator Schatz, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 707**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 707

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 707, with House Amendment Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 707, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 707;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 707, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Dave Schatz

/s/ Doug Libla

/s/ Brian Munzlinger

/s/ Jacob Hummel

/s/ S. Kiki Curls

FOR THE HOUSE:

/s/ Kevin Engler

/s/ Bart Korman

/s/ Becky Ruth

/s/ Bruce Franks

/s/ Jon Carpenter

Senator Schatz moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Schatz, **CCS** for **HCS** for **SS** for **SCS** for **SB 707**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 707

An Act to repeal sections 301.213, 301.550, 301.553, 301.557, 301.559, 301.560, 301.562, 301.563,

301.564, 301.566, 301.568, 301.570, and 307.350, RSMo, and to enact in lieu thereof thirteen new sections relating to vehicle sales, with existing penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Wallingford moved that **SB 793**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 793**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 793

An Act to repeal sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, 221.044, 567.020, 567.030, 567.050, 567.060, and 589.400, RSMo, and to enact in lieu thereof twenty-eight new sections relating to juvenile court proceedings, with penalty provisions and a delayed effective date for certain sections.

Was taken up.

Senator Wallingford moved that **HCS for SB 793**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Wallingford, **HCS** for **SB 793**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Libla moved that **SB 800**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 800**, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 800

An Act to repeal sections 211.093, 211.444, and 211.447, RSMo, and to enact in lieu thereof three new sections relating to juvenile court proceedings.

Was taken up.

Senator Libla moved that **HCS** for **SB 800**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Libla, **HCS for SB 800**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Cunningham, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SB 569**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 569

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 569, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences,

have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 569, as amended;
2. That the Senate recede from its position on Senate Bill No. 569;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 569 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Mike Cunningham  
 /s/ Paul Wieland  
 /s/ Sandy Crawford  
 /s/ Gina Walsh  
 /s/ Scott Sifton

FOR THE HOUSE:

/s/ Lyndall Fraker  
 /s/ Craig Redmon  
 Robert Cornejo  
 /s/ Gina Mitten  
 /s/ Tracy McCreery

Senator Cunningham moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Cunningham, **CCS** for **HCS** for **SB 569**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 SENATE BILL NO. 569

An Act to repeal sections 456.985, 456.1035, 456.1080, 456.1-103, 456.4-414, and 456.8-808, RSMo, and to enact in lieu thereof seven new sections relating to trusts.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

President Pro Tem Richard assumed the Chair.

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 870**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE BILL NO. 870

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 870, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment Nos. 3 and 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6 as amended, House Amendment Nos. 7, 8, 9, 10, and 11, House Amendment No. 1 to House Amendment No. 13, and House Amendment No. 13 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 870, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 870;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 870 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Dan Hegeman  
/s/ David Sater  
/s/ Jeanie Riddle  
/s/ S. Kiki Curls  
/s/ Jacob Hummel

FOR THE HOUSE:

/s/ Justin Alferman  
/s/ Shane Roden  
/s/ Shamed Dogan  
/s/ Jerome Barnes  
/s/ Deb Lavender



Senator Onder assumed the Chair.

President Parson assumed the Chair.

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Nasheed—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Hegeman, **CCS** for **HCS** for **SS** for **SB 870**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE BILL NO. 870

An Act to repeal sections 99.848, 100.050, 100.059, 105.666, 135.090, 173.260, 190.094, 190.100, 190.101, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, 191.630, 287.243, 320.086, 353.110, and 577.029, RSMo, and to enact in lieu thereof forty-one new sections relating to emergency services, with existing penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Nasheed—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Eigel moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 718**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Cunningham moved that **SCS** for **SB 769**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 769**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 769

An Act to repeal sections 30.270, 67.085, 95.530, 110.010, 110.080, 110.140, 165.221, 165.231, 165.241, and 165.271, RSMo, and to enact in lieu thereof thirteen new sections relating to financial institutions.

Was taken up.

Senator Cunningham moved that **HCS** for **SCS** for **SB 769** be adopted.

At the request of Senator Cunningham, the motion to adopt **HCS** for **SCS** for **SB 769** was withdrawn.

Senator Riddle moved that **SCS** for **SB 598**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 598**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 598

An Act to repeal section 227.240 RSMo, and to enact in lieu thereof one new section relating to the department of transportation utility corridor, with an existing penalty provision.

Was taken up.

Senator Riddle moved that **HCS** for **SCS** for **SB 598**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Richard—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Riddle, **HCS** for **SCS** for **SB 598**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

**SCR 49**, introduced by Senator Schatz, entitled:

Relating to the election date for the referendum on Senate Substitute #2 for Senate Bill 19 as enacted by the Ninety-ninth General Assembly, First Regular Session.

Was taken up.

Senator Rowden assumed the Chair.

President Parson assumed the Chair.

Senator Onder assumed the Chair.

Senator Wallingford assumed the Chair.

President Pro Tem Richard assumed the Chair.

Senator Rowden assumed the Chair.

President Pro Tem Richard assumed the Chair.

Senator Onder assumed the Chair.

President Pro Tem Richard assumed the Chair.

Senator Nasheed offered **SA 1**, which was read:

Amend Journal of the Senate, Second Regular Session, Thirty-third Day, Thursday, March 1, 2018, Page 463, Line 30, by striking “2018” and inserting in lieu thereof the following: “2019”.

Senator Nasheed moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Rowden assumed the Chair.

Senator Chappelle-Nadal was speaking on the concurrent resolution.

Pursuant to Senate Rule 78, Senator Dixon asked that the Chair call Senator Chappelle-Nadal to order as the words she was reading were offensive to the body, and further asked that she be required to sit down, which request was granted.

President Pro Tem Richard assumed the Chair.

Senator Chappelle-Nadal rose to appeal the decision of the Chair to the Senate and requested to speak on the motion to appeal.

The President stated that the appeal was non-debatable; therefore, her request was denied.

Senator Rowden assumed the Chair.

Senator Schaaf raised the point of order that Senator Chappelle-Nadal must be given the opportunity to explain her appeal and inform members what they were voting on. The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Pro Tem Richard assumed the Chair.

The appeal of the decision of the Chair was defeated on a voice vote.

Senator Rowden assumed the Chair.

President Pro Tem Richard assumed the Chair.

On motion of Senator Schatz, **SCR 49** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Munzlinger	Onder	Richard
Riddle	Romine	Rowden	Sater	Schaaf	Schatz	Wallingford
Wasson	Wieland—23					

NAYS—Senators

Chappelle-Nadal	Holsman	Hummel	Rizzo	Schupp	Sifton	Walsh—7
-----------------	---------	--------	-------	--------	--------	---------

Absent—Senators

Curls

Nasheed—2

Absent with leave—Senator Libla—1

Vacancies—1

The President declared the concurrent resolution passed.

On motion of Senator Schatz, title to the concurrent resolution was agreed to.

Senator Schatz moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### **RESOLUTIONS**

Senator Schaaf offered Senate Resolution No. 2067, regarding Margueritte (Milbourn) Batsell, St. Joseph, which was adopted.

Senator Schaaf offered Senate Resolution No. 2068, regarding Chip and Pam Brock, St. Joseph, which was adopted.

Senator Romine offered Senate Resolution No. 2069, regarding Heather Michelle Kopp, Odessa, which was adopted.

Senator Libla offered Senate Resolution No. 2070, regarding Gerald H. Wilkison, Kennett, which was adopted.

### **INTRODUCTION OF GUESTS**

Senator Rizzo introduced to the Senate, the Physician of the Day, Dr. Donald Potts, Kansas City.

Senator Emery introduced to the Senate, Nate Bailey, Keon Engeman, Jesse Henzlik, Bailey Carter, Bonnie Smith, Theresa Munsterman, Kim Carter and Liz Bailey, St. Mary's School, Montrose.

On motion of Senator Kehoe, the Senate adjourned under the rules.

### **SENATE CALENDAR**

—————

SIXTY-NINTH DAY—FRIDAY, MAY 11, 2018

—————

### **FORMAL CALENDAR**

### **HOUSE BILLS ON SECOND READING**

HB 2644-Rowland

### **THIRD READING OF SENATE BILLS**

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- |                              |                               |
|------------------------------|-------------------------------|
| 1. SJR 36-Schatz, with SCS   | 9. SB 864-Hoskins             |
| 2. SB 678-Eigel              | 10. SB 998-Schatz, with SCS   |
| 3. SB 1102-Kehoe, with SCS   | 11. SB 703-Hegeman            |
| 4. SB 1015-Wieland, with SCS | 12. SB 915-Crawford           |
| 5. SB 709-Schatz, with SCS   | 13. SB 934-Hegeman            |
| 6. SB 640-Sater              | 14. SB 988-Rowden, with SCS   |
| 7. SB 963-Wieland, with SCS  | 15. SB 790-Cierpiot, with SCS |
| 8. SB 952-Rowden             | 16. SB 734-Schatz, with SCS   |

HOUSE BILLS ON THIRD READING

- |  |  |
|--|--|
| 1. HCS for HB 1456, with SCS (Wallingford)                               | 13. HCS for HBs 2277 & 1983, with SCS<br>(Schatz) (In Fiscal Oversight)            |
| 2. HCS for HB 1872 (Hegeman)   | 14. HCS for HB 2031 (Hoskins)  |
| 3. HB 1516-Wiemann (Riddle)  | 15. HCS for HB 2019 (Brown)  |
| 4. HCS for HB 1388, with SCS (Riddle)                                    | 16. HCS for HB 1667, with SCS (Wallingford)  |
| 5. HB 1719-Grier, with SCS (Riddle)                                      | 17. HCS for HB 1713, with SCS (Sater)  |
| 6. HB 1633-Corlew, with SCS (Dixon)<br>(In Fiscal Oversight)             | 18. HB 1249-Plocher, with SCS (Dixon)  |
| 7. HCS for HB 2042, with SCS (Dixon)<br>(In Fiscal Oversight)            | 19. HB 1832-Cornejo, with SCS (Riddle)   |
| 8. HCS for HB 1868, with SCS (Riddle)<br>(In Fiscal Oversight)           | 20. HB 2347-Davis, with SCS (Wallingford)  |
| 9. HCS for HB 2249, with SCS (Riddle)<br>(In Fiscal Oversight)           | 21. HCS for HBs 2280, 2120, 1468 & 1616,<br>with SCS (Sater) (In Fiscal Oversight) |
| 10. HCS for HB 2540, with SCS (Eigel)<br>(In Fiscal Oversight)           | 22. HB 2562-Austin, with SCS (Dixon)   |
| 11. HB 1446-Eggleston, with SCS (Koenig)                                 | 23. HB 1892-Wilson (Cierpiot)  |
| 12. HCS for HBs 2337 & 2272, with SCS<br>(Wieland) (In Fiscal Oversight) | 24. HB 2208-Curtman, with SCS (Eigel)  |
|  | 25. HB 2039-Fraker (Cunningham)  |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 & 667-Eigel  
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)	SBs 555 & 609-Brown, with SCS
SB 550-Wasson, with SCS	SB 556-Brown, with SA 1 (pending)

SB 561-Sater, with SA 1 (pending)  
 SB 567-Cunningham, with SCS, SS for SCS,  
   SA 1 & SA 1 to SA 1 (pending)  
 SB 578-Romine  
 SB 591-Hegeman, with SCS  
 SB 596-Riddle, with SCS  
 SB 599-Schatz  
 SB 602-Onder, with SCS  
 SB 612-Koenig, with SCS, SS#2 for SCS,  
   SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
   for SA 2 (pending)  
 SB 663-Schatz, with SCS, SS for SCS &  
   SA 1 (pending)  
 SB 730-Wallingford, with SCS & SA 1 (pending)  
 SB 751-Schatz  
 SB 767-Hoskins, with SCS, SS for SCS &  
   SA 2 (pending)  
 SB 774-Munzlinger  
 SB 813-Riddle, with SCS & SA 1 (pending)  
 SB 822-Hegeman, with SCS & SS for SCS  
   (pending)

SB 832-Rowden, with SCS, SS#2 for SCS &  
   point of order (pending)  
 SB 837-Rowden  
 SB 848-Riddle  
 SB 849-Kehoe and Schupp, with SCS, SA 1 &  
   SA 1 to SA 1 (pending)  
 SB 859-Koenig, with SCS & SS for SCS  
   (pending)  
 SB 860-Koenig, with SCS, SS for SCS &  
   SA 1 (pending)  
 SB 861-Hegeman, with SCS  
 SB 865-Kehoe  
 SB 893-Sater, with SCS, SS for SCS &  
   SA 1 (pending)  
 SB 912-Rowden, with SCS & SS#3 for SCS  
   (pending)  
 SB 920-Riddle, with SS & SA 2 (pending)  
 SB 928-Onder, with SCS  
 SB 1003-Wasson, with SS & SA 1 (pending)  
 SB 1021-Dixon and Wallingford, with SCS

#### HOUSE BILLS ON THIRD READING

HB 1247-Pike (Onder)  
 HB 1250-Plocher, with SCS (Dixon)  
 HCS for HB 1251, with SCS (Crawford)  
 HCS for HB 1264 (Hegeman)  
 HB 1267-Lichtenegger (Munzlinger)  
 SS#2 for SCS for HCS for HBs 1288, 1377 &  
   2050 (Dixon) (In Fiscal Oversight)  
 HB 1303-Alferman, with SCS (Rowden)  
 HB 1329-Remole, with SCS, SS for SCS &  
   SA 5 (pending) (Munzlinger)  
 HB 1389-Fitzpatrick, with SCS (Schatz)  
 HB 1409-Fitzpatrick (Kehoe)  
 HB 1413-Taylor, with SCS, SS for SCS &  
   SA 1 (pending) (Onder)  
 SS for HB 1415-Lauer (Wasson)  
   (In Fiscal Oversight)  
 HB 1428-Muntzel, with SS, SA 1 &  
   SSA 1 for SA 1 (pending) (Munzlinger)  
 HB 1442-Alferman, with SCS, SS for SCS &  
   SA 1 (pending) (Schatz)

HCS for HB 1443, with SCS (Sater)  
 HCS for HB 1461 (Rowden)  
 HB 1484-Brown (57) (Romine)  
 HB 1578-Kolkmeier (Munzlinger)  
 HCS for HB 1597, with SCS (Dixon)  
 HCS for HB 1605, with SCS (Kehoe)  
 HCS for HB 1611 (Riddle)  
 HCS for HB 1614 (Hegeman)  
 HCS for HB 1617, with SCS, SS#2 for SCS &  
   SA 1 (pending) (Onder)  
 HB 1630-Evans (Rowden)  
 HCS for HB 1645 (Rowden)  
 HB 1691-Miller, with SCS & SS for SCS  
   (pending) (Emery)  
 HCS for HB 1710, with SCS (Eigel)  
 HCS for HBs 1729, 1621 & 1436 (Brown)  
 HCS for HB 1796, with SS (pending) (Rowden)  
 HB 1809-Tate (Schatz)  
 HB 1831-Ruth, with SA 1 & SA 1 to SA 1  
   (pending) (Wieland)

HB 1968-Grier (Schatz)  
HB 1998-Bondon, with SCS (Emery)  
HB 2026-Wilson, with SCS (Rowden)  
HB 2043-Tate (Wasson)  
HB 2044-Taylor, with SCS (pending) (Dixon)  
HCS for HB 2079, with SCS (Crawford)

HCS for HB 2119 (Rowden)  
HB 2122-Engler, with SCS (Schatz)  
HCS for HB 2129, with SS (pending) (Romine)  
HB 2179-Richardson (Kehoe)  
HCS for HB 2216, with SCS (Emery)  
HJR 59-Brown (57) (Romine)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SCS for SB 590-Hegeman, with HA 1  
SS for SB 597-Riddle, with HCS, as amended  
SS for SCS for SBs 603, 576 & 898-Onder,  
with HCS, as amended

SCS for SB 769-Cunningham, with HCS

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 569-Cunningham, with HCS, as amended  
(Senate adopted CCR and passed CCS)  
SS for SB 608-Hoskins, with HCS  
SB 660-Riddle, with HCS, as amended  
SB 687-Sater, with HCS, as amended  
SS for SCS for SB 707-Schatz, with HCS,  
as amended (Senate adopted CCR and  
passed CCS)  
SB 743-Sater, with HCS, as amended  
SS for SCS for SB 775-Brown, with HCS,  
as amended  
SB 806-Crawford, with HCS, as amended

SS for SCS for SB 826-Sater, with HCS,  
as amended  
SS for SB 870-Hegeman, with HCS, as  
amended (Senate adopted CCR and  
passed CCS)  
SCS for SB 892-Walsh, with HA 1, HA 2,  
HA 3, HA 4 & HA 5 (Senate adopted  
CCR and passed CCS)  
HCS for HB 1879, with SS for SCS, as  
amended (Cunningham) (House adopted  
CCR and passed CCS)

##### Requests to Recede or Grant Conference

SCS for SB 718-Eigel, with HCS, as  
amended (Senate requests House  
recede or grant conference)

HB 1350-Smith (163), with SS for SCS, as  
amended (Rowden) (House requests  
Senate recede or grant conference)

#### RESOLUTIONS

SR 1137-Walsh, with SS (pending)

SR 1487-Schaaf



SR 2020-Schaaf  
SR 2052-Schaaf  
SR 2053-Schaaf  
SR 2054-Schaaf  
SR 2055-Schaaf  
SR 2056-Schaaf  
SR 2057-Schaaf  
SR 2058-Schaaf

SR 2059-Schaaf  
SR 2060-Schaaf  
SR 2061-Schaaf  
SR 2062-Schaaf  
SR 2063-Schaaf  
SR 2064-Schaaf  
SR 2065-Schaaf  
SR 2066-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)  
SCR 50-Hegeman  
SCR 53-Munzlinger

HCR 63-Haefner (Wieland)  
HCR 69-Davis (Hoskins)  
HCR 96-Conway (Eigel)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SIXTY-NINTH DAY—FRIDAY, MAY 11, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Comfort ye, comfort ye my people, saith your God.” (Isaiah 40:1)

Blessed Lord, it continues to be “an interesting time” for us to be here, with increased burdens and obligations called forth from us. May we be comforted with the knowledge of your abiding concern for us and that you willingly give us energy and endurance so we may be up to the task before us. As we complete today’s requirements and drive home, ride with us to calm our hearts and give us patience in our trip home so we may arrive safely and ready to embrace the love that awaits us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Kehoe offered Senate Resolution No. 2071, regarding the Ninetieth Birthday of Evelyn Helen

Stieferman Maxey, Jefferson City, which was adopted.

Senator Kehoe offered Senate Resolution No. 2072, regarding Jeffrey D. Thomas, Jefferson City, which was adopted.

Senator Koenig offered Senate Resolution No. 2073, regarding Donald Walter “Don” Mertz, Ballwin, which was adopted.

Senator Koenig offered Senate Resolution No. 2074, regarding Robert Starr “Bob” Hammon, Saint Louis, which was adopted.

Senator Koenig offered Senate Resolution No. 2075, regarding Kerry Francis Flaherty, Saint Louis, which was adopted.

Senator Koenig offered Senate Resolution No. 2076, regarding Joseph Edward “Joe” Stack, Manchester, which was adopted.

Senator Koenig offered Senate Resolution No. 2077, regarding Daniel Wilford “Dan” Steinmann, Chesterfield, which was adopted.

Senator Koenig offered Senate Resolution No. 2078, regarding Donald E. “Don” Schicker, Sunset Hills, which was adopted.

Senator Koenig offered Senate Resolution No. 2079, regarding Carl David Smith, Ballwin, which was adopted.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 807** and **577**, entitled:

An Act to repeal sections 160.545, 162.441, 163.191, 172.280, 173.005, 173.260, 173.1003, 173.1101, 173.1102, 173.1104, 173.1105, 173.1107, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, 178.636, 436.218, 436.221, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.263, 436.266, and 436.257, RSMo, and to enact in lieu thereof thirty-two new sections relating to higher education, with penalty provisions.

With House Amendment Nos. 1, 2 and 3.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 807 & 577, Page 9, Section 170.013, Line 16, by deleting the word “**in**” and inserting in lieu thereof the word “**on**”; and

Further amend said bill and page, Section 172.280, Lines 7 through 8, by deleting all of said line and inserting in lieu thereof the following:

“**degrees, including dentistry, law, medicine, optometry, pharmacy, and veterinary medicine.**”; and

Further amend said bill, Page 10, Section 173.005, Line 51, by deleting the period “.” and inserting in lieu thereof a semicolon “;”; and

Further amend said bill, Page 16, Section 173.260, Line 40, by deleting the phrase “**emergency medical technician,**”; and

Further amend said bill, Page 26, Section 174.231, Line 8, by deleting the numeral “(2)” and inserting in lieu thereof the numerals “[ (2) ] **(3)**”; and

Further amend said bill, Page 31, Section 436.218, Line 96, by deleting the word “**an**” and inserting in lieu thereof the word “**a**”; and

Further amend said bill, Page 32, Section 436.227, Line 28, by deleting the phrase “**the parent**” and inserting in lieu thereof the phrase “**a parent**”; and

Further amend said bill and section, Page 33, Line 50, by deleting the word “**subdivisions**” and inserting in lieu thereof the word “**subdivision**”; and

Further amend said bill, page, and section, Line 66, by deleting the word “and” and inserting in lieu thereof the word “[and]”; and

Further amend said bill, Page 36, Section 436.242, Line 23, by inserting immediately after the word “**FIRST**” a comma “,”; and

Further amend said bill, page, and section, Line 30, by deleting the phrase “**the parent**” and inserting in lieu thereof the phrase “**a parent**”; and

Further amend said bill and section, Page 37, Line 34, by deleting the phrase “**the parent**” and inserting in lieu thereof the phrase “**a parent**”; and

Further amend said bill, page, and section, Line 38, by deleting the phrase “**the parent**” and inserting in lieu thereof the phrase “**a parent**”; and

Further amend said bill, page, and section, Line 41, by deleting the phrase “**the parent**” and inserting in lieu thereof the phrase “**a parent**”; and

Further amend said bill, Page 38, Section 436.245, Line 31, by deleting the phrase “**the parent**” and inserting in lieu thereof the phrase “**a parent**”; and

Further amend said bill and page, Section 436.248, Line 1, by deleting the phrase “**the parent**” and inserting in lieu thereof the phrase “**a parent**”; and

Further amend said bill, page, and section, Line 4, by deleting the phrase “**the parent**” and inserting in lieu thereof the phrase “**a parent**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 807 & 577, Page 24, Section 173.1450, Line 22, by inserting immediately after said line the following:

**“173.2530. Beginning in the 2020-21 school year, and continuing on an annual basis thereafter, each public institution of higher education shall publish a report measuring compliance with the standards promulgated by the International Association of Counseling Services, Inc. relating to mental health services provided on college campuses. The report shall include a measure of the**

**institution's ability to adequately meet student mental health needs. All reports required by this section shall be made available to the public.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 807 & 577, Page 1, Section A, Line 9, by inserting immediately after said line the following:

“34.010. 1. The term “department” as used in this chapter shall be deemed to mean department, office, board, commission, bureau, institution, or any other agency of the state, except the legislative and judicial departments **and public institutions of higher education.**

2. The term “lowest and best” in determining the lowest and best award, cost, and other factors are to be considered in the evaluation process. Factors may include, but are not limited to, value, performance, and quality of a product.

3. The term “Missouri product” refers to goods or commodities which are manufactured, mined, produced, or grown by companies in Missouri, or services provided by such companies.

4. The term “negotiation” as used in this chapter means the process of selecting a contractor by the competitive methods described in this chapter, whereby the commissioner of administration can establish any and all terms and conditions of a procurement contract by discussion with one or more prospective contractors.

5. The term “purchase” as used in this chapter shall include the rental or leasing of any equipment, articles or things.

6. The term “supplies” used in this chapter shall be deemed to mean supplies, materials, equipment, contractual services and any and all articles or things, except for utility services regulated under chapter 393 or as in this chapter otherwise provided.

7. The term “value” includes but is not limited to price, performance, and quality. In assessing value, the state purchaser may consider the economic impact to the state of Missouri for Missouri products versus the economic impact of products generated from out of state. This economic impact may include the revenues returned to the state through tax revenue obligations.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **SB 892**, as amended, and has taken up and passed **CCS** for **SCS** for **SB 892**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 707**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 707**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 718**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **SCS** for **HB 1558** and has taken up and passed **SS** for **SCS** for **HB 1558**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 549**.

With House Amendment Nos. 1, 3, 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendment Nos. 6, 7, 8, 9 and 10.

#### HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 549, Page 1, In the Title, Line 3, by deleting the words “the reauthorization of financial incentives for job creation” and inserting in lieu thereof the words “tax credits”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 549, Page 1, Section A, Line 3, by inserting immediately after all of said section and line the following:

**“135.835. 1. Notwithstanding any law to the contrary, for all tax years beginning on or after January 1, 2019, any tax credit that contains a limit on the amount that may be issued, authorized, or redeemed shall have such limit reduced by fifteen percent, which shall be the limit of the tax credit thereafter.**

**2. Each state entity responsible for issuing, authorizing, or redeeming a tax credit affected by this section shall publish notice of the limit reduction under this section with materials regarding such tax credit.**

**3. This section shall not apply to:**

- (1) Any domestic and social tax credit, as that term is defined under section 135.800; or**
- (2) Any tax credit that is not subject to a cap or limit.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 549, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“135.352. 1. A taxpayer owning an interest in a qualified Missouri project shall, subject to the limitations provided under the provisions of subsection 3 of this section, be allowed a state tax credit, whether or not allowed a federal tax credit, to be termed the Missouri low-income housing tax credit, if the commission issues an eligibility statement for that project.

2. For qualified Missouri projects placed in service after January 1, 1997, the Missouri low-income housing tax credit available to a project shall be such amount as the commission shall determine is necessary to ensure the feasibility of the project, up to an amount equal to the federal low-income housing tax credit for a qualified Missouri project, for a federal tax period, and such amount shall be subtracted from the amount of state tax otherwise due for the same tax period.

3. No more than six million dollars in tax credits shall be authorized each fiscal year for projects financed through tax-exempt bond issuance.

4. The Missouri low-income housing tax credit shall be taken against the taxes and in the order specified pursuant to section 32.115. The credit authorized by this section shall not be refundable. Any amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried back to any of the taxpayer's three prior taxable years or carried forward to any of the taxpayer's five subsequent taxable years.

5. All or any portion of Missouri tax credits issued in accordance with the provisions of sections 135.350 to 135.362 may be allocated to parties who are eligible pursuant to the provisions of subsection 1 of this section. Beginning January 1, 1995, for qualified projects which began on or after January 1, 1994, an owner of a qualified Missouri project shall certify to the director the amount of credit allocated to each taxpayer. The owner of the project shall provide to the director appropriate information so that the low-income housing tax credit can be properly allocated.

6. In the event that recapture of Missouri low-income housing tax credits is required pursuant to subsection 2 of section 135.355, any statement submitted to the director as provided in this section shall include the proportion of the state credit required to be recaptured, the identity of each taxpayer subject to the recapture and the amount of credit previously allocated to such taxpayer.

**7. Notwithstanding any provision of law to the contrary, the value of any tax credit authorized under this section shall be ninety percent of the value determined by the commission under subsection 2 of this section for qualified projects located in municipalities unless the applicable municipality agrees by council vote to remit to the department of revenue one percent of the value of the tax credit determined under subsection 2 of this section for qualified projects located within their boundaries to be credited to general revenue. Thereupon, the value of the tax credit shall equal the amount determined by the commission under subsection 2 of this section.**

8. The director of the department may promulgate rules and regulations necessary to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

253.550. 1. Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, may, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources.

2. During the period beginning on January 1, 2010, but ending on or after June 30, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed seventy million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed one hundred forty million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection 3 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

3. For all applications for tax credits approved on or after January 1, 2010, no more than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

4. The limitations on tax credit authorization provided under the provisions of subsections 2 and 3 of this section shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to January 1, 2010; or

(2) Any taxpayer applying for tax credits, provided under this section, which, on or before January 1, 2010, has filed an application with the department evidencing that such taxpayer:

(a) Has incurred costs and expenses for an eligible property which exceed the lesser of five percent of the total project costs or one million dollars and received an approved Part I from the Secretary of the United States Department of Interior; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation shall exceed fifty percent of the total basis in the property.

**5. Notwithstanding any provision of law to the contrary, the value of any tax credit authorized under this section shall be ninety percent of the value determined under subsection 1 of this section**



**for eligible property located in municipalities unless the applicable municipality agrees by council vote to remit to the department of revenue one percent of the value of the tax credit determined under subsection 1 of this section for eligible property located within their boundaries to be credited to general revenue. Thereupon, the value of the tax credit shall equal the amount determined under subsection 1 of this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 5

Amend House Amendment No. to Senate Substitute for Senate Committee Substitute for Senate Bill No. 549, Page 1, Line 15, by deleting the phrase **“Residential purposes”** and inserting in lieu thereof the phrase **“Single-family, owner-occupied residential purposes”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 549, Page 1, Section A, Line 3, by inserting immediately after all of said section and line the following:

“253.545. As used in sections 253.545 to 253.559, the following terms mean, unless the context requires otherwise:

(1) “Certified historic structure”, a property located in Missouri and listed individually on the National Register of Historic Places;

(2) “Deed in lieu of foreclosure or voluntary conveyance”, a transfer of title from a borrower to the lender to satisfy the mortgage debt and avoid foreclosure;

(3) “Eligible property”, **either:**

**(a) Before January 1, 2019**, property located in Missouri and offered or used for residential or business purposes; **or**

**(b) After January 1, 2019**, property located in Missouri and offered or used for:

**a. Business purposes; or**

**b. Residential purposes if such residential property has an assessed value of no more than two hundred fifty thousand dollars;**

(4) “Leasehold interest”, a lease in an eligible property for a term of not less than thirty years;

(5) “Principal”, a managing partner, general partner, or president of a taxpayer;

(6) “Projected net fiscal benefit”, the total net fiscal benefit to the state or municipality, less any state or local benefits offered to the taxpayer for a project, as determined by the department of economic development;

(7) “Qualified census tract”, a census tract with a poverty rate of twenty percent or higher as determined by a map and listing of census tracts which shall be published by the department of economic development and updated on a five-year cycle, and which map and listing shall depict

**census tracts with twenty percent poverty rate or higher, grouped by census tracts with twenty percent to forty-two percent poverty, and forty-two percent to eighty-one percent poverty as determined by the most current five-year figures published by the American Community Survey conducted by the United States Census Bureau;**

**(8)** “Structure in a certified historic district”, a structure located in Missouri which is certified by the department of natural resources as contributing to the historic significance of a certified historic district listed on the National Register of Historic Places, or a local district that has been certified by the United States Department of the Interior;

**[(7)] (9)** “Taxpayer”, any person, firm, partnership, trust, estate, limited liability company, or corporation.

253.550. 1. Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, may, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources.

2. **(1)** During the period beginning on January 1, 2010, but ending on or after June 30, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections [3] 4 and [8] 10 of section 253.559 which, in the aggregate, exceed seventy million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010, **but ending before June 30, 2018**, the department of economic development shall not approve applications for tax credits under the provisions of subsections [3] 4 and [8] 10 of section 253.559 which, in the aggregate, exceed one hundred forty million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. **For each fiscal year beginning on or after July 1, 2018, the department of economic development shall not approve applications for tax credits under the provisions of subsections 4 and 9 of section 253.559 which, in the aggregate, exceed ninety million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559.** The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection [3] 4 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

**(2)** For each fiscal year beginning on or after July 1, 2018, the department may authorize an amount up to, but not to exceed, an additional thirty million dollars in tax credits issued under subsections 4 and 9 of section 253.559, provided that such tax credits are authorized solely for projects located in a qualified census tract.

**(3)** For each fiscal year beginning on or after July 1, 2018, if the maximum amount of tax credits

**allowed in any fiscal year as provided under subdivisions (1) and (2) of this subsection is authorized, the maximum amount of tax credits allowed under subdivision (1) of this subsection shall be adjusted by the percentage increase in the Consumer Price Index for All Urban Consumers, or its successor index, as such index is defined and officially reported by the United States Department of Labor, or its successor agency. Only one such adjustment shall be made for each instance in which the provisions of this subdivision apply. The director of the department of economic development shall publish such adjusted amount.**

3. For all applications for tax credits approved on or after January 1, 2010, no more than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

4. The limitations on tax credit authorization provided under the provisions of subsections 2 and 3 of this section shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to January 1, 2010; or

(2) Any taxpayer applying for tax credits, provided under this section, which, on or before January 1, 2010, has filed an application with the department evidencing that such taxpayer:

(a) Has incurred costs and expenses for an eligible property which exceed the lesser of five percent of the total project costs or one million dollars and received an approved Part I from the Secretary of the United States Department of Interior; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation shall exceed fifty percent of the total basis in the property.

253.559. 1. To obtain approval for tax credits allowed under sections 253.545 to 253.559, a taxpayer shall submit an application for tax credits to the department of economic development. Each application for approval, including any applications received for supplemental allocations of tax credits as provided under subsection [8] **10** of this section, shall be prioritized for review and approval, in the order of the date on which the application was postmarked, with the oldest postmarked date receiving priority. Applications postmarked on the same day shall go through a lottery process to determine the order in which such applications shall be reviewed.

2. Each application shall be reviewed by the department of economic development for approval. In order to receive approval, an application, other than applications submitted under the provisions of subsection [8] **10** of this section, shall include:

(1) Proof of ownership or site control. Proof of ownership shall include evidence that the taxpayer is the fee simple owner of the eligible property, such as a warranty deed or a closing statement. Proof of site control may be evidenced by a leasehold interest or an option to acquire such an interest. If the taxpayer is in the process of acquiring fee simple ownership, proof of site control shall include an executed sales contract or an executed option to purchase the eligible property;

(2) Floor plans of the existing structure, architectural plans, and, where applicable, plans of the proposed alterations to the structure, as well as proposed additions;

(3) The estimated cost of rehabilitation, the anticipated total costs of the project, the actual basis of the property, as shown by proof of actual acquisition costs, the anticipated total labor costs, the estimated project start date, and the estimated project completion date;

(4) Proof that the property is an eligible property and a certified historic structure or a structure in a certified historic district; [and]

**(5) A copy of all land use and building approvals reasonably necessary for the commencement of the project; and**

**(6) Any other information which the department of economic development may reasonably require to review the project for approval.**

Only the property for which a property address is provided in the application shall be reviewed for approval. Once selected for review, a taxpayer shall not be permitted to request the review of another property for approval in the place of the property contained in such application. Any disapproved application shall be removed from the review process. If an application is removed from the review process, the department of economic development shall notify the taxpayer in writing of the decision to remove such application. Disapproved applications shall lose priority in the review process. A disapproved application, which is removed from the review process, may be resubmitted, but shall be deemed to be a new submission for purposes of the priority procedures described in this section.

**3. In evaluating an application for tax credits submitted under this section, the department of economic development shall also consider:**

**(1) The amount of projected net fiscal benefit of the project to the state and local municipality, and the period in which the state and municipality would realize such net fiscal benefit;**

**(2) The overall size and quality of the proposed project, including the estimated number of new jobs to be created by the project, the potential multiplier effect of the project, and similar factors;**

**(3) The level of economic distress in the area; and**

**(4) Input from the local elected officials and local municipality in which the proposed project is located as to the importance of the proposed project to the municipality.**

**4. If the department of economic development deems the application sufficient, the taxpayer shall be notified in writing of the approval for an amount of tax credits equal to the amount provided under section 253.550 less any amount of tax credits previously approved. Such approvals shall be granted to applications in the order of priority established under this section and shall require full compliance thereafter with all other requirements of law as a condition to any claim for such credits. If the department of economic development disapproves an application, the taxpayer shall be notified in writing of the reasons for such disapproval. A disapproved application may be resubmitted.**

[4.] **5. Following approval of an application, the identity of the taxpayer contained in such application shall not be modified except:**

**(1) The taxpayer may add partners, members, or shareholders as part of the ownership structure, so long**

as the principal remains the same, provided however, that subsequent to the commencement of renovation and the expenditure of at least ten percent of the proposed rehabilitation budget, removal of the principal for failure to perform duties and the appointment of a new principal thereafter shall not constitute a change of the principal; or

(2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy.

[5.] **6.** In the event that the department of economic development grants approval for tax credits equal to the total amount available under subsection 2 of section 253.550, or sufficient that when totaled with all other approvals, the amount available under subsection 2 of section 253.550 is exhausted, all taxpayers with applications then awaiting approval or thereafter submitted for approval shall be notified by the department of economic development that no additional approvals shall be granted during the fiscal year and shall be notified of the priority given to such taxpayer's application then awaiting approval. Such applications shall be kept on file by the department of economic development and shall be considered for approval for tax credits in the order established in this section in the event that additional credits become available due to the rescission of approvals or when a new fiscal year's allocation of credits becomes available for approval.

**7. All taxpayers with applications receiving approval on or after July 1, 2019, shall submit within sixty days following the award of credits evidence of the capacity of the applicant to finance the costs and expenses for the rehabilitation of the eligible property in the form of a line of credit or letter of commitment subject to the lender's termination for a material adverse change impacting the extension of credit. If the department of economic development determines that a taxpayer has failed to comply with the requirements under this subsection, then the department shall notify the applicant of such failure and the applicant shall have a thirty day period from the date of such notice to submit additional evidence to remedy the failure.**

[6.] **8.** All taxpayers with applications receiving approval on or after the effective date of this act shall commence rehabilitation within [two years] **nine months** of the date of issuance of the letter from the department of economic development granting the approval for tax credits. "Commencement of rehabilitation" shall mean that as of the date in which actual physical work, contemplated by the architectural plans submitted with the application, has begun, the taxpayer has incurred no less than ten percent of the estimated costs of rehabilitation provided in the application. Taxpayers with approval of a project shall submit evidence of compliance with the provisions of this subsection. If the department of economic development determines that a taxpayer has failed to comply with the requirements provided under this section, the approval for the amount of tax credits for such taxpayer shall be rescinded and such amount of tax credits shall then be included in the total amount of tax credits, provided under subsection 2 of section 253.550, from which approvals may be granted. Any taxpayer whose approval shall be subject to rescission shall be notified of such from the department of economic development and, upon receipt of such notice, may submit a new application for the project.

[7.] **9.** To claim the credit authorized under sections 253.550 to 253.559, a taxpayer with approval shall apply for final approval and issuance of tax credits from the department of economic development which, in consultation with the department of natural resources, shall determine the final amount of eligible rehabilitation costs and expenses and whether the completed rehabilitation meets the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources. For financial institutions

credits authorized pursuant to sections 253.550 to 253.561 shall be deemed to be economic development credits for purposes of section 148.064. The approval of all applications and the issuing of certificates of eligible credits to taxpayers shall be performed by the department of economic development. The department of economic development shall inform a taxpayer of final approval by letter and shall issue, to the taxpayer, tax credit certificates. The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed.

[8.] **10.** Except as expressly provided in this subsection, tax credit certificates shall be issued in the final year that costs and expenses of rehabilitation of the project are incurred, or within the twelve-month period immediately following the conclusion of such rehabilitation. In the event the amount of eligible rehabilitation costs and expenses incurred by a taxpayer would result in the issuance of an amount of tax credits in excess of the amount provided under such taxpayer's approval granted under subsection [3] **4** of this section, such taxpayer may apply to the department for issuance of tax credits in an amount equal to such excess. Applications for issuance of tax credits in excess of the amount provided under a taxpayer's application shall be made on a form prescribed by the department. Such applications shall be subject to all provisions regarding priority provided under subsection 1 of this section.

[9.] **11.** The department of economic development shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property.”; and

Further amend said bill, Page 8, Section 620.809, Line 241, by inserting immediately after all of said section and line the following:

“620.1900. 1. The department of economic development may charge a fee to the recipient of any tax credits issued by the department, in an amount up to two and one-half percent of the amount of tax credits issued, **or for tax credits issued under sections 253.545 to 253.559 in an amount equal to four percent of the amount of tax credits issued.** The fee shall be paid by the recipient upon the issuance of the tax credits. However, no fee shall be charged for the tax credits issued under section 135.460, or section 208.770, or under sections 32.100 to 32.125, if issued for community services, crime prevention, education, job training, or physical revitalization.

2. **(1)** All fees received by the department of economic development under this section shall be deposited solely to the credit of the economic development advancement fund, created under subsection 3 of this section.

**(2) Thirty-seven and one-half percent of the revenue derived from the four percent fee charged on tax credits issued under sections 253.545 to 253.559 shall be appropriated from the economic development advancement fund for business recruitment and marketing.**

3. There is hereby created in the state treasury the “Economic Development Advancement Fund”, which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. Such fund shall consist of any fees charged under subsection 1 of this section, any gifts, contributions, grants, or bequests received from federal, private, or other sources, fees or administrative charges from private activity bond allocations, moneys transferred or paid to the department in return for goods or services provided by the department, and any appropriations to the fund.

5. At least fifty percent of the fees and other moneys deposited in the fund shall be appropriated for marketing, technical assistance, and training, contracts for specialized economic development services, and new initiatives and pilot programming to address economic trends. The remainder may be appropriated toward the costs of staffing and operating expenses for the program activities of the department of economic development, and for accountability functions.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 549, Page 8, Section 620.809, Line 235, by deleting the number “**2030**” and inserting in lieu thereof the number “**2025**”; and

Further amend said bill, Page 14, Section 620.2020, Line 207, by deleting the number “**2030**” and inserting in lieu thereof the number “**2025**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 549, Page 1, Section A, Line 3, by inserting immediately after all of said section and line the following:

“135.700. For all tax years beginning on or after January 1, 1999, **but before January 1, 2019**, a grape grower or wine producer shall be allowed a tax credit against the state tax liability incurred pursuant to chapter 143, exclusive of the provisions relating to the withholding of tax as provided in sections 143.191 to 143.265, in an amount equal to twenty-five percent of the purchase price of all new equipment and materials used directly in the growing of grapes or the production of wine in the state. Each grower or producer shall apply to the department of economic development and specify the total amount of such new equipment and materials purchased during the calendar year. The department of economic development shall certify to the department of revenue the amount of such tax credit to which a grape grower or wine producer is entitled pursuant to this section. The provisions of this section notwithstanding, a grower or producer may only apply for and receive the credit authorized by this section for five tax periods.

135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the “Tax Credit Accountability Act of 2004”.

2. As used in sections 135.800 to 135.830, the following terms mean:

(1) “Administering agency”, the state agency or department charged with administering a particular tax credit program, as set forth by the program’s enacting statute; where no department or agency is set forth, the department of revenue;

(2) “Agricultural tax credits”, the agricultural product utilization contributor tax credit created pursuant to section 348.430, the new generation cooperative incentive tax credit created pursuant to section 348.432, the family farm breeding livestock loan tax credit created under section 348.505, the qualified beef tax credit

created under section 135.679, and the wine and grape production tax credit created pursuant to section 135.700;

(3) “All tax credit programs”, or “any tax credit program”, the tax credit programs included in the definitions of agricultural tax credits, business recruitment tax credits, community development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, financial and insurance tax credits, housing tax credits, redevelopment tax credits, and training and educational tax credits;

(4) “Business recruitment tax credits”, the business facility tax credit created pursuant to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development programs created pursuant to sections 100.700 to 100.850, the development tax credits created pursuant to sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant to section 135.535, the film production tax credit created pursuant to section 135.750, the enhanced enterprise zone created pursuant to sections 135.950 to 135.970, and the Missouri quality jobs program created pursuant to sections 620.1875 to 620.1900;

(5) “Community development tax credits”, the neighborhood assistance tax credit created pursuant to sections 32.100 to 32.125, the family development account tax credit created pursuant to sections 208.750 to 208.775, the dry fire hydrant tax credit created pursuant to section 320.093, and the transportation development tax credit created pursuant to section 135.545;

(6) “Domestic and social tax credits”, the youth opportunities tax credit created pursuant to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic violence created pursuant to section 135.550, the senior citizen or disabled person property tax credit created pursuant to sections 135.010 to 135.035, the special needs adoption tax credit created pursuant to sections 135.325 to 135.339, the champion for children tax credit created pursuant to section 135.341, the maternity home tax credit created pursuant to section 135.600, the surviving spouse tax credit created pursuant to section 135.090, the residential treatment agency tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit created pursuant to section 135.630, the food pantry tax credit created pursuant to section 135.647, the health care access fund tax credit created pursuant to section 135.575, the residential dwelling access tax credit created pursuant to section 135.562, the developmental disability care provider tax credit created under section 135.1180, and the shared care tax credit created pursuant to section 192.2015;

(7) “Entrepreneurial tax credits”, the capital tax credit created pursuant to sections 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, the new enterprise creation tax credit created pursuant to sections 620.635 to 620.653, the research tax credit created pursuant to section 620.1039, the small business incubator tax credit created pursuant to section 620.495, the guarantee fee tax credit created pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125;

(8) “Environmental tax credits”, the charcoal producer tax credit created pursuant to section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and the alternative fuel stations tax credit created pursuant to section 135.710;

(9) “Financial and insurance tax credits”, the bank franchise tax credit created pursuant to section 148.030, the bank tax credit for S corporations created pursuant to section 143.471, the exam fee tax credit



created pursuant to section 148.400, the health insurance pool tax credit created pursuant to section 376.975, the life and health insurance guaranty tax credit created pursuant to section 376.745, the property and casualty guaranty tax credit created pursuant to section 375.774, and the self-employed health insurance tax credit created pursuant to section 143.119;

(10) “Housing tax credits”, the neighborhood preservation tax credit created pursuant to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to 32.125;

(11) “Recipient”, the individual or entity who is the original applicant for and who receives proceeds from a tax credit program directly from the administering agency, the person or entity responsible for the reporting requirements established in section 135.805;

(12) “Redevelopment tax credits”, the historic preservation tax credit created pursuant to sections 253.545 to 253.559, the brownfield redevelopment program tax credit created pursuant to sections 447.700 to 447.718, the community development corporations tax credit created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to subsection 6 of section 100.286, the bond guarantee tax credit created pursuant to section 100.297, the disabled access tax credit created pursuant to section 135.490, [the new markets tax credit created pursuant to section 135.680,] and the distressed areas land assemblage tax credit created pursuant to section 99.1205;

(13) “Training and educational tax credits”, the Missouri works new jobs tax credit and Missouri works retained jobs credit created pursuant to sections 620.800 to 620.809.

447.708. 1. For eligible projects, the director of the department of economic development, with notice to the directors of the departments of natural resources and revenue, and subject to the other provisions of sections 447.700 to 447.718, may not create a new enterprise zone but may decide that a prospective operator of a facility being remedied and renovated pursuant to sections 447.700 to 447.718 may receive the tax credits and exemptions pursuant to sections 135.100 to 135.150 and sections 135.200 to 135.257. The tax credits allowed pursuant to this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by chapter 148. **No tax credit authorized under this subsection shall be issued after August 28, 2018.** For purposes of this subsection:

(1) For receipt of the ad valorem tax abatement pursuant to section 135.215, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs. The city, or county if the eligible project is not located in a city, must provide ad valorem tax abatement of at least fifty percent for a period not less than ten years and not more than twenty-five years;

(2) For receipt of the income tax exemption pursuant to section 135.220 and tax credit for new or expanded business facilities pursuant to sections 135.100 to 135.150, and 135.225, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof. For purposes of sections 447.700 to 447.718, the tax credits described in section 135.225 are modified as follows: the tax credit shall be four hundred dollars per employee per year, an additional four hundred dollars per year for each employee exceeding the minimum employment thresholds of ten and twenty-five jobs for new and existing businesses, respectively, an additional four hundred dollars per year for each person who is a person difficult to employ as defined by section 135.240, and investment tax credits at the same amounts and levels as provided in subdivision (4) of subsection 1 of section 135.225;

(3) For eligibility to receive the income tax refund pursuant to section 135.245, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof, and otherwise comply with the provisions of section 135.245 for application and use of the refund and the eligibility requirements of this section;

(4) The eligible project operates in compliance with applicable environmental laws and regulations, including permitting and registration requirements, of this state as well as the federal and local requirements;

(5) The eligible project operator shall file such reports as may be required by the director of economic development or the director's designee;

(6) The taxpayer may claim the state tax credits authorized by this subsection and the state income exemption for a period not in excess of ten consecutive tax years. For the purpose of this section, "taxpayer" means an individual proprietorship, partnership or corporation described in section 143.441 or 143.471 who operates an eligible project. The director shall determine the number of years the taxpayer may claim the state tax credits and the state income exemption based on the projected net state economic benefits attributed to the eligible project;

(7) For the purpose of meeting the new job requirement prescribed in subdivisions (1), (2) and (3) of this subsection, it shall be required that at least ten new jobs be created and maintained during the taxpayer's tax period for which the credits are earned, in the case of an eligible project that does not replace a similar facility in Missouri. "New job" means a person who was not previously employed by the taxpayer or related taxpayer within the twelve-month period immediately preceding the time the person was employed by that taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned. For the purposes of this section, "related taxpayer" has the same meaning as defined in subdivision (10) of section 135.100;

(8) For the purpose of meeting the existing job retention requirement, if the eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, it shall be required that at least twenty-five existing jobs be retained at, and in connection with the eligible project, on a full-time basis during the taxpayer's tax period for which the credits are earned. "Retained job" means a person who was previously employed by the taxpayer or related taxpayer, at a facility similar to the eligible project that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, within the tax period immediately preceding the time the person was employed by the taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned;

(9) In the case where an eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, the owner and operator of the eligible project shall provide the director with a written statement explaining the reason for discontinuing operations at the closed facility. The statement shall include a comparison of the activities performed at the closed facility prior to the date the facility ceased operating, to the activities performed at the eligible project, and a detailed account describing the need and rationale for relocating to the eligible project. If the director finds the relocation to the eligible project significantly impaired the economic stability of the area

in which the closed facility was located, and that such move was detrimental to the overall economic development efforts of the state, the director may deny the taxpayer's request to claim tax benefits;

(10) Notwithstanding any provision of law to the contrary, for the purpose of this section, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment used at the eligible project during any tax year shall be determined by dividing by twelve, in the case of jobs, the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month of the tax year. If the eligible project is in operation for less than the entire tax year, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment created at the eligible project during any tax year shall be determined by dividing the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month during the portion of the tax year during which the eligible project was in operation, by the number of full calendar months during such period;

(11) For the purpose of this section, "new qualified investment" means new business facility investment as defined and as determined in subdivision (8) of section 135.100 which is used at and in connection with the eligible project. New qualified investment shall not include small tools, supplies and inventory. "Small tools" means tools that are portable and can be hand held.

2. The determination of the director of economic development pursuant to subsection 1 of this section shall not affect requirements for the prospective purchaser to obtain the approval of the granting of real property tax abatement by the municipal or county government where the eligible project is located.

3. (1) The director of the department of economic development, with the approval of the director of the department of natural resources, may, in addition to the tax credits allowed in subsection 1 of this section, grant a remediation tax credit to the applicant for up to one hundred percent of the costs of materials, supplies, equipment, labor, professional engineering, consulting and architectural fees, permitting fees and expenses, demolition, asbestos abatement, and direct utility charges for performing the voluntary remediation activities for the preexisting hazardous substance contamination and releases, including, but not limited to, the costs of performing operation and maintenance of the remediation equipment at the property beyond the year in which the systems and equipment are built and installed at the eligible project and the costs of performing the voluntary remediation activities over a period not in excess of four tax years following the taxpayer's tax year in which the system and equipment were first put into use at the eligible project, provided the remediation activities are the subject of a plan submitted to, and approved by, the director of natural resources pursuant to sections 260.565 to 260.575. The tax credit may also include up to one hundred percent of the costs of demolition that are not directly part of the remediation activities, provided that the demolition is on the property where the voluntary remediation activities are occurring, the demolition is necessary to accomplish the planned use of the facility where the remediation activities are occurring, and the demolition is part of a redevelopment plan approved by the municipal or county government and the department of economic development. The demolition may occur on an adjacent property if the project is located in a municipality which has a population less than twenty thousand and the above conditions are otherwise met. The adjacent property shall independently qualify as abandoned or underutilized. The amount of the credit available for demolition not associated with remediation cannot exceed the total amount of credits approved for remediation including demolition required for remediation.

(2) The amount of remediation tax credits issued shall be limited to the least amount necessary to cause the project to occur, as determined by the director of the department of economic development.

(3) The director may, with the approval of the director of natural resources, extend the tax credits allowed for performing voluntary remediation maintenance activities, in increments of three-year periods, not to exceed five consecutive three-year periods. The tax credits allowed in this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by chapter 148. The remediation tax credit may be taken in the same tax year in which the tax credits are received or may be taken over a period not to exceed twenty years.

(4) The project facility shall be projected to create at least ten new jobs or at least twenty-five retained jobs, or a combination thereof, as determined by the department of economic development, to be eligible for tax credits pursuant to this section.

(5) No more than seventy-five percent of earned remediation tax credits may be issued when the remediation costs were paid, and the remaining percentage may be issued when the department of natural resources issues a letter of completion letter or covenant not to sue following completion of the voluntary remediation activities. It shall not include any costs associated with ongoing operational environmental compliance of the facility or remediation costs arising out of spills, leaks, or other releases arising out of the ongoing business operations of the facility. In the event the department of natural resources issues a letter of completion for a portion of a property, an impacted media such as soil or groundwater, or for a site or a portion of a site improvement, a prorated amount of the remaining percentage may be released based on the percentage of the total site receiving a letter of completion.

4. In the exercise of the sound discretion of the director of the department of economic development or the director's designee, the tax credits and exemptions described in this section may be terminated, suspended or revoked if the eligible project fails to continue to meet the conditions set forth in this section. In making such a determination, the director shall consider the severity of the condition violation, actions taken to correct the violation, the frequency of any condition violations and whether the actions exhibit a pattern of conduct by the eligible facility owner and operator. The director shall also consider changes in general economic conditions and the recommendation of the director of the department of natural resources, or his or her designee, concerning the severity, scope, nature, frequency and extent of any violations of the environmental compliance conditions. The taxpayer or person claiming the tax credits or exemptions may appeal the decision regarding termination, suspension or revocation of any tax credit or exemption in accordance with the procedures outlined in subsections 4 and 5 of section 135.250. The director of the department of economic development shall notify the directors of the departments of natural resources and revenue of the termination, suspension or revocation of any tax credits as determined in this section or pursuant to the provisions of section 447.716.

5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection 1 of this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245, respectively, for the same facility for the same tax period.

6. The total amount of the tax credits allowed in subsection 1 of this section may not exceed the greater

of:

(1) That portion of the taxpayer's income attributed to the eligible project; or

(2) One hundred percent of the total business' income tax if the eligible facility does not replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; fifty percent of the total business' income tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; or twenty-five percent of the total business income if the taxpayer operates, in addition to the eligible facility, any other facilities in Missouri. In no case shall a taxpayer operating more than one eligible project in Missouri be allowed to offset more than twenty-five percent of the taxpayer's business income in any tax period. That portion of the taxpayer's income attributed to the eligible project as referenced in subdivision (1) of this subsection, for which the credits allowed in sections 135.110 and 135.225 and subsection 3 of this section may apply, shall be determined in the same manner as prescribed in subdivision (5) of section 135.100. That portion of the taxpayer's franchise tax attributed to the eligible project for which the remediation tax credit may offset, shall be determined in the same manner as prescribed in paragraph (a) of subdivision (5) of section 135.100.

7. Taxpayers claiming the state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use. Otherwise, the taxpayer's right to claim such state tax benefits shall be forfeited. Unused business facility and enterprise zone tax credits shall not be carried forward but shall be initially claimed for the tax period during which the eligible project was first capable of being used, and during any applicable subsequent tax periods.

8. Taxpayers claiming the remediation tax credit allowed in subsection 3 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use, or during the taxpayer's tax period immediately after the tax period in which the voluntary remediation activities were performed.

9. The recipient of remediation tax credits, for the purpose of this subsection referred to as assignor, may assign, sell or transfer, in whole or in part, the remediation tax credit allowed in subsection 3 of this section to any other person, for the purpose of this subsection referred to as assignee. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address and the assignee's tax period and the amount of tax credits to be transferred. The number of tax periods during which the assignee may subsequently claim the tax credits shall not exceed twenty tax periods, less the number of tax periods the assignor previously claimed the credits before the transfer occurred.

10. In the case where an operator and assignor of an eligible project has been certified to claim state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section, and sells or otherwise transfers title of the eligible project to another taxpayer or assignee who continues the same or substantially similar operations at the eligible project, the director shall allow the assignee to claim the credits for a period of

time to be determined by the director; except that, the total number of tax periods the tax credits may be earned by the assignor and the assignee shall not exceed ten. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address, and the assignee's tax period, and the amount of tax credits to be transferred.

11. For the purpose of the state tax benefits described in this section, in the case of a corporation described in section 143.471 or partnership, in computing Missouri's tax liability, such state benefits shall be allowed to the following:

- (1) The shareholders of the corporation described in section 143.471;
- (2) The partners of the partnership.

The credit provided in this subsection shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period.

12. Notwithstanding any provision of law to the contrary, in any county [of the first classification] that has a charter form of government and that has a population of over nine hundred thousand inhabitants, all demolition costs incurred during the redevelopment of any former automobile manufacturing plant shall be allowable costs eligible for tax credits under sections 447.700 to 447.718 so long as the redevelopment of such former automobile manufacturing plant shall be projected to create at least two hundred fifty new jobs or at least three hundred retained jobs, or a combination thereof, as determined by the department of economic development. The amount of allowable costs eligible for tax credits shall be limited to the least amount necessary to cause the project to occur, as determined by the director of the department of economic development, provided that no tax credit shall be issued under this subsection until July 1, 2017. For purposes of this subsection, "former automobile manufacturing plant" means a redevelopment area that qualifies as an eligible project under section 447.700, that consists of at least one hundred acres, and that was used primarily for the manufacture of automobiles but, after 2007, ceased such manufacturing."; and

Further amend said bill, Page 14, Section 620.2020, Line 213, by inserting after all of said section and line the following:

"[135.680. 1. As used in this section, the following terms shall mean:

(1) "Adjusted purchase price", the product of:

(a) The amount paid to the issuer of a qualified equity investment for such qualified equity investment; and

(b) The following fraction:

a. The numerator shall be the dollar amount of qualified low-income community investments held by the issuer in this state as of the credit allowance date during the applicable tax year; and

b. The denominator shall be the total dollar amount of qualified low-income community investments held by the issuer in all states as of the credit allowance date during the applicable tax year;

c. For purposes of calculating the amount of qualified low-income community investments held by an issuer, an investment shall be considered held by an issuer even if the investment has been

sold or repaid; provided that the issuer reinvests an amount equal to the capital returned to or recovered by the issuer from the original investment, exclusive of any profits realized, in another qualified low-income community investment within twelve months of the receipt of such capital. An issuer shall not be required to reinvest capital returned from qualified low-income community investments after the sixth anniversary of the issuance of the qualified equity investment, the proceeds of which were used to make the qualified low-income community investment, and the qualified low-income community investment shall be considered held by the issuer through the seventh anniversary of the qualified equity investment's issuance;

(2) "Applicable percentage", zero percent for each of the first two credit allowance dates, seven percent for the third credit allowance date, and eight percent for the next four credit allowance dates;

(3) "Credit allowance date", with respect to any qualified equity investment:

(a) The date on which such investment is initially made; and

(b) Each of the six anniversary dates of such date thereafter;

(4) "Long-term debt security", any debt instrument issued by a qualified community development entity, at par value or a premium, with an original maturity date of at least seven years from the date of its issuance, with no acceleration of repayment, amortization, or prepayment features prior to its original maturity date, and with no distribution, payment, or interest features related to the profitability of the qualified community development entity or the performance of the qualified community development entity's investment portfolio. The foregoing shall in no way limit the holder's ability to accelerate payments on the debt instrument in situations where the issuer has defaulted on covenants designed to ensure compliance with this section or Section 45D of the Internal Revenue Code of 1986, as amended;

(5) "Qualified active low-income community business", the meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended; provided that any business that derives or projects to derive fifteen percent or more of its annual revenue from the rental or sale of real estate shall not be considered to be a qualified active low-income community business;

(6) "Qualified community development entity", the meaning given such term in Section 45D of the Internal Revenue Code of 1986, as amended; provided that such entity has entered into an allocation agreement with the Community Development Financial Institutions Fund of the U.S. Treasury Department with respect to credits authorized by Section 45D of the Internal Revenue Code of 1986, as amended, which includes the state of Missouri within the service area set forth in such allocation agreement;

(7) "Qualified equity investment", any equity investment in, or long-term debt security issued by, a qualified community development entity that:

(a) Is acquired after September 4, 2007, at its original issuance solely in exchange for cash;

(b) Has at least eighty-five percent of its cash purchase price used by the issuer to make qualified low-income community investments; and

(c) Is designated by the issuer as a qualified equity investment under this subdivision and is certified by the department of economic development as not exceeding the limitation contained in

subsection 2 of this section. This term shall include any qualified equity investment that does not meet the provisions of paragraph (a) of this subdivision if such investment was a qualified equity investment in the hands of a prior holder;

(8) “Qualified low-income community investment”, any capital or equity investment in, or loan to, any qualified active low-income community business. With respect to any one qualified active low-income community business, the maximum amount of qualified low-income community investments made in such business, on a collective basis with all of its affiliates, that may be used from the calculation of any numerator described in subparagraph a. of paragraph (b) of subdivision (1) of this subsection shall be ten million dollars whether issued to one or several qualified community development entities;

(9) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed in sections 143.191 to 143.265, or otherwise due under section 375.916 or chapter 147, 148, or 153;

(10) “Taxpayer”, any individual or entity subject to the tax imposed in chapter 143, excluding withholding tax imposed in sections 143.191 to 143.265, or the tax imposed in section 375.916 or chapter 147, 148, or 153.

2. A taxpayer that makes a qualified equity investment earns a vested right to tax credits under this section. On each credit allowance date of such qualified equity investment the taxpayer, or subsequent holder of the qualified equity investment, shall be entitled to a tax credit during the taxable year including such credit allowance date. The tax credit amount shall be equal to the applicable percentage of the adjusted purchase price paid to the issuer of such qualified equity investment. The amount of the tax credit claimed shall not exceed the amount of the taxpayer’s state tax liability for the tax year for which the tax credit is claimed. No tax credit claimed under this section shall be refundable or transferable. Tax credits earned by a partnership, limited liability company, S-corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or shareholders. Any amount of tax credit that the taxpayer is prohibited by this section from claiming in a taxable year may be carried forward to any of the taxpayer’s five subsequent taxable years. The department of economic development shall limit the monetary amount of qualified equity investments permitted under this section to a level necessary to limit tax credit utilization at no more than twenty-five million dollars of tax credits in any fiscal year. Such limitation on qualified equity investments shall be based on the anticipated utilization of credits without regard to the potential for taxpayers to carry forward tax credits to later tax years.

3. The issuer of the qualified equity investment shall certify to the department of economic development the anticipated dollar amount of such investments to be made in this state during the first twelve-month period following the initial credit allowance date. If on the second credit allowance date, the actual dollar amount of such investments is different than the amount estimated, the department of economic development shall adjust the credits arising on the second allowance date to account for such difference.

4. The department of economic development shall recapture the tax credit allowed under this section with respect to such qualified equity investment under this section if:



(1) Any amount of the federal tax credit available with respect to a qualified equity investment that is eligible for a tax credit under this section is recaptured under Section 45D of the Internal Revenue Code of 1986, as amended; or

(2) The issuer redeems or makes principal repayment with respect to a qualified equity investment prior to the seventh anniversary of the issuance of such qualified equity investment. Any tax credit that is subject to recapture shall be recaptured from the taxpayer that claimed the tax credit on a return.

5. The department of economic development shall promulgate rules to implement the provisions of this section, including recapture provisions on a scaled proportional basis, and to administer the allocation of tax credits issued for qualified equity investments, which shall be conducted on a first-come, first-serve basis. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after September 4, 2007, shall be invalid and void.

6. For fiscal years following fiscal year 2010, qualified equity investments shall not be made under this section unless reauthorization is made pursuant to this subsection. For all fiscal years following fiscal year 2010, unless the general assembly adopts a concurrent resolution granting authority to the department of economic development to approve qualified equity investments for the Missouri new markets development program and clearly describing the amount of tax credits available for the next fiscal year, or otherwise complies with the provisions of this subsection, no qualified equity investments may be permitted to be made under this section. The amount of available tax credits contained in such a resolution shall not exceed the limitation provided under subsection 2 of this section. In any year in which the provisions of this section shall sunset pursuant to subsection 7 of this section, reauthorization shall be made by general law and not by concurrent resolution. Nothing in this subsection shall preclude a taxpayer who makes a qualified equity investment prior to the expiration of authority to make qualified equity investments from claiming tax credits relating to such qualified equity investment for each applicable credit allowance date.

7. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after September 4, 2007, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. However, nothing in this subsection shall preclude a taxpayer who makes a qualified equity investment prior to sunset of this section under the provisions of section 23.253 from claiming tax credits relating to such qualified equity investment for each credit allowance date.]

[135.682. 1. The director of the department of economic development or the director's designee shall issue letter rulings regarding the tax credit program authorized under section 135.680, subject to the terms and conditions set forth in this section. The director of the department of economic development may impose additional terms and conditions consistent with this section to requests for letter rulings by regulation promulgated under chapter 536. For the purposes of this section, the term "letter ruling" means a written interpretation of law to a specific set of facts provided by the applicant requesting a letter ruling.

2. The director or director's designee shall respond to a request for a letter ruling within sixty days of receipt of such request. The applicant may provide a draft letter ruling for the department's consideration. The applicant may withdraw the request for a letter ruling, in writing, prior to the issuance of the letter ruling. The director or the director's designee may refuse to issue a letter ruling for good cause, but must list the specific reasons for refusing to issue the letter ruling. Good cause includes, but is not limited to:

(1) The applicant requests the director to determine whether a statute is constitutional or a regulation is lawful;

(2) The request involves a hypothetical situation or alternative plans;

(3) The facts or issues presented in the request are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue a letter ruling; and

(4) The issue is currently being considered in a rulemaking procedure, contested case, or other agency or judicial proceeding that may definitely resolve the issue.

3. Letter rulings shall bind the director and the director's agents and their successors until such time as the taxpayer or its shareholders, members, or partners, as applicable, claim all of such tax credits on a Missouri tax return, subject to the terms and conditions set forth in properly published regulations. The letter ruling shall apply only to the applicant.

4. Letter rulings issued under the authority of this section shall not be a rule as defined in section 536.010 in that it is an interpretation issued by the department with respect to a specific set of facts and intended to apply only to that specific set of facts, and therefore shall not be subject to the rulemaking requirements of chapter 536.

5. Information in letter ruling requests as described in section 620.014 shall be closed to the public. Copies of letter rulings shall be available to the public provided that the applicant identifying information and otherwise protected information is redacted from the letter ruling as provided in subsection 1 of section 610.024.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 549, Page 8, Section 620.809, Line 241, by inserting immediately after all of said section and line the following:

"620.2005. As used in sections 620.2000 to 620.2020, the following terms mean:

(1) "Average wage", the new payroll divided by the number of new jobs, or the payroll of the retained jobs divided by the number of retained jobs;

(2) “Commencement of operations”, the starting date for the qualified company’s first new employee, which shall be no later than twelve months from the date of the approval;

(3) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(4) “Department”, the Missouri department of economic development;

(5) “Director”, the director of the department of economic development;

(6) “Employee”, a person employed by a qualified company, excluding:

(a) Owners of the qualified company unless the qualified company is participating in an employee stock ownership plan; or

(b) Owners of a noncontrolling interest in stock of a qualified company that is publicly traded;

(7) “Existing Missouri business”, a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely perform job duties within Missouri;

(8) “Full-time employee”, an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums. An employee that spends less than fifty percent of the employee’s work time at the facility shall be considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility’s payroll, one hundred percent of the employee’s income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county average wage;

(9) “Local incentives”, the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but this term shall not include loans or other funds provided to the qualified company that shall be repaid by the qualified company to the political subdivision;

(10) “NAICS” or “NAICS industry classification”, the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

(11) “New capital investment”, shall include costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval notice of intent, whichever occurs first, for real or personal property, and may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or the

approval of the notice of intent;

(12) “New direct local revenue”, the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

(13) “New job”, the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

(14) “New payroll”, the amount of wages paid for all new jobs, located at the project facility during the qualified company’s tax year that exceeds the project facility base payroll;

(15) “Notice of intent”, a form developed by the department and available online, completed by the qualified company, and submitted to the department stating the qualified company’s intent to request benefits under this program;

(16) “Percent of local incentives”, the amount of local incentives divided by the amount of new direct local revenue;

(17) “Program”, the Missouri works program established in sections 620.2000 to 620.2020;

(18) “Project facility”, the building or buildings used by a qualified company at which new or retained jobs and any new capital investment are or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated; provided that where the buildings making up the project facility are not located within the same county, the average wage of the new payroll shall exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;

(19) “Project facility base employment”, the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

(20) “Project facility base payroll”, the annualized payroll for the project facility base employment or the total amount of wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

(21) “Project period”, the time period within which benefits are awarded to a qualified company or within which the qualified company is obligated to perform under an agreement with the department, whichever is greater;

(22) “Projected net fiscal benefit”, the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;

(23) “Qualified company”, a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term “qualified company” shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production;

(k) Biodiesel production; or

(l) Health care and social services (NAICS sector 62).

Notwithstanding any provision of this section to the contrary, the headquarters, administrative offices, or research and development facilities of an otherwise excluded business may qualify for benefits if the offices or facilities serve a multistate territory. In the event a national, state, or regional headquarters operation is

not the predominant activity of a project facility, the jobs and investment of such operation shall be considered eligible for benefits under this section if the other requirements are satisfied;

(24) “Related company”, shall mean:

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this paragraph, “control of a qualified company” shall mean:

a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a qualified company that is a corporation;

b. Ownership of at least fifty percent of the capital or profits interest in such qualified company if it is a partnership or association;

c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(25) “Related facility”, a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

(26) “Related facility base employment”, the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(27) “Related facility base payroll”, the annualized payroll of the related facility base payroll or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

(28) “Rural area”, a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

(29) “Tax credits”, tax credits issued by the department to offset the state taxes imposed by chapters 143 and 148, or which may be sold [or refunded] as provided for in this program;

(30) “Withholding tax”, the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages; and

(31) This section is subject to the provisions of section 196.1127.

620.2010. 1. In exchange for the consideration provided by the new tax revenues and other economic

stimuli that will be generated by the new jobs created, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision (30) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if:

(1) The qualified company creates ten or more new jobs, and the average wage of the new payroll equals or exceeds ninety percent of the county average wage;

(2) The qualified company creates two or more new jobs at a project facility located in a rural area, the average wage of the new payroll equals or exceeds ninety percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars of new capital investment at the project facility within two years; or

(3) The qualified company creates two or more new jobs at a project facility located within a zone designated under sections 135.950 to 135.963, the average wage of the new payroll equals or exceeds eighty percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars in new capital investment at the project facility within two years of approval.

2. In addition to any benefits available under subsection 1 of this section, the department may award a qualified company that satisfies subdivision (1) of subsection 1 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than six percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the following factors:

(1) The significance of the qualified company's need for program benefits;

(2) The amount of projected net fiscal benefit to the state of the project and the period in which the state would realize such net fiscal benefit;

(3) The overall size and quality of the proposed project, including the number of new jobs, new capital investment, proposed wages, growth potential of the qualified company, the potential multiplier effect of the project, and similar factors;

(4) The financial stability and creditworthiness of the qualified company;

(5) The level of economic distress in the area;

(6) An evaluation of the competitiveness of alternative locations for the project facility, as applicable; and

(7) The percent of local incentives committed.

3. Upon approval of a notice of intent to receive tax credits under subsections 2 and 5 of this section, the department and the qualified company shall enter into a written agreement covering the applicable

project period. The agreement shall specify, at a minimum:

- (1) The committed number of new jobs, new payroll, and new capital investment for each year during the project period;
- (2) The date or time period during which the tax credits shall be issued, which may be immediately or over a period not to exceed two years from the date of approval of the notice of intent;
- (3) Clawback provisions, as may be required by the department; and
- (4) Any other provisions the department may require.

4. In lieu of the benefits available under sections 1 and 2 of this section, and in exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision (30) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 equal to:

- (1) Six percent of new payroll for a period of five years from the date the required number of new jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred twenty percent of the county average wage of the county in which the project facility is located; or
- (2) Seven percent of new payroll for a period of five years from the date the required number of jobs were created if the qualified company creates one hundred or more new jobs and the average wage of the new payroll equals or exceeds one hundred forty percent of the county average wage of the county in which the project facility is located.

[The department shall issue a refundable tax credit for] Any difference between the amount of benefit allowed under this subsection and the amount of withholding tax retained by the company, [in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subsection] **shall not be refunded.**

5. In addition to the benefits available under subsection 4 of this section, the department may award a qualified company that satisfies the provisions of subsection 4 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than three percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection, the department shall consider the factors provided under subsection 2 of this section.

6. No benefits shall be available under this section for any qualified company that has performed significant, project-specific site work at the project facility, purchased machinery or equipment related to



the project, or has publicly announced its intention to make new capital investment at the project facility prior to receipt of a proposal for benefits under this section or approval of its notice of intent, whichever occurs first.”; and

Further amend said bill, Page 9, Section 620.2020, Line 40, by deleting all of said line and inserting in lieu thereof the following:

“but the department shall issue a [refundable] **nonrefundable** tax credit for the [full] amount of”“; and

Further amend said bill and section, Page 12, Lines 144-146, by deleting all of said lines and inserting in lieu thereof the following:

“11. [The director of revenue shall issue a refund to the qualified company to the extent that] The amount of tax credits allowed under this program **that** exceeds the amount of the qualified company’s tax liability under chapter 143 or 148 **shall not be refunded.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 549, Page 1, Section A, Line 3, by inserting immediately after all of said section and line the following:

“135.802. 1. Beginning January 1, 2005, all applications for all tax credit programs shall include, in addition to any requirements provided by the enacting statutes of a particular credit program, the following information to be submitted to the department administering the tax credit:

(1) Name, address, and phone number of the applicant or applicants, and the name, address, and phone number of a contact person or agent for the applicant or applicants;

(2) Taxpayer type, whether individual, corporation, nonprofit or other, and taxpayer identification number, if applicable;

(3) Standard industry code, if applicable;

(4) Program name and type of tax credit, including the identity of any other state or federal program being utilized for the same activity or project; and

(5) Number of estimated jobs to be created, as a result of the tax credits, if applicable, separated by construction, part-time permanent, and full-time permanent.

2. In addition to the information required by subsection 1 of this section, an applicant for a community development tax credit shall also provide information detailing the title and location of the corresponding project, the estimated time period for completion of the project, and all geographic areas impacted by the project.

3. In addition to the information required by subsection 1 of this section, an applicant for a redevelopment tax credit shall also provide information detailing the location and legal description of the property, age of the structure, if applicable, whether the property is residential, commercial, or governmental, and the projected project cost, labor cost, and projected date of completion. Where a redevelopment tax credit applicant is required to submit contemporaneously a federal application for a similar credit on the same underlying project, the submission of a copy of the federal application shall be

sufficient to meet the requirements of this subsection.

4. In addition to the information required by subsection 1 of this section, an applicant for a business recruitment tax credit shall also provide information detailing the category of business by size, the address of the business headquarters and all offices located within this state, the number of employees at the time of the application, the number of employees projected to increase as a result of the completion of the project, and the estimated project cost.

5. In addition to the information required by subsection 1 of this section, an applicant for a training and educational tax credit shall also provide information detailing the name and address of the educational institution to be used, the average salary of workers to be served, the estimated project cost, and the number of employees and number of students to be served.

6. In addition to the information required by subsection 1 of this section, an applicant for a housing tax credit also shall provide information detailing the address, legal description, and fair market value of the property, and the projected labor cost and projected completion date of the project. Where a housing tax credit applicant is required to submit contemporaneously a federal application for a similar credit on the same underlying project, the submission of a copy of the federal application shall be sufficient to meet the requirements of this subsection. For the purposes of this subsection, “fair market value” means the value as of the purchase of the property or the most recent assessment, whichever is more recent.

7. In addition to the information required by subsection 1 of this section, an applicant for an entrepreneurial tax credit shall also provide information detailing the amount of investment and the names of the project, fund, and research project.

8. In addition to the information required by subsection 1 of this section, an applicant for an agricultural tax credit shall also provide information detailing the type of agricultural commodity, the amount of contribution, the type of equipment purchased, and the name and description of the facility.

9. In addition to the information required by subsection 1 of this section, an applicant for an environmental tax credit shall also include information detailing the type of equipment, if applicable, purchased and any environmental impact statement, if required by state or federal law.

**10. In addition to the information required by subsection 1 of this section, an applicant for all tax credit programs, excluding the domestic and social tax credits, shall also include information detailing any political contributions in excess of twenty-five dollars made to a candidate committee, campaign committee, or a state political party committee, as these entities are defined under chapter 130, during the two years immediately prior to the application filing date . The administering agency shall provide the information submitted under this subsection to the Missouri ethics commission. Such information shall be considered a public record under chapter 610.**

11. An administering agency may, by rule, require additional information to be submitted by an applicant. Any rule or portion of a rule, as that term is defined in section 536.010, that is created pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be void.

[11.] **12.** Where the sole requirement for receiving a tax credit in the enabling legislation of any tax credit is an obligatory assessment upon a taxpayer or a monetary contribution to a particular group or entity, the application requirements provided in this section shall apply to the recipient of such assessment or contribution and shall not apply to the assessed nor the contributor.

[12.] **13.** It shall be the duty of each administering agency to provide information to every applicant, at some time prior to authorization of an applicant's tax credit application, wherein the requirements of this section, the annual reporting requirements of section 135.805, and the penalty provisions of section 135.810 are described in detail."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 549, Page 1, Section A, Line 3, by inserting immediately after said section and line the following:

"135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per taxpayer per tax year. No taxpayer shall be eligible to receive tax credits under this section in any tax year immediately following a tax year in which such taxpayer received tax credits under the provisions of this section.

3. Tax credits issued pursuant to this section may be refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Eligible costs for which the credit may be claimed include:

- (1) Constructing entrance or exit ramps;
- (2) Widening exterior or interior doorways;
- (3) Widening hallways;
- (4) Installing handrails or grab bars;
- (5) Moving electrical outlets and switches;
- (6) Installing stairway lifts;
- (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;
- (8) Modifying hardware of doors; or
- (9) Modifying bathrooms.

5. The tax credits allowed, including the maximum amount that may be claimed, pursuant to this section shall be reduced by an amount sufficient to offset any amount of such costs a taxpayer has already deducted from such taxpayer's federal adjusted gross income or to the extent such taxpayer has applied any other state or federal income tax credit to such costs.

6. A taxpayer shall claim a credit allowed by this section in the same taxable year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that such return is timely filed.

7. The department may, in consultation with the department of social services, promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

8. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.

9. The provisions of this section shall expire December 31, [2019] **2026**, unless reauthorized by the general assembly. This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

10. In no event shall the aggregate amount of all tax credits allowed pursuant to this section exceed [one] **two** hundred thousand dollars in any given fiscal year. The tax credits issued pursuant to this section shall be on a first-come, first-served filing basis.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Titling change adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HCR 86**.

HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE CONCURRENT RESOLUTION NO. 86

WHEREAS, Missouri was part of the 1803 Louisiana Purchase and became a state in 1821; and

WHEREAS, the terms of Missouri's statehood included that Missouri would be the only state north of the Mason-Dixon line that was a slave state; and

WHEREAS, the tensions in the nation regarding racial equality, or lack thereof, have played out in profound ways in the state of Missouri; and

WHEREAS, St. Louis, being situated on the Mississippi River, was uniquely positioned to be a destination for the slave trade; and

WHEREAS, tensions of human inequality are profoundly apparent in the history of the state; and

WHEREAS, when persons with African ancestry in Missouri sued for their freedom, such freedom was routinely granted; and

WHEREAS, the tension in the nation over the issue of slavery and human inequality resulted in Dred and Harriet Scott, persons with African ancestry, being denied freedom in this state in a decision by the Missouri Supreme Court on March 22, 1852, and such decision was affirmed by the United States Supreme Court on March 6, 1857; and

WHEREAS, the March 22, 1852, Dred Scott decision is a negative legacy for this state and antithetical to the nation's founding values, specifically the tenet that all men are created equal; and

WHEREAS, the Dred Scott decision's assertion that people of African ancestry "had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit" was an expression of racism and a precursor to Jim Crow laws, which perpetrated over a century of injustice; and

WHEREAS, all political power is vested in and derived from the people, under God; and

WHEREAS, all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole; and

WHEREAS, all constitutional government is intended to promote the general welfare of all people; and

WHEREAS, all persons have a natural right to life, liberty, and the pursuit of happiness; and

WHEREAS, no person shall be deprived of life, liberty, or property without the due process of law; and

WHEREAS, all human beings are created equal and are entitled to equal rights and opportunity under the law; and

WHEREAS, Missouri will never again deny legal protection to a class of human beings on the grounds that they are less than human; and

WHEREAS, it is time to draw a line between Missouri's history which encompassed such inhumane and unfair treatment to our citizens, and the present and future Missouri which aims to be a place of equal treatment for all:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby condemn the March 22, 1852, Dred Scott decision issued by the Missouri Supreme Court.

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Governor, the Clerk of the Supreme Court of Missouri, the justices of the Supreme Court of Missouri, and the members of the Missouri congressional delegation.

In which the concurrence of the Senate is respectfully requested.

President Pro Tem Richard assumed the Chair

### REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SS No. 2 for SCS for HCS for HBs 1288, 1377 and 2050; SS for HB 1415; HB 1633, with SCS; HCS for HB 1868, with SCS; HCS for HB 2042, with SCS; HCS for HB 2249, with SCS; HCS for HBs 2277 and 1983, with SCS; HCS for HBs 2337 and 2272, with SCS; and HCS for HB 2540, with SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

### PRIVILEGED MOTIONS

Senator Brown, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SS for SCS for SB 775**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 775

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate

Committee Substitute for Senate Bill No. 775, with House Amendment No. 1, House Amendment No. 2 to House Amendment No. 2 and House Amendment No. 2 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 775, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 775;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 775, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Dan Brown

Rob Schaaf

/s/ David Sater

/s/ S. Kiki Curls

/s/ Gina Walsh

FOR THE HOUSE:

/s/ Scott Fitzpatrick

/s/ Justin Alferman

/s/ David Wood

/s/ Kip Kendrick

/s/ Cora Faith Walker

Senator Brown moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Brown, **CCS** for **HCS** for **SS** for **SCS** for **SB 775**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 775

An Act to repeal sections 190.839, 198.439, 208.437, 208.471, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof seven new sections relating to reimbursement allowance taxes.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Onder moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SBs 603, 576 and 898**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon and that the conferees be allowed to exceed the differences, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 2019**, entitled:

An Act to appropriate money for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds herein designated for the fiscal period beginning July 1, 2018, and ending June 30, 2019.

Was taken up by Senator Brown.

On motion of Senator Brown, **HCS** for **HB 2019** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Eigel—1

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

At the request of Senator Wallingford, **HCS** for **HB 1456**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Hegeman, **HCS** for **HB 1872** was placed on the Informal Calendar.

**HB 1516**, introduced by Representative Wiemann, entitled:

An Act to repeal section 208.152, RSMo, and to enact in lieu thereof one new section relating to chiropractic services.

Was taken up by Senator Riddle.

President Parson assumed the Chair.

On motion of Senator Riddle, **HB 1516** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.



At the request of Senator Riddle, **HCS** for **HB 1388**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Riddle, **HCS** for **HB 1719**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 1461**, entitled:

An Act to repeal sections 452.375, 452.377, 589.660, 589.663, 589.664, 589.666, 589.669, 589.672, and 589.678, RSMo, and to enact in lieu thereof nine new sections relating to the address confidentiality program.

Was called from the Informal Calendar and taken up by Senator Rowden.

On motion of Senator Rowden, **HCS** for **HB 1461** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Rowden, title to the bill was agreed to.

Senator Rowden moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HB 1484**, introduced by Representative Brown, entitled:

An Act to repeal section 313.040, RSMo, and to enact in lieu thereof one new section relating to bingo, with a contingent effective date.

Was called from the Informal Calendar and taken up by Senator Romine.

On motion of Senator Romine, **HB 1484** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Emery—1

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HJR 59**, introduced by Representative Brown, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 39(a) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bingo.

Was called from the Informal Calendar and taken up by Senator Romine.

On motion of Senator Romine, **HJR 59** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Emery—1

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Cunningham, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 1879**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1879

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1879, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, and Senate Amendment No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1879, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1879;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1879 be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Lyndall Fraker

/s/ Dan Houx

/s/ Dan Shaul

/s/ Mary Nichols

/s/ Rory Rowland

FOR THE SENATE:

/s/ Mike Cunningham

/s/ Sandy Crawford

/s/ Paul Wieland

/s/ Scott Sifton

/s/ Gina Walsh

Senator Cunningham moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Munzlinger	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Sifton	Wallingford	Walsh	Wasson	Wieland—28

NAYS—Senators

Hummel	Schaaf	Schupp—3
--------	--------	----------

Absent—Senator Nasheed—1

Absent with leave—Senator Libla—1

Vacancies—1

On motion of Senator Cunningham, **CCS** for **SS** for **SCS** for **HCS** for **HB 1879**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1879

An Act to repeal sections 30.270, 34.010, 34.165, 50.660, 50.783, 67.085, 95.530, 110.010, 110.080, 110.140, 137.225, 165.221, 165.231, 165.241, and 165.271, RSMo, and to enact in lieu thereof sixteen new sections relating to financial transactions involving public entities, with existing penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Munzlinger	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Sifton	Wallingford	Walsh	Wasson	Wieland—28

NAYS—Senators

Hummel	Schaaf	Schupp—3
--------	--------	----------

Absent—Senator Nasheed—1

Absent with leave—Senator Libla—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

**HB 1633**, introduced by Representative Corlew, with SCS, entitled:

An Act to repeal section 556.046, RSMo, and to enact in lieu thereof one new section relating to convictions of included offenses.

Was taken up by Senator Dixon.

**SCS** for **HB 1633**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1633

An Act to repeal sections 105.478, 303.025, 400.9-501, 488.029, 556.036, 556.037, 556.046, 556.061, 576.040, 577.001, 577.010, 577.013, 577.014, 579.020, 579.065, 579.068, and 595.045, RSMo, and to enact in lieu thereof twenty-two new sections relating to criminal offenses, with penalty provisions.

Was taken up.

Senator Dixon moved that **SCS** for **HB 1633** be adopted.

Senator Dixon offered **SS** for **SCS** for **HB 1633**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1633

An Act to repeal sections 105.478, 303.025, 400.9-501, 488.029, 556.037, 556.046, 556.061, 563.011, 563.041, 567.050, 569.010, 569.140, 575.080, 576.040, 577.001, 577.010, 577.013, 577.014, 579.020, 579.065, 579.068, 595.045, and 610.140, RSMo, and to enact in lieu thereof thirty new sections relating to criminal offenses, with penalty provisions.

Senator Dixon moved that **SS** for **SCS** for **HB 1633** be adopted.

Senator Emery offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1633, Pages 20-21, Section 558.043, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Emery moved that the above amendment be adopted, which motion prevailed.

Senator Dixon moved that **SS** for **SCS** for **HB 1633**, as amended, be adopted, which motion prevailed.

On motion of Senator Dixon, **SS** for **SCS** for **HB 1633**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senator Schaaf—1

Absent—Senator Nasheed—1

Absent with leave—Senator Libla—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

President Pro Tem Richard assumed the Chair.

Senator Munzlinger moved that **HB 1428**, with **SS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up 3rd reading and final passage, which motion prevailed.

**SSA 1** for **SA 1** was again taken up.

On motion of Senator Sifton, **SSA 1** for **SA 1** failed of adoption by the following vote:

YEAS—Senators

Curls	Emery	Holsman	Hummel	Koenig	Rizzo	Schupp
Sifton	Walsh—9					

NAYS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Hegeman
Hoskins	Kehoe	Munzlinger	Onder	Richard	Riddle	Romine
Rowden	Schaaf	Schatz	Wallingford	Wasson	Wieland—20	

Absent—Senators

Chappelle-Nadal	Nasheed	Sater—3
-----------------	---------	---------

Absent with leave—Senator Libla—1

Vacancies—1

**SA 1** was again taken up.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Senator Munzlinger moved that **SS** for **HB 1428**, as amended, be adopted, which motion prevailed.

On motion of Senator Munzinger, **SS** for **HB 1428**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig	Munzlinger
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Schaaf
Schatz	Wallingford	Walsh	Wasson	Wieland—26		

NAYS—Senators

Emery	Schupp	Sifton—3
-------	--------	----------

Absent—Senators

Chappelle-Nadal	Nasheed	Sater—3
-----------------	---------	---------

Absent with leave—Senator Libla—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 652**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 100**, entitled:

An Act submitting to the qualified voters of Missouri, an amendment repealing section 10 of article III of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the general assembly.

In which the concurrence of the Senate is respectfully requested.

### RESOLUTIONS

Senator Rowden offered Senate Resolution No. 2080, regarding James A. Chenault, III, Esq., Rocheport, which was adopted.

Senator Crawford offered Senate Resolution No. 2081, regarding Antioch Christian Church, Pittsburg, which was adopted.

Senator Romine offered Senate Resolution No. 2082, regarding Paulette Pratt-Pickett, Cadet, which was adopted.

Senator Romine offered Senate Resolution No. 2083, regarding Sharon Roberts, Bonne Terre, which was adopted.

On motion of Senator Kehoe, the Senate adjourned until 2:00 p.m., Monday, May 14, 2018.

### SENATE CALENDAR

---

SEVENTIETH DAY—MONDAY, MAY 14, 2018

---

### FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SJR 36-Schatz, with SCS
2. SB 678-Eigel
3. SB 1102-Kehoe, with SCS
4. SB 1015-Wieland, with SCS
5. SB 709-Schatz, with SCS
6. SB 640-Sater
7. SB 963-Wieland, with SCS
8. SB 952-Rowden

9. SB 864-Hoskins
10. SB 998-Schatz, with SCS
11. SB 703-Hegeman
12. SB 915-Crawford
13. SB 934-Hegeman
14. SB 988-Rowden, with SCS
15. SB 790-Cierpiot, with SCS
16. SB 734-Schatz, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 2042, with SCS (Dixon)
2. HCS for HB 1868, with SCS (Riddle)
3. HCS for HB 2249, with SCS (Riddle)
4. HCS for HB 2540, with SCS (Eigel)
5. HB 1446-Eggleston, with SCS (Koenig)
6. HCS for HBs 2337 & 2272, with SCS  
(Wieland)
7. HCS for HBs 2277 & 1983, with SCS  
(Schatz)
8. HCS for HB 2031 (Hoskins)
9. HCS for HB 1667, with SCS (Wallingford)

10. HCS for HB 1713, with SCS (Sater)
11. HB 1249-Plocher, with SCS (Dixon)
12. HB 1832-Cornejo, with SCS (Riddle)
13. HB 2347-Davis, with SCS (Wallingford)
14. HCS for HBs 2280, 2120, 1468 & 1616,  
with SCS (Sater) (In Fiscal Oversight)
15. HB 2562-Austin, with SCS (Dixon)
16. HB 1892-Wilson (Cierpiot)
17. HB 2208-Curtman, with SCS (Eigel)
18. HB 2039-Fraker (Cunningham)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 & 667-Eigel  
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)  
SB 550-Wasson, with SCS

SBs 555 & 609-Brown, with SCS  
SB 556-Brown, with SA 1 (pending)



SB 561-Sater, with SA 1 (pending)  
 SB 567-Cunningham, with SCS, SS for SCS,  
   SA 1 & SA 1 to SA 1 (pending)  
 SB 578-Romine  
 SB 591-Hegeman, with SCS  
 SB 596-Riddle, with SCS  
 SB 599-Schatz  
 SB 602-Onder, with SCS  
 SB 612-Koenig, with SCS, SS#2 for SCS,  
   SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
   for SA 2 (pending)  
 SB 663-Schatz, with SCS, SS for SCS &  
   SA 1 (pending)  
 SB 730-Wallingford, with SCS & SA 1  
   (pending)  
 SB 751-Schatz  
 SB 767-Hoskins, with SCS, SS for SCS &  
   SA 2 (pending)  
 SB 774-Munzlinger  
 SB 813-Riddle, with SCS & SA 1 (pending)  
 SB 822-Hegeman, with SCS & SS for SCS  
   (pending)

SB 832-Rowden, with SCS, SS#2 for SCS &  
   point of order (pending)  
 SB 837-Rowden  
 SB 848-Riddle  
 SB 849-Kehoe and Schupp, with SCS, SA 1  
   & SA 1 to SA 1 (pending)  
 SB 859-Koenig, with SCS & SS for SCS  
   (pending)  
 SB 860-Koenig, with SCS, SS for SCS &  
   SA 1 (pending)  
 SB 861-Hegeman, with SCS  
 SB 865-Kehoe  
 SB 893-Sater, with SCS, SS for SCS &  
   SA 1 (pending)  
 SB 912-Rowden, with SCS & SS#3 for SCS  
   (pending)  
 SB 920-Riddle, with SS & SA 2 (pending)  
 SB 928-Onder, with SCS  
 SB 1003-Wasson, with SS & SA 1 (pending)  
 SB 1021-Dixon and Wallingford, with SCS

#### HOUSE BILLS ON THIRD READING

HB 1247-Pike (Onder)  
 HB 1250-Plocher, with SCS (Dixon)  
 HCS for HB 1251, with SCS (Crawford)  
 HCS for HB 1264 (Hegeman)  
 HB 1267-Lichtenegger (Munzlinger)  
 SS#2 for SCS for HCS for HBs 1288, 1377  
   & 2050 (Dixon)  
 HB 1303-Alferman, with SCS (Rowden)  
 HB 1329-Remole, with SCS, SS for SCS &  
   SA 5 (pending) (Munzlinger)  
 HCS for HB 1388, with SCS (Riddle)  
 HB 1389-Fitzpatrick, with SCS (Schatz)  
 HB 1409-Fitzpatrick (Kehoe)  
 HB 1413-Taylor, with SCS, SS for SCS &  
   SA 1 (pending) (Onder)

SS for HB 1415-Lauer (Wasson)  
 HB 1442-Alferman, with SCS, SS for SCS &  
   SA 1 (pending) (Schatz)  
 HCS for HB 1443, with SCS (Sater)  
 HCS for HB 1456, with SCS (Wallingford)  
 HB 1578-Kolkmeyer (Munzlinger)  
 HCS for HB 1597, with SCS (Dixon)  
 HCS for HB 1605, with SCS (Kehoe)  
 HCS for HB 1611 (Riddle)  
 HCS for HB 1614 (Hegeman)  
 HCS for HB 1617, with SCS, SS#2 for SCS  
   & SA 1 (pending) (Onder)

HB 1630-Evans (Rowden)  
HCS for HB 1645 (Rowden)  
HB 1691-Miller, with SCS & SS for SCS  
(pending) (Emery)  
HCS for HB 1710, with SCS (Eigel)  
HB 1719-Grier, with SCS (Riddle)  
HCS for HBs 1729, 1621 & 1436 (Brown)  
HCS for HB 1796, with SS (pending) (Rowden)  
HB 1809-Tate (Schatz)  
HB 1831-Ruth, with SA 1 & SA 1 to SA 1  
(pending) (Wieland)  
HCS for HB 1872 (Hegeman)

HB 1968-Grier (Schatz)  
HB 1998-Bondon, with SCS (Emery)  
HB 2026-Wilson, with SCS (Rowden)  
HB 2043-Tate (Wasson)  
HB 2044-Taylor, with SCS (pending) (Dixon)  
HCS for HB 2079, with SCS (Crawford)  
HCS for HB 2119 (Rowden)  
HB 2122-Engler, with SCS (Schatz)  
HCS for HB 2129, with SS (pending) (Romine)  
HB 2179-Richardson (Kehoe)  
HCS for HB 2216, with SCS (Emery)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 549-Wasson, with HA 1,  
HA 3, HA 4, HA 5, as amended, HA 6,  
HA 7, HA 8, HA 9 & HA 10  
SS#2 for SCS for SB 590-Hegeman, with HA 1

SS for SB 597-Riddle, with HCS, as amended  
SCS for SB 769-Cunningham, with HCS  
SCS for SBs 807 & 577-Wasson, with HCS,  
as amended

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 569-Cunningham, with HCS, as amended  
(Senate adopted CCR and passed CCS)  
SS for SB 608-Hoskins, with HCS  
SB 660-Riddle, with HCS, as amended  
SB 687-Sater, with HCS, as amended  
SCS for SB 718-Eigel, with HCS, as amended  
SB 743-Sater, with HCS, as amended  
SS for SCS for SB 775-Brown, with HCS,  
as amended  
(Senate adopted CCR and passed CCS)

SB 806-Crawford, with HCS, as amended  
SS for SCS for SB 826-Sater, with HCS,  
as amended  
SS for SB 870-Hegeman, with HCS, as amended  
(Senate adopted CCR and passed CCS)

#### Requests to Recede or Grant Conference

SS for SCS for SBs 603, 576 & 898-Onder,  
with HCS, as amended  
(Senate requests House recede or grant  
conference)

HB 1350-Smith (163), with SS for SCS,  
as amended (Rowden)  
(House requests Senate recede or grant  
conference)

## RESOLUTIONS

SR 1137-Walsh, with SS (pending)	SR 2058-Schaaf
SR 1487-Schaaf	SR 2059-Schaaf
SR 2020-Schaaf	SR 2060-Schaaf
SR 2052-Schaaf	SR 2061-Schaaf
SR 2053-Schaaf	SR 2062-Schaaf
SR 2054-Schaaf	SR 2063-Schaaf
SR 2055-Schaaf	SR 2064-Schaaf
SR 2056-Schaaf	SR 2065-Schaaf
SR 2057-Schaaf	SR 2066-Schaaf

## Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)	HCR 63-Haefner (Wieland)
SCR 50-Hegeman	HCR 69-Davis (Hoskins)
SCR 53-Munzlinger	HCR 96-Conway (Eigel)

## To be Referred

HCS for HCR 86

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SEVENTIETH DAY—MONDAY, MAY 14, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“His compassion fails not. They are new every morning.” (Lamentations 3:22-23)

Gracious God, we are glad to be in Your presence, having arrived safely and ready to engage this final week together. We know by Your grace You count each here as Your child, children of the promise; so we ask that we may fully embrace these days remembering Your graciousness to us so that we might be gracious to those we encounter this day in gratitude to You for all you provide us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Friday, May 11, 2018 was read and approved.

Senator Kehoe announced photographers from KOMU-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

Absent—Senators—None

Absent with leave—Senators

Holsman      Libla—2

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Onder offered Senate Resolution No. 2084, regarding Robert Edward “Bob” Shanahan, O’Fallon, which was adopted.

Senator Kehoe offered Senate Resolution No. 2085, regarding David Steinmeyer, Jefferson City, which was adopted.

Senators Kehoe and Riddle offered Senate Resolution No. 2086, regarding the One Hundredth Anniversary of the Jefferson City Rotary Club, which was adopted.

Senator Hegeman offered Senate Resolution No. 2087, regarding Mary Ritko, which was adopted.

Senator Hegeman offered Senate Resolution No. 2088, regarding Leisa Bryson, King City, which was adopted.

Senator Hegeman offered Senate Resolution No. 2089, regarding Molly Livingston, which was adopted.

Senator Hegeman offered Senate Resolution No. 2090, regarding Cindy Whitney, which was adopted.

Senator Hegeman offered Senate Resolution No. 2091, regarding Virginia Neff, which was adopted.

Senator Hegeman offered Senate Resolution No. 2092, regarding Terri Clement, which was adopted.

Senator Hegeman offered Senate Resolution No. 2093, regarding Darbi Bauman, which was adopted.

Senator Hegeman offered Senate Resolution No. 2094, regarding Jodie Kurtz, which was adopted.

Senator Hegeman offered Senate Resolution No. 2095, regarding Brenda Ricks, which was adopted.

Senator Hegeman offered Senate Resolution No. 2096, regarding Wanda Bloom, which was adopted.

Senator Hegeman offered Senate Resolution No. 2097, regarding Cole Bird, which was adopted.

Senator Hegeman offered Senate Resolution No. 2098, regarding the Sixty-seventh Wedding Anniversary of Eugene and JoAnn Cooper, Stanberry, which was adopted.

Senator Hegeman offered Senate Resolution No. 2099, regarding the Fiftieth Wedding Anniversary of Don and Dorothy Clements, Hopkins, which was adopted.

On behalf of Senator Holsman, Senator Walsh offered Senate Resolution No. 2100, regarding Kansas City Chorus, which was adopted.

Senator Wasson offered Senate Resolution No. 2101, regarding Eagle Scout Spencer Davis, Nixa, which was adopted.

**REFERRALS**

President Pro Tem Richard referred **HCS** for **HCR 86** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

**CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 718**, as amended: Senators Eigel, Onder, Sater, Holsman and Nasheed.

### **PRIVILEGED MOTIONS**

Senator Hegeman moved that **SS No. 2** for **SCS** for **SB 590**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Hegeman moved that the above amendment be adopted.

President Pro Tem Richard assumed the Chair.

At the request of Senator Hegeman, the above motion was withdrawn.

Senator Hegeman moved that the Senate refuse to concur in **HA 1** to **SS No. 2** for **SCS** for **SB 590** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

President Parson assumed the Chair.

Senator Nasheed and Senator Chappelle-Nadal were engaged in debate.

Senator Dixon raised a point of order that calling the motives of members into question is out of order, pursuant to U.S. Senate Rule 19.2, the usage of which is provided for in Senate Rule 97. The point of order was referred to the President Pro Tem who took it under advisement, which placed **SS No. 2** for **SCS** for **SB 590**, with **HA 1** and the point of order (pending), back on the Calendar.

### **HOUSE BILLS ON THIRD READING**

At the request of Senator Dixon, **HCS** for **HB 2042**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Riddle, **HCS** for **HB 1868**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Riddle, **HCS** for **HB 2249**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Eigel, **HCS** for **HB 2540**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Koenig, **HB 1446**, with **SCS** was placed on the Informal Calendar.

**HCS** for **HBs 2337** and **2272**, with **SCS** was placed on the Informal Calendar.

**HCS** for **HBs 2277** and **1983**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Hoskins, **HCS** for **HB 2031** was placed on the Informal Calendar.

At the request of Senator Wallingford, **HCS** for **HB 1667**, with **SCS** was placed on the Informal Calendar.

**HCS** for **HB 1713**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Dixon, **HB 1249**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Riddle, **HB 1832**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Wallingford, **HB 2347**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Dixon, **HB 2562**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Cierpiot, **HB 1892** was placed on the Informal Calendar.

At the request of Senator Eigel, **HB 2208**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Cunningham, **HB 2039** was placed on the Informal Calendar.

**HCS for HB 2540, with SCS, entitled:**

An Act to repeal sections 32.087, 32.200, 34.040, 34.042, 34.044, 34.047, 34.353, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 100.286, 100.297, 135.025, 135.030, 135.110, 135.305, 135.313, 137.010, 143.011, 143.021, 143.022, 143.071, 143.151, 143.161, 143.171, 143.225, 143.261, 143.451, 143.461, 144.008, 144.010, 144.014, 144.030, 144.032, 144.043, 144.049, 144.060, 144.069, 144.070, 144.080, 144.083, 144.100, 144.121, 144.140, 144.210, 144.285, 144.517, 144.526, 144.600, 144.605, 144.635, 144.655, 144.710, 144.759, 144.761, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 148.030, 148.140, 148.620, 184.845, 208.431, 208.432, 208.433, 208.434, 208.435, 208.436, 208.437, 208.1050, 221.407, 238.235, 238.410, 254.075, 254.150, 254.160, 254.170, 254.180, 254.210, 301.025, 301.032, 301.041, 301.050, 301.055, 301.057, 301.058, 301.059, 301.061, 301.062, 301.063, 301.064, 301.065, 301.066, 301.067, 301.069, 301.114, 301.131, 301.134, 301.136, 301.140, 301.142, 301.144, 301.175, 301.190, 301.191, 301.192, 301.219, 301.227, 301.265, 301.266, 301.267, 301.300, 301.370, 301.380, 301.449, 301.457, 301.458, 301.459, 301.462, 301.463, 301.468, 301.469, 301.471, 301.472, 301.473, 301.474, 301.477, 301.481, 301.560, 301.562, 301.566, 301.580, 301.711, 301.3032, 301.3040, 301.3043, 301.3045, 301.3047, 301.3049, 301.3050, 301.3051, 301.3052, 301.3053, 301.3054, 301.3055, 301.3060, 301.3061, 301.3062, 301.3065, 301.3074, 301.3075, 301.3076, 301.3077, 301.3078, 301.3079, 301.3080, 301.3082, 301.3084, 301.3086, 301.3087, 301.3088, 301.3089, 301.3092, 301.3093, 301.3094, 301.3095, 301.3096, 301.3097, 301.3098, 301.3099, 301.3101, 301.3102, 301.3103, 301.3105, 301.3106, 301.3107, 301.3109, 301.3115, 301.3117, 301.3118, 301.3119, 301.3122, 301.3123, 301.3124, 301.3125, 301.3126, 301.3128, 301.3129, 301.3130, 301.3131, 301.3132, 301.3133, 301.3137, 301.3139, 301.3141, 301.3143, 301.3144, 301.3145, 301.3146, 301.3147, 301.3150, 301.3154, 301.3161, 301.3162, 301.3163, 301.3165, 301.3166, 301.3167, 301.3168, 301.3169, 301.3170, 301.3172, 301.3173, 301.4000, 302.140, 302.177, 302.178, 302.181, 302.185, 302.286, 302.304, 302.312, 302.420, 302.541, 302.720, 302.735, 306.015, 306.016, 306.030, 306.031, 306.060, 306.127, 306.435, 306.535, 306.550, 313.826, 313.905, 313.935, 320.093, 479.368, and 644.032, RSMo, and to enact in lieu thereof two hundred eighty-five new sections relating to state revenues, with a contingent effective date for certain sections, a delayed effective date for certain sections, and penalty provisions.

Was called from the Informal Calendar and taken up by Senator Eigel.

**SCS for HCS for HB 2540, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2540

An Act to repeal sections 143.011, 143.022, 143.151, 143.161, and 143.171, RSMo, and to enact in lieu thereof six new sections relating to individual income taxes, with an effective date for certain sections and a contingent effective date for a certain section.

Was taken up.

President Pro Tem Richard assumed the Chair.

Senator Eigel moved that **SCS for HCS for HB 2540** be adopted.

Senator Schatz offered **SS** for **SCS** for **HCS** for **HB 2540**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2540

An Act to repeal sections 142.803, 143.011, 143.022, 143.151, 143.161, and 143.171, RSMo, and to enact in lieu thereof seven new sections relating to taxation, with a referendum clause.

Senator Schatz moved that **SS** for **SCS** for **HCS** for **HB 2540** be adopted.

Senator Schaaf offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2540, Page 1, In the Title, Line 4, by inserting after the word “taxation” the following:

**“of Missouri’s hard-working citizens”**

Senator Schaaf moved that the above amendment be adopted.

At the request of Senator Schatz, **SS** for **SCS** for **HCS** for **HB 2540** was withdrawn, rendering **SA 1** moot.

Senator Schupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2540, Page 1, In the Title, Lines 4-5 of the title, by striking said lines and inserting in lieu thereof the following: “an effective date.”; and

Further amend said bill, Page 2, Section 143.011, Lines 47-49, by striking said lines; and

Further amend said bill and section, Page 3, Lines 50-69, by striking said lines; and further amend said section by renumbering the subsections accordingly; and

Further amend said bill, Page 9, Section B, Lines 1-2, by striking “The repeal and reenactment of sections 143.011, 143.022, 143.151, 143.161, and 143.171” and inserting in lieu thereof the following: “Section A”; and

Further amend said bill and page, Section C, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schupp moved that the above amendment be adopted.

President Parson assumed the Chair.

Senator Eigel offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2540, Page 1,



In the Title, Lines 4-5 of the title, by striking said lines and inserting in lieu thereof the following: “an effective date.”; and

Further amend said bill, page 2, section 143.011, lines 47-49, by striking said lines; and

Further amend said bill and section, Page 3, Lines 50-69, by striking said lines; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill, pages 7-9, section 143.177, by striking all of said section from the bill; and

Further amend said bill, page 9, Section B, Lines 1-2, by striking “The repeal and reenactment of sections 143.011, 143.022, 143.151, 143.161, and 143.171” and inserting in lieu thereof the following: “Section A”; and

Further amend said bill and page, Section C, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Eigel moved that the above substitute amendment be adopted, which motion prevailed.

President Pro Tem Richard assumed the Chair.

At the request of Senator Eigel, **HCS for HB 2540**, with **SCS** (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 951**, entitled:

An Act to repeal sections 191.227, 197.052, 197.305, 210.070, 536.031, and 577.029, RSMo, and to enact in lieu thereof six new sections relating to health care.

With House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment Nos. 4, 5 and 6.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 951, Page 1, Section 191.227, Line 6, by deleting the phrase “**For the purposes of this subsection,**” and

Further amend said bill and section, Page 2, Line 27, by inserting at the end of said line a hard return and the following:

“**Such fee shall be the fee in effect on February 1, 2018, increased or decreased annually under this section.**”; and

Further amend said bill, Section 197.305, Pages 4 and 5, Lines 44 to 51, by deleting said lines and inserting in lieu thereof the following:

“(e) Any change in licensed bed capacity of a health care facility **licensed under chapter 198** which increases the total number of beds by more than ten or more than ten percent of total bed capacity,

whichever is less, over a two-year period, **provided that any such health care facility seeking an increase in total beds or total bed capacity in an amount less than described in this paragraph shall be eligible for such increase only if the facility has had no patient care class I deficiencies within the last eighteen months and has maintained at least an eighty-five percent average occupancy rate for the previous six quarters;**”; and

Further amend said bill, Page 6, Section 577.029, Line 1, by deleting the numeral “1.”; and

Further amend said bill, page, and section, Line 3, by deleting the words, “[shall] **may**” and inserting in lieu thereof the word, “shall”; and

Further amend said section, Pages 6 and 7, Lines 5 and 6, by deleting all of said lines and inserting in lieu thereof the following:

“the blood, unless such medical personnel, in his or her good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be”; and

Further amend said section, Page 7, Lines 13-16, by deleting all of said lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 951, Page 1, Section A, Line 3, by inserting immediately after said line the following:

**“9.158. The month of November shall be known and designated as “Diabetes Awareness Month”. The citizens of the state of Missouri are encouraged to participate in appropriate activities and events to increase awareness of diabetes. Diabetes is a group of metabolic diseases in which the body has elevated blood sugar levels over a prolonged period of time and affects Missourians of all ages.”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Bill No. 951, Page 10, Line 28, by inserting after all of said line the following:

**“13. Nothing in this section or section 334.036 shall be construed to limit the authority of hospitals or hospital medical staff to make employment or medical staff credentialing or privileging decisions.”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 951, Page , Section , Line ,

Amend House Committee Substitute for Senate Bill No. 951, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

**“9.192. The years of 2018 to 2028 shall hereby be designated as the “Show-Me Freedom from Opioid Addiction Decade”.”;** and

Further amend said bill, Page 3, Section 191.227, Line 72, by inserting after all of said section and line the following:

“191.1145. 1. As used in sections 191.1145 and 191.1146, the following terms shall mean:

(1) “Asynchronous store-and-forward transfer”, the collection of a patient’s relevant health information and the subsequent transmission of that information from an originating site to a health care provider at a distant site without the patient being present;

(2) “Clinical staff”, any health care provider licensed in this state;

(3) “Distant site”, a site at which a health care provider is located while providing health care services by means of telemedicine;

(4) “Health care provider”, as that term is defined in section 376.1350;

(5) “Originating site”, a site at which a patient is located at the time health care services are provided to him or her by means of telemedicine. For the purposes of asynchronous store-and-forward transfer, originating site shall also mean the location at which the health care provider transfers information to the distant site;

(6) “Telehealth” or “telemedicine”, the delivery of health care services by means of information and communication technologies which facilitate the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient’s health care while such patient is at the originating site and the health care provider is at the distant site. Telehealth or telemedicine shall also include the use of asynchronous store-and-forward technology.

2. Any licensed health care provider shall be authorized to provide telehealth services if such services are within the scope of practice for which the health care provider is licensed and are provided with the same standard of care as services provided in person. **This section shall not be construed to prohibit a health carrier, as defined in section 376.1350, from reimbursing non-clinical staff for services otherwise allowed by law.**

3. In order to treat patients in this state through the use of telemedicine or telehealth, health care providers shall be fully licensed to practice in this state and shall be subject to regulation by their respective professional boards.

4. Nothing in subsection 3 of this section shall apply to:

(1) Informal consultation performed by a health care provider licensed in another state, outside of the context of a contractual relationship, and on an irregular or infrequent basis without the expectation or exchange of direct or indirect compensation;

(2) Furnishing of health care services by a health care provider licensed and located in another state in case of an emergency or disaster; provided that, no charge is made for the medical assistance; or

(3) Episodic consultation by a health care provider licensed and located in another state who provides such consultation services on request to a physician in this state.

5. Nothing in this section shall be construed to alter the scope of practice of any health care provider or to authorize the delivery of health care services in a setting or in a manner not otherwise authorized by the

laws of this state.

6. No originating site for services or activities provided under this section shall be required to maintain immediate availability of on-site clinical staff during the telehealth services, except as necessary to meet the standard of care for the treatment of the patient's medical condition if such condition is being treated by an eligible health care provider who is not at the originating site, has not previously seen the patient in person in a clinical setting, and is not providing coverage for a health care provider who has an established relationship with the patient.

7. Nothing in this section shall be construed to alter any collaborative practice requirement as provided in chapters 334 and 335.

208.670. 1. As used in this section, these terms shall have the following meaning:

(1) **"Consultation", a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association;**

(2) **"Distant site", the same meaning as such term is defined in section 191.1145;**

(3) **"Originating site", the same meaning as such term is defined in section 191.1145;**

(4) **"Provider", [any provider of medical services and mental health services, including all other medical disciplines] the same meaning as the term "health care provider" is defined in section 191.1145, and such provider meets all other MO HealthNet eligibility requirements;**

[(2)] (5) **"Telehealth", the same meaning as such term is defined in section 191.1145.**

2. [Reimbursement for the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program shall be allowed for orthopedics, dermatology, ophthalmology and optometry, in cases of diabetic retinopathy, burn and wound care, dental services which require a diagnosis, and maternal-fetal medicine ultrasounds.

3. The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the practice of telehealth in the MO HealthNet program. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth, certification of agencies offering telehealth, and payment for services by providers. Telehealth providers shall be required to obtain participant consent before telehealth services are initiated and to ensure confidentiality of medical information.

4. Telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. Reimbursement for such services shall be made in the same way as reimbursement for in-person contacts.

5. The provisions of section 208.671 shall apply to the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program] **The department of social services shall reimburse providers for services provided through telehealth if such providers can ensure services are rendered meeting the standard of care that would otherwise be expected should such services be provided in person. The department shall not restrict the originating site through rule or payment so long as the provider can ensure services are rendered meeting the standard of care that**

would otherwise be expected should such services be provided in person. Payment for services rendered via telehealth shall not depend on any minimum distance requirement between the originating and distant site. Reimbursement for telehealth services shall be made in the same way as reimbursement for in-person contact; however, consideration shall also be made for reimbursement to the originating site. Reimbursement for asynchronous store-and-forward may be capped at the reimbursement rate had the service been provided in person.

195.070. 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug, **except as provided in section 195.265.**

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

**195.265. 1. Unused controlled substances may be accepted from ultimate users, from hospice or home health care providers on behalf of ultimate users to the extent federal law allows, or any person lawfully entitled to dispose of a decedent's property if the decedent was an ultimate user who died while in lawful possession of a controlled substance, through:**

**(1) Collection receptacles, drug disposal boxes, mail back packages, and other means by a Drug Enforcement Agency-authorized collector in accordance with federal regulations even if the authorized collector did not originally dispense the drug; or**

**(2) Drug take back programs conducted by federal, state, tribal, or local law enforcement agencies in partnership with any person or entity.**

**This subsection shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state, regarding the disposal of unused controlled substances. For the purposes of this section, the term “ultimate user” shall mean a person who has lawfully obtained and possesses a controlled substance for his or her own use or for the use of a member of his or her household or for an animal owned by him or her or a member of his or her household.**

**2. By August 28, 2019, the department of health and senior services shall develop an education and awareness program regarding drug disposal, including controlled substances. The education and awareness program may include, but not be limited to:**

**(1) A web-based resource that:**

**(a) Describes available drug disposal options including take back, take back events, mail back packages, in-home disposal options that render a product safe from misuse, or any other methods that comply with state and federal laws and regulations, may reduce the availability of unused controlled substances, and may minimize the potential environmental impact of drug disposal;**

**(b) Provides a list of drug disposal take back sites, which may be sorted and searched by name or location and is updated every six months by the department;**

**(c) Provides a list of take back events and mail back events in the state, including the date, time, and location information for each event and is updated every six months by the department; and**

**(d) Provides information for authorized collectors regarding state and federal requirements to comply with the provisions of subsection 1 of this section; and**

**(2) Promotional activities designed to ensure consumer awareness of proper storage and disposal of prescription drugs, including controlled substances.”; and**

Further amend said bill, Page 5, Section 197.305, Line 68, by inserting after all of said line the following:

“208.677. [1. For purposes of the provision of telehealth services in the MO HealthNet program, the term “originating site” shall mean a telehealth site where the MO HealthNet participant receiving the telehealth service is located for the encounter. The standard of care in the practice of telehealth shall be the same as the standard of care for services provided in person. An originating site shall be one of the following locations:

(1) An office of a physician or health care provider;

(2) A hospital;

(3) A critical access hospital;

(4) A rural health clinic;

(5) A federally qualified health center;

(6) A long-term care facility licensed under chapter 198;

(7) A dialysis center;

(8) A Missouri state habilitation center or regional office;

(9) A community mental health center;

(10) A Missouri state mental health facility;

(11) A Missouri state facility;

(12) A Missouri residential treatment facility licensed by and under contract with the children's division. Facilities shall have multiple campuses and have the ability to adhere to technology requirements. Only Missouri licensed psychiatrists, licensed psychologists, or provisionally licensed psychologists, and advanced practice registered nurses who are MO HealthNet providers shall be consulting providers at these locations;

(13) A comprehensive substance treatment and rehabilitation (CSTAR) program;

(14) A school;

(15) The MO HealthNet recipient's home;

(16) A clinical designated area in a pharmacy; or

(17) A child assessment center as described in section 210.001.

2. If the originating site is a school, the school shall obtain permission from the parent or guardian of any student receiving telehealth services prior to each provision of service.] **Prior to the provision of telehealth services in a school, the parent or guardian of the child shall provide authorization for the provision of such service. Such authorization shall include the ability for the parent or guardian to authorize services via telehealth in the school for the remainder of the school year.**"; and

Further amend said bill, Page 5, Section 210.070, Line 8, by inserting after all of said section and line the following:

"217.364. 1. The department of corrections shall establish by regulation the "Offenders Under Treatment Program". The program shall include institutional placement of certain offenders, as outlined in subsection 3 of this section, under the supervision and control of the department of corrections. The department shall establish rules determining how, when and where an offender shall be admitted into or removed from the program.

2. As used in this section, the term "offenders under treatment program" means a one-hundred-eighty-day institutional correctional program for the monitoring, control and treatment of certain substance abuse offenders and certain nonviolent offenders followed by placement on parole with continued supervision. **As used in this section, the term "medication-assisted treatment" means the use of pharmacological medications, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders.**

3. The following offenders may participate in the program as determined by the department:

(1) Any nonviolent offender who has not previously been remanded to the department and who has been found guilty of violating the provisions of chapter 195 or 579 or whose substance abuse was a precipitating or contributing factor in the commission of his offense; or

(2) Any nonviolent offender who has pled guilty or been found guilty of a crime which did not involve the use of a weapon, and who has not previously been remanded to the department.

4. This program shall be used as an intermediate sanction by the department. The program may include education, treatment and rehabilitation programs. If an offender successfully completes the institutional phase of the program, the department shall notify the board of probation and parole within thirty days of completion. Upon notification from the department that the offender has successfully completed the program, the board of probation and parole may at its discretion release the offender on parole as authorized in subsection 1 of section 217.690.

5. The availability of space in the institutional program shall be determined by the department of corrections.

6. If the offender fails to complete the program, the offender shall be taken out of the program and shall serve the remainder of his sentence with the department.

7. Time spent in the program shall count as time served on the sentence.

**8. If an offender requires treatment for opioid or other substance misuse or dependence, the department shall not prohibit such offender from participating in and receiving medication-assisted treatment under the care of a physician licensed in this state to practice medicine. An offender shall not be required to refrain from using medication-assisted treatment as a term or condition of his or her sentence.**

334.036. 1. For purposes of this section, the following terms shall mean:

(1) “Assistant physician”, any medical school graduate who:

(a) Is a resident and citizen of the United States or is a legal resident alien;

(b) Has successfully completed [Step 1 and] Step 2 of the United States Medical Licensing Examination or the equivalent of such [steps] **step** of any other board-approved medical licensing examination within the [two-year] **three-year** period immediately preceding application for licensure as an assistant physician, [but in no event more than] **or within** three years after graduation from a medical college or osteopathic medical college, **whichever is later**;

(c) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the immediately preceding [two-year] **three-year** period unless when such [two-year] **three-year** anniversary occurred he or she was serving as a resident physician in an accredited residency in the United States and continued to do so within thirty days prior to application for licensure as an assistant physician; and

(d) Has proficiency in the English language.

Any medical school graduate who could have applied for licensure and complied with the provisions of this subdivision at any time between August 28, 2014, and August 28, 2017, may apply for licensure and shall be deemed in compliance with the provisions of this subdivision;

(2) “Assistant physician collaborative practice arrangement”, an agreement between a physician and an assistant physician that meets the requirements of this section and section 334.037;



(3) “Medical school graduate”, any person who has graduated from a medical college or osteopathic medical college described in section 334.031.

2. (1) An assistant physician collaborative practice arrangement shall limit the assistant physician to providing only primary care services and only in medically underserved rural or urban areas of this state or in any pilot project areas established in which assistant physicians may practice.

(2) For a physician-assistant physician team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

(a) An assistant physician shall be considered a physician assistant for purposes of regulations of the Centers for Medicare and Medicaid Services (CMS); and

(b) No supervision requirements in addition to the minimum federal law shall be required.

3. (1) For purposes of this section, the licensure of assistant physicians shall take place within processes established by rules of the state board of registration for the healing arts. The board of healing arts is authorized to establish rules under chapter 536 establishing licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. **No licensure fee for an assistant physician shall exceed the amount of any licensure fee for a physician assistant.** An application for licensure may be denied or the licensure of an assistant physician may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule. **No rule or regulation shall require an assistant physician to complete more hours of continuing medical education than that of a licensed physician.**

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

**(3) Any rules or regulations regarding assistant physicians in effect as of the effective date of this section that conflict with the provisions of this section and section 334.037 shall be null and void as of the effective date of this section.**

4. An assistant physician shall clearly identify himself or herself as an assistant physician and shall be permitted to use the terms “doctor”, “Dr.”, or “doc”. No assistant physician shall practice or attempt to practice without an assistant physician collaborative practice arrangement, except as otherwise provided in this section and in an emergency situation.

5. The collaborating physician is responsible at all times for the oversight of the activities of and accepts responsibility for primary care services rendered by the assistant physician.

6. The provisions of section 334.037 shall apply to all assistant physician collaborative practice arrangements. [To be eligible to practice as an assistant physician, a licensed assistant physician shall enter into an assistant physician collaborative practice arrangement within six months of his or her initial licensure and shall not have more than a six-month time period between collaborative practice arrangements]

during his or her licensure period.] Any renewal of licensure under this section shall include verification of actual practice under a collaborative practice arrangement in accordance with this subsection during the immediately preceding licensure period.

**7. Each health carrier or health benefit plan that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state shall reimburse an assistant physician for the diagnosis, consultation, or treatment of an insured or enrollee on the same basis that the health carrier or health benefit plan covers the service when it is delivered by another comparable mid-level health care provider including, but not limited to, a physician assistant.**

334.037. 1. A physician may enter into collaborative practice arrangements with assistant physicians. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to an assistant physician the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the assistant physician and is consistent with that assistant physician's skill, training, and competence and the skill and training of the collaborating physician.

2. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the assistant physician;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the assistant physician to prescribe;

(3) A requirement that there shall be posted at every office where the assistant physician is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an assistant physician and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the assistant physician;

(5) The manner of collaboration between the collaborating physician and the assistant physician, including how the collaborating physician and the assistant physician shall:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; except, the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by [P.L.] **Pub. L. 95-210 [.] (42 U.S.C. Section 1395x), as amended**, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics if the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician shall maintain documentation related to such requirement and present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the assistant physician's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the assistant physician to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the assistant physician;

(8) The duration of the written practice agreement between the collaborating physician and the assistant physician;

(9) A description of the time and manner of the collaborating physician's review of the assistant physician's delivery of health care services. The description shall include provisions that the assistant physician shall submit a minimum of ten percent of the charts documenting the assistant physician's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the assistant physician prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

3. The state board of registration for the healing arts under section 334.125 shall promulgate rules regulating the use of collaborative practice arrangements for assistant physicians. Such rules shall specify:

(1) Geographic areas to be covered;

(2) The methods of treatment that may be covered by collaborative practice arrangements;

(3) In conjunction with deans of medical schools and primary care residency program directors in the state, the development and implementation of educational methods and programs undertaken during the collaborative practice service which shall facilitate the advancement of the assistant physician's medical knowledge and capabilities, and which may lead to credit toward a future residency program for programs that deem such documented educational achievements acceptable; and

(4) The requirements for review of services provided under collaborative practice arrangements, including delegating authority to prescribe controlled substances.

Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. The state board of registration for the healing arts shall promulgate rules applicable to assistant physicians that shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

4. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to an assistant

physician provided the provisions of this section and the rules promulgated thereunder are satisfied.

5. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each assistant physician with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

6. A collaborating physician **or supervising physician** shall not enter into a collaborative practice arrangement **or supervision agreement** with more than [three] **six** full-time equivalent assistant physicians, **full-time equivalent physician assistants, or full-time equivalent advance practice registered nurses, or any combination thereof.** Such limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, **or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.**

7. The collaborating physician shall determine and document the completion of at least a one-month period of time during which the assistant physician shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. **No rule or regulation shall require the collaborating physician to review more than ten percent of the assistant physician's patient charts or records during such one-month period.** Such limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

8. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

9. No contract or other agreement shall require a physician to act as a collaborating physician for an assistant physician against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular assistant physician. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any assistant physician, but such requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

10. No contract or other agreement shall require any assistant physician to serve as a collaborating assistant physician for any collaborating physician against the assistant physician's will. An assistant physician shall have the right to refuse to collaborate, without penalty, with a particular physician.

11. All collaborating physicians and assistant physicians in collaborative practice arrangements shall wear identification badges while acting within the scope of their collaborative practice arrangement. The identification badges shall prominently display the licensure status of such collaborating physicians and

assistant physicians.

12. (1) An assistant physician with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Prescriptions for Schedule II medications prescribed by an assistant physician who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. Such authority shall be filed with the state board of registration for the healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the assistant physician is permitted to prescribe. Any limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, **except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication assisted treatment for substance use disorders under the direction of the collaborating physician.** Assistant physicians who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the assistant physician during which the assistant physician shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to assistant physicians of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009, **or assistant physicians providing opioid addiction treatment.**

(3) An assistant physician shall receive a certificate of controlled substance prescriptive authority from the state board of registration for the healing arts upon verification of licensure under section 334.036.

334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic

controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services. **An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patient's receiving medication assisted treatment for substance use disorders under the direction of the collaborating physician.**

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced

practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician **or supervising physician** shall not enter into a collaborative practice arrangement **or supervision agreement** with more than [three] **six** full-time equivalent advanced practice registered nurses, **full-time equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any combination thereof.** This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, **or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of this section.**

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.



12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
- (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) "Department", the department of insurance, financial institutions and professional registration or a designated agency thereof;
- (5) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;
- (6) "Physician assistant", a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;
- (7) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;
- (8) "Supervision", control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant's delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient's home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the physician assistant is providing patient care. Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and that the physician assistant shall not practice beyond the physician assistant's training and experience. Appropriate supervision shall require the supervising physician to be working within the same facility as the physician assistant for at least four hours within one calendar day for every fourteen days on which the physician assistant provides patient care as described in subsection 3 of this section. Only days in which the physician assistant provides patient care as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician's four hours working within the same facility. The board shall promulgate rules pursuant to chapter 536 for documentation of joint review

of the physician assistant activity by the supervising physician and the physician assistant.

2. (1) A supervision agreement shall limit the physician assistant to practice only at locations described in subdivision (8) of subsection 1 of this section, [where the supervising physician is no further than fifty miles by road using the most direct route available and where the location is not so situated as to create an impediment to effective intervention and supervision of patient care or adequate review of services] **within a geographic proximity to be determined by the board of registration for the healing arts.**

(2) For a physician-physician assistant team working in a **certified community behavioral health clinic as defined by P.L. 113-93 and a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, or a federally qualified health center as defined in 42 U.S.C. Section 1395 of the Public Health Service Act, as amended,** no supervision requirements in addition to the minimum federal law shall be required.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

(1) Taking patient histories;

(2) Performing physical examinations of a patient;

(3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;

(4) Performing routine therapeutic procedures;

(5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;

(6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;

(7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;

(8) Assisting in surgery;

(9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform; and

(10) Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe any drug, medicine, device or therapy unless pursuant to a physician supervision agreement in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;

(2) The types of drugs, medications, devices or therapies prescribed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;

(4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients; and

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with the department of social services as a MO HealthNet or Medicaid provider while acting under a supervision agreement between the physician and physician assistant.

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. The agreement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;

(2) A list of all offices or locations where the physician routinely provides patient care, and in which of such offices or locations the supervising physician has authorized the physician assistant to practice;

(3) All specialty or board certifications of the supervising physician;

(4) The manner of supervision between the supervising physician and the physician assistant, including

how the supervising physician and the physician assistant shall:

(a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and

(b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;

(5) The duration of the supervision agreement between the supervising physician and physician assistant; and

(6) A description of the time and manner of the supervising physician's review of the physician assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by the hospital's medical staff.

12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician **or collaborating physician** for more than [three] **six** full-time equivalent licensed physician assistants, **full-time equivalent advanced practice registered nurses, or full-time equivalent assistant physicians, or any combination thereof.** This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, **or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.**

334.747. 1. A physician assistant with a certificate of controlled substance prescriptive authority as

provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a supervision agreement. Such authority shall be listed on the supervision verification form on file with the state board of healing arts. The supervising physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the supervision form. Prescriptions for Schedule II medications prescribed by a physician assistant with authority to prescribe delegated in a supervision agreement are restricted to only those medications containing hydrocodone. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, **except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication assisted treatment for substance use disorders under the direction of the supervising physician.** Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

2. The supervising physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the supervising physician on-site prior to prescribing controlled substances when the supervising physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a supervising physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

337.025. 1. The provisions of this section shall govern the education and experience requirements for

initial licensure as a psychologist for the following persons:

(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that the applicant has received a doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association [or] **(APA)**, the Canadian Psychological Association, **or the Psychological Clinical Science Accreditation System (PCSAS) provided that such program include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;** or

(2) A program designated or approved, including provisional approval, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent organizational entity within the institution of higher education;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall be an integrated, organized, sequence of study;

(e) There shall be an identifiable psychology faculty and a psychologist responsible for the program;

(f) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

(h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year's residency at the educational institution granting the doctoral degree; and

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

a. The biological bases of behavior such as courses in: physiological psychology, comparative

psychology, neuropsychology, sensation and perception, psychopharmacology;

b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;

c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;

d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;

e. The scientific methods and procedures of understanding, predicting and influencing human behavior such as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

4. Acceptable supervised professional experience may be accrued through preinternship, internship, predoctoral postinternship, or postdoctoral experiences. The academic training director or the postdoctoral training supervisor shall attest to the hours accrued to meet the requirements of this section. Such hours shall consist of:

(1) A minimum of fifteen hundred hours of experience in a successfully completed internship to be completed in not less than twelve nor more than twenty-four months; and

(2) A minimum of two thousand hours of experience consisting of any combination of the following:

(a) Preinternship and predoctoral postinternship professional experience that occurs following the completion of the first year of the doctoral program or at any time while in a doctoral program after completion of a master's degree in psychology or equivalent as defined by rule by the committee;

(b) Up to seven hundred fifty hours obtained while on the internship under subdivision (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this subsection; or

(c) Postdoctoral professional experience obtained in no more than twenty-four consecutive calendar months. In no case shall this experience be accumulated at a rate of more than fifty hours per week. Postdoctoral supervised professional experience for prospective health service providers and other applicants shall involve and relate to the delivery of psychological services in accordance with professional requirements and relevant to the applicant's intended area of practice.

5. Experience for those applicants who intend to seek health service provider certification and who have completed a program in one or more of the American Psychological Association designated health service provider delivery areas shall be obtained under the primary supervision of a licensed psychologist who is also a health service provider or who otherwise meets the requirements for health service provider certification. Experience for those applicants who do not intend to seek health service provider certification shall be obtained under the primary supervision of a licensed psychologist or such other qualified mental health professional approved by the committee.

6. For postinternship and postdoctoral hours, the psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the

applicant a minimum of one hour per month in face-to-face individual supervision. Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisors who are qualified psychologists. The secondary supervisors shall retain order, control, and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable for supervised professional experience. The primary supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology. The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.

7. The committee by rule shall provide procedures for exceptions and variances from the requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and other good causes.

337.029. 1. A psychologist licensed in another jurisdiction who has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction may receive a license in Missouri, provided the psychologist passes a written examination on Missouri laws and regulations governing the practice of psychology and meets one of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology;
- (2) Is a member of the National Register of Health Service Providers in Psychology;
- (3) Is currently licensed or certified as a psychologist in another jurisdiction who is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;
- (4) Is currently licensed or certified as a psychologist in another state, territory of the United States, or the District of Columbia and:
  - (a) Has a doctoral degree in psychology from a program accredited, or provisionally accredited, by the American Psychological Association **or the Psychological Clinical Science Accreditation System**, or that meets the requirements as set forth in subdivision (3) of subsection 3 of section 337.025;
  - (b) Has been licensed for the preceding five years; and
  - (c) Has had no disciplinary action taken against the license for the preceding five years; or
- (5) Holds a current certificate of professional qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

2. Notwithstanding the provisions of subsection 1 of this section, applicants may be required to pass an oral examination as adopted by the committee.

3. A psychologist who receives a license for the practice of psychology in the state of Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement of the score from the examination of professional practice in psychology score will also be eligible for and shall receive certification from the committee as a health service provider if the psychologist meets one or more of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery;



(2) Is a member of the National Register of Health Service Providers in Psychology; or

(3) Has completed or obtained through education, training, or experience the requisite knowledge comparable to that which is required pursuant to section 337.033.

337.033. 1. A licensed psychologist shall limit his or her practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. A psychologist trained in one area shall not practice in another area without obtaining additional relevant professional education, training, and experience through an acceptable program of respecialization.

2. A psychologist may not represent or hold himself or herself out as a state certified or registered psychological health service provider unless the psychologist has first received the psychologist health service provider certification from the committee; provided, however, nothing in this section shall be construed to limit or prevent a licensed, whether temporary, provisional or permanent, psychologist who does not hold a health service provider certificate from providing psychological services so long as such services are consistent with subsection 1 of this section.

3. "Relevant professional education and training" for health service provider certification, except those entitled to certification pursuant to subsection 5 or 6 of this section, shall be defined as a licensed psychologist whose graduate psychology degree from a recognized educational institution is in an area designated by the American Psychological Association as pertaining to health service delivery or a psychologist who subsequent to receipt of his or her graduate degree in psychology has either completed a respecialization program from a recognized educational institution in one or more of the American Psychological Association recognized clinical health service provider areas and who in addition has completed at least one year of postdegree supervised experience in such clinical area or a psychologist who has obtained comparable education and training acceptable to the committee through completion of postdoctoral fellowships or otherwise.

4. The degree or respecialization program certificate shall be obtained from a recognized program of graduate study in one or more of the health service delivery areas designated by the American Psychological Association as pertaining to health service delivery, which shall meet one of the criteria established by subdivisions (1) to (3) of this subsection:

(1) A doctoral degree or completion of a recognized respecialization program in one or more of the American Psychological Association designated health service provider delivery areas which is accredited, or provisionally accredited, **either** by the American Psychological Association **or the Psychological Clinical Science Accreditation System**; or

(2) A clinical or counseling psychology doctoral degree program or respecialization program designated, or provisionally approved, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A doctoral degree or completion of a respecialization program in one or more of the American Psychological Association designated health service provider delivery areas that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as being in one or more of the American Psychological Association designated health service provider delivery areas;

(b) Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists in one or more of the American Psychological Association designated health service provider delivery areas.

5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28, 1989, and who subsequently passes the examination shall be deemed to have met all requirements for health service provider certification; provided, however, that such person shall be governed by the provisions of subsection 1 of this section with respect to limitation of practice.

6. Any person who is lawfully licensed as a psychologist in this state and who meets one or more of the following criteria shall automatically, upon payment of the requisite fee, be entitled to receive a health service provider certification from the committee:

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery; or

(2) Is a member of the National Register of Health Service Providers in Psychology.

374.426. 1. Any entity in the business of delivering or financing health care shall provide data regarding quality of patient care and patient satisfaction to the director of the department of insurance, financial institutions and professional registration. Failure to provide such data as required by the director of the department of insurance, financial institutions and professional registration shall constitute grounds for violation of the unfair trade practices act, sections 375.930 to 375.948.

2. In defining data standards for quality of care and patient satisfaction, the director of the department of insurance, financial institutions and professional registration shall:

(1) Use as the initial data set the HMO Employer Data and Information Set developed by the National Committee for Quality Assurance;

(2) Consult with nationally recognized accreditation organizations, including but not limited to the National Committee for Quality Assurance and the Joint Committee on Accreditation of Health Care Organizations; and

(3) Consult with a state committee of a national committee convened to develop standards regarding uniform billing of health care claims.

**3. In defining data standards for quality of care and patient satisfaction, the director of the department of insurance, financial institutions and professional registration shall not require patient scoring of pain control.**

**4. Beginning August 28, 2018, the director of the department of insurance, financial institutions and professional registration shall discontinue the use of patient satisfaction scores and shall not make them available to the public to the extent allowed by federal law.**

376.811. 1. Every insurance company and health services corporation doing business in this state shall offer in all health insurance policies benefits or coverage for chemical dependency meeting the following minimum standards:

(1) Coverage for outpatient treatment through a nonresidential treatment program, or through partial-

or full-day program services, of not less than twenty-six days per policy benefit period;

(2) Coverage for residential treatment program of not less than twenty-one days per policy benefit period;

(3) Coverage for medical or social setting detoxification of not less than six days per policy benefit period;

**(4) Coverage for medication-assisted treatment for substance use disorders, using any drug approved for sale by the Food and Drug Administration for use in treating such patient's condition, including opioid-use and heroin-use disorders. No prior authorization, step therapy, or fail-first therapy shall be required for medication-assisted treatment;**

[(4)] (5) The coverages set forth in this subsection may be subject to a separate lifetime frequency cap of not less than ten episodes of treatment, except that such separate lifetime frequency cap shall not apply to medical detoxification in a life-threatening situation as determined by the treating physician and subsequently documented within forty-eight hours of treatment to the reasonable satisfaction of the insurance company or health services corporation; and

[(5)] (6) The coverages set forth in this subsection:

(a) Shall be subject to the same coinsurance, co-payment and deductible factors as apply to physical illness;

(b) May be administered pursuant to a managed care program established by the insurance company or health services corporation; and

(c) May deliver covered services through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

2. In addition to the coverages set forth in subsection 1 of this section, every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies, benefits or coverages for recognized mental illness, excluding chemical dependency, meeting the following minimum standards:

(1) Coverage for outpatient treatment, including treatment through partial- or full-day program services, for mental health services for a recognized mental illness rendered by a licensed professional to the same extent as any other illness;

(2) Coverage for residential treatment programs for the therapeutic care and treatment of a recognized mental illness when prescribed by a licensed professional and rendered in a psychiatric residential treatment center licensed by the department of mental health or accredited by the Joint Commission on Accreditation of Hospitals to the same extent as any other illness;

(3) Coverage for inpatient hospital treatment for a recognized mental illness to the same extent as for any other illness, not to exceed ninety days per year;

(4) The coverages set forth in this subsection shall be subject to the same coinsurance, co-payment, deductible, annual maximum and lifetime maximum factors as apply to physical illness; and

(5) The coverages set forth in this subsection may be administered pursuant to a managed care program established by the insurance company, health services corporation or health maintenance organization, and covered services may be delivered through a system of contractual arrangements with one or more providers, community mental health centers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri.

3. The offer required by sections 376.810 to 376.814 may be accepted or rejected by the group or individual policyholder or contract holder and, if accepted, shall fully and completely satisfy and substitute for the coverage under section 376.779. Nothing in sections 376.810 to 376.814 shall prohibit an insurance company, health services corporation or health maintenance organization from including all or part of the coverages set forth in sections 376.810 to 376.814 as standard coverage in their policies or contracts issued in this state.

4. Every insurance company, health services corporation and health maintenance organization doing business in this state shall offer in all health insurance policies mental health benefits or coverage as part of the policy or as a supplement to the policy. Such mental health benefits or coverage shall include at least two sessions per year to a licensed psychiatrist, licensed psychologist, licensed professional counselor, licensed clinical social worker, or, subject to contractual provisions, a licensed marital and family therapist, acting within the scope of such license and under the following minimum standards:

(1) Coverage and benefits in this subsection shall be for the purpose of diagnosis or assessment, but not dependent upon findings; and

(2) Coverage and benefits in this subsection shall not be subject to any conditions of preapproval, and shall be deemed reimbursable as long as the provisions of this subsection are satisfied; and

(3) Coverage and benefits in this subsection shall be subject to the same coinsurance, co-payment and deductible factors as apply to regular office visits under coverages and benefits for physical illness.

5. If the group or individual policyholder or contract holder rejects the offer required by this section, then the coverage shall be governed by the mental health and chemical dependency insurance act as provided in sections 376.825 to 376.836.

6. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policy of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

376.1550. 1. Notwithstanding any other provision of law to the contrary, each health carrier that offers or issues health benefit plans which are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2005, shall provide coverage for a mental health condition, as defined in this section, and shall comply with the following provisions:

(1) A health benefit plan shall provide coverage for treatment of a mental health condition and shall not establish any rate, term, or condition that places a greater financial burden on an insured for access to treatment for a mental health condition than for access to treatment for a physical health condition. Any deductible or out-of-pocket limits required by a health carrier or health benefit plan shall be comprehensive

for coverage of all health conditions, whether mental or physical;

(2) The coverages set forth in this subsection:

(a) May be administered pursuant to a managed care program established by the health carrier; and

(b) May deliver covered services through a system of contractual arrangements with one or more providers, hospitals, nonresidential or residential treatment programs, or other mental health service delivery entities certified by the department of mental health, or accredited by a nationally recognized organization, or licensed by the state of Missouri;

(3) A health benefit plan that does not otherwise provide for management of care under the plan or that does not provide for the same degree of management of care for all health conditions may provide coverage for treatment of mental health conditions through a managed care organization; provided that the managed care organization is in compliance with rules adopted by the department of insurance, financial institutions and professional registration that assure that the system for delivery of treatment for mental health conditions does not diminish or negate the purpose of this section. The rules adopted by the director shall assure that:

(a) Timely and appropriate access to care is available;

(b) The quantity, location, and specialty distribution of health care providers is adequate; and

(c) Administrative or clinical protocols do not serve to reduce access to medically necessary treatment for any insured;

(4) Coverage for treatment for chemical dependency shall comply with sections 376.779, 376.810 to 376.814, and 376.825 to 376.836 and for the purposes of this subdivision the term “health insurance policy” as used in sections 376.779, 376.810 to 376.814, and 376.825 to 376.836, the term “health insurance policy” shall include group coverage.

2. As used in this section, the following terms mean:

(1) “Chemical dependency”, the psychological or physiological dependence upon and abuse of drugs, including alcohol, characterized by drug tolerance or withdrawal and impairment of social or occupational role functioning or both;

(2) “Health benefit plan”, the same meaning as such term is defined in section 376.1350;

(3) “Health carrier”, the same meaning as such term is defined in section 376.1350;

(4) “Mental health condition”, any condition or disorder defined by categories listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders [except for chemical dependency];

(5) “Managed care organization”, any financing mechanism or system that manages care delivery for its members or subscribers, including health maintenance organizations and any other similar health care delivery system or organization;

(6) “Rate, term, or condition”, any lifetime or annual payment limits, deductibles, co-payments, coinsurance, and other cost-sharing requirements, out-of-pocket limits, visit limits, and any other financial component of a health benefit plan that affects the insured.

3. This section shall not apply to a health plan or policy that is individually underwritten or provides such coverage for specific individuals and members of their families pursuant to section 376.779, sections 376.810 to 376.814, and sections 376.825 to 376.836, a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, hospitalization-surgical care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance, financial institutions and professional registration.

4. Notwithstanding any other provision of law to the contrary, all health insurance policies that cover state employees, including the Missouri consolidated health care plan, shall include coverage for mental illness. Multiyear group policies need not comply until the expiration of their current multiyear term unless the policyholder elects to comply before that time.

5. The provisions of this section shall not be violated if the insurer decides to apply different limits or exclude entirely from coverage the following:

- (1) Marital, family, educational, or training services unless medically necessary and clinically appropriate;
- (2) Services rendered or billed by a school or halfway house;
- (3) Care that is custodial in nature;
- (4) Services and supplies that are not immediately nor clinically appropriate; or
- (5) Treatments that are considered experimental.

6. The director shall grant a policyholder a waiver from the provisions of this section if the policyholder demonstrates to the director by actual experience over any consecutive twenty-four-month period that compliance with this section has increased the cost of the health insurance policy by an amount that results in a two percent increase in premium costs to the policyholder. The director shall promulgate rules establishing a procedure and appropriate standards for making such a demonstration. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend said bill, Page 7, Section 577.029, Line 16, by inserting after all of said section and line the following:

**“630.875. 1. This section shall be known and may be cited as the “Improved Access to Treatment for Opioid Addictions Act” or “IATOA Act”.**

**2. As used in this section, the following terms mean:**

- (1) “Department”, the department of mental health;**
- (2) “IATOA program”, the improved access to treatment for opioid addictions program created under subsection 3 of this section.**

**3. Subject to appropriations, the department shall create and oversee an “Improved Access to Treatment for Opioid Addictions Program”, which is hereby created and whose purpose is to disseminate information and best practices regarding opioid addiction and to facilitate collaborations to better treat and prevent opioid addiction in this state. The IATOA program shall facilitate partnerships between assistant physicians, physician assistants, and advanced practice registered nurses practicing in federally qualified health centers, rural health clinics, and other health care facilities and physicians practicing at remote facilities located in this state. The IATOA program shall provide resources that grant patients and their treating assistant physicians, physician assistants, advanced practice registered nurses, or physicians access to knowledge and expertise through means such as telemedicine and Extension for Community Healthcare Outcomes (ECHO) programs established under section 191.1140.**

**4. Assistant physicians, physician assistants, and advanced practice registered nurses who participate in the IATOA program shall complete the necessary requirements to prescribe buprenorphine within at least thirty days of joining the IATOA program.**

**5. For the purposes of the IATOA program, a remote collaborating or supervising physician working with an on-site assistant physician, physician assistant, or advanced practice registered nurse shall be considered to be on-site. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a remote physician shall comply with all laws and requirements applicable to assistant physicians, physician assistants, or advanced practice registered nurses with on-site supervision before providing treatment to a patient.**

**6. An assistant physician, physician assistant, or advanced practice registered nurse collaborating with a physician who is waiver-certified for the use of buprenorphine, may participate in the IATOA program in any area of the state and provide all services and functions of an assistant physician, physician assistant, or advanced practice registered nurse.**

**7. The department may develop curriculum and benchmark examinations on the subject of opioid addiction and treatment. The department may collaborate with specialists, institutions of higher education, and medical schools for such development. Completion of such a curriculum and passing of such an examination by an assistant physician, physician assistant, advanced practice registered nurse, or physician shall result in a certificate awarded by the department or sponsoring institution, if any.**

**8. An assistant physician, physician assistant, or advanced practice registered nurse participating in the IATOA program may also:**

- (1) Engage in community education;**
- (2) Engage in professional education outreach programs with local treatment providers;**
- (3) Serve as a liaison to courts;**
- (4) Serve as a liaison to addiction support organizations;**
- (5) Provide educational outreach to schools;**

**(6) Treat physical ailments of patients in an addiction treatment program or considering entering such a program;**

- (7) Refer patients to treatment centers;**
- (8) Assist patients with court and social service obligations;**
- (9) Perform other functions as authorized by the department; and**
- (10) Provide mental health services in collaboration with a qualified licensed physician.**

**The list of authorizations in this subsection is a nonexclusive list, and assistant physicians, physician assistants, or advanced practice registered nurses participating in the IATOA program may perform other actions.**

**9. When an overdose survivor arrives in the emergency department, the assistant physician, physician assistant, or advanced practice registered nurse serving as a recovery coach or, if the assistant physician, physician assistant, or advanced practice registered nurse is unavailable, another properly trained recovery coach shall, when reasonably practicable, meet with the overdose survivor and provide treatment options and support available to the overdose survivor. The department shall assist recovery coaches in providing treatment options and support to overdose survivors.**

**10. The provisions of this section shall supersede any contradictory statutes, rules, or regulations. The department shall implement the improved access to treatment for opioid addictions program as soon as reasonably possible using guidance within this section. Further refinement to the improved access to treatment for opioid addictions program may be done through the rules process.**

**11. The department shall promulgate rules to implement the provisions of the improved access to treatment for opioid addictions act as soon as reasonably possible. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

632.005. As used in chapter 631 and this chapter, unless the context clearly requires otherwise, the following terms shall mean:

- (1) “Comprehensive psychiatric services”, any one, or any combination of two or more, of the following services to persons affected by mental disorders other than intellectual disabilities or developmental disabilities: inpatient, outpatient, day program or other partial hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation, prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and medical prevention and treatment for drug abuse;
- (2) “Council”, the Missouri advisory council for comprehensive psychiatric services;
- (3) “Court”, the court which has jurisdiction over the respondent or patient;
- (4) “Division”, the division of comprehensive psychiatric services of the department of mental health;
- (5) “Division director”, director of the division of comprehensive psychiatric services of the department of mental health, or his designee;



(6) “Head of mental health facility”, superintendent or other chief administrative officer of a mental health facility, or his designee;

(7) “Judicial day”, any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but excluding Saturdays, Sundays and legal holidays;

(8) “Licensed physician”, a physician licensed pursuant to the provisions of chapter 334 or a person authorized to practice medicine in this state pursuant to the provisions of section 334.150;

(9) “Licensed professional counselor”, a person licensed as a professional counselor under chapter 337 and with a minimum of one year training or experience in providing psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a mental disorder;

(10) “Likelihood of serious harm” means any one or more of the following but does not require actual physical injury to have occurred:

(a) A substantial risk that serious physical harm will be inflicted by a person upon his own person, as evidenced by recent threats, including verbal threats, or attempts to commit suicide or inflict physical harm on himself. Evidence of substantial risk may also include information about patterns of behavior that historically have resulted in serious harm previously being inflicted by a person upon himself;

(b) A substantial risk that serious physical harm to a person will result or is occurring because of an impairment in his capacity to make decisions with respect to his hospitalization and need for treatment as evidenced by his current mental disorder or mental illness which results in an inability to provide for his own basic necessities of food, clothing, shelter, safety or medical care or his inability to provide for his own mental health care which may result in a substantial risk of serious physical harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in serious harm to the person previously taking place because of a mental disorder or mental illness which resulted in his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or mental health care; or

(c) A substantial risk that serious physical harm will be inflicted by a person upon another as evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in physical harm previously being inflicted by a person upon another person;

(11) “Mental health coordinator”, a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is authorized by the director of the department, or his designee, to serve a designated geographic area or mental health facility and who has the powers, duties and responsibilities provided in this chapter;

(12) “Mental health facility”, any residential facility, public or private, or any public or private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering from a mental disorder or mental illness and which is recognized as such by the department or any outpatient treatment program certified by the department of mental health. No correctional institution or facility, jail, regional center or developmental disability facility shall be a mental health facility within the meaning of this chapter;

(13) “Mental health professional”, a psychiatrist, resident in psychiatry, **psychiatric physician**

**assistant, psychiatric assistant physician, psychiatric advanced practice registered nurse, psychologist, psychiatric nurse, licensed professional counselor, or psychiatric social worker;**

(14) “Mental health program”, any public or private residential facility, public or private hospital, public or private specialized service or public or private day program that can provide care, treatment, rehabilitation or services, either through its own staff or through contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No correctional institution or facility or jail may be a mental health program within the meaning of this chapter;

(15) “Ninety-six hours” shall be construed and computed to exclude Saturdays, Sundays and legal holidays which are observed either by the court or by the mental health facility where the respondent is detained;

(16) “Peace officer”, a sheriff, deputy sheriff, county or municipal police officer or highway patrolman;

(17) **“Psychiatric advanced practice registered nurse”, a registered nurse who is currently recognized by the board of nursing as an advanced practice registered nurse, who has at least two years of experience in providing psychiatric treatment to individuals suffering from mental disorders;**

(18) **“Psychiatric assistant physician”, a licensed assistant physician under chapter 334 and who has had at least two years of experience as an assistant physician in providing psychiatric treatment to individuals suffering from mental health disorders;**

(19) “Psychiatric nurse”, a registered professional nurse who is licensed under chapter 335 and who has had at least two years of experience as a registered professional nurse in providing psychiatric nursing treatment to individuals suffering from mental disorders;

(20) **“Psychiatric physician assistant”, a licensed physician assistant under chapter 334 and who has had at least two years of experience as a physician assistant in providing psychiatric treatment to individuals suffering from mental health disorders or a graduate of a postgraduate residency or fellowship for physician assistants in psychiatry;**

[(18)] (21) “Psychiatric social worker”, a person with a master’s or further advanced degree from an accredited school of social work, practicing pursuant to chapter 337, and with a minimum of one year training or experience in providing psychiatric care, treatment or services in a psychiatric setting to individuals suffering from a mental disorder;

[(19)] (22) “Psychiatrist”, a licensed physician who in addition has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(20)] (23) “Psychologist”, a person licensed to practice psychology under chapter 337 with a minimum of one year training or experience in providing treatment or services to mentally disordered or mentally ill individuals;

[(21)] (24) “Resident in psychiatry”, a licensed physician who is in a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(22)] **(25)** “Respondent”, an individual against whom involuntary civil detention proceedings are instituted pursuant to this chapter;

[(23)] **(26)** “Treatment”, any effort to accomplish a significant change in the mental or emotional conditions or the behavior of the patient consistent with generally recognized principles or standards in the mental health professions.

[208.671. 1. As used in this section and section 208.673, the following terms shall mean:

(1) “Asynchronous store-and-forward”, the transfer of a participant’s clinically important digital samples, such as still images, videos, audio, text files, and relevant data from an originating site through the use of a camera or similar recording device that stores digital samples that are forwarded via telecommunication to a distant site for consultation by a consulting provider without requiring the simultaneous presence of the participant and the participant’s treating provider;

(2) “Asynchronous store-and-forward technology”, cameras or other recording devices that store images which may be forwarded via telecommunication devices at a later time;

(3) “Consultation”, a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association;

(4) “Consulting provider”, a provider who, upon referral by the treating provider, evaluates a participant and appropriate medical data or images delivered through asynchronous store-and-forward technology. If a consulting provider is unable to render an opinion due to insufficient information, the consulting provider may request additional information to facilitate the rendering of an opinion or decline to render an opinion;

(5) “Distant site”, the site where a consulting provider is located at the time the consultation service is provided;

(6) “Originating site”, the site where a MO HealthNet participant receiving services and such participant’s treating provider are both physically located;

(7) “Provider”, any provider of medical, mental health, optometric, or dental health services, including all other medical disciplines, licensed and providing MO HealthNet services who has the authority to refer participants for medical, mental health, optometric, dental, or other health care services within the scope of practice and licensure of the provider;

(8) “Telehealth”, as that term is defined in section 191.1145;

(9) “Treating provider”, a provider who:

- (a) Evaluates a participant;
- (b) Determines the need for a consultation;
- (c) Arranges the services of a consulting provider for the purpose of diagnosis and treatment; and
- (d) Provides or supplements the participant's history and provides pertinent physical examination findings and medical information to the consulting provider.

2. The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program. Such rules shall include, but not be limited to:

- (1) Appropriate standards for the use of asynchronous store-and-forward technology in the practice of telehealth;
- (2) Certification of agencies offering asynchronous store-and-forward technology in the practice of telehealth;
- (3) Timelines for completion and communication of a consulting provider's consultation or opinion, or if the consulting provider is unable to render an opinion, timelines for communicating a request for additional information or that the consulting provider declines to render an opinion;
- (4) Length of time digital files of such asynchronous store-and-forward services are to be maintained;
- (5) Security and privacy of such digital files;
- (6) Participant consent for asynchronous store-and-forward services; and
- (7) Payment for services by providers; except that, consulting providers who decline to render an opinion shall not receive payment under this section unless and until an opinion is rendered.

Telehealth providers using asynchronous store-and-forward technology shall be required to obtain participant consent before asynchronous store-and-forward services are initiated and to ensure confidentiality of medical information.

3. Asynchronous store-and-forward technology in the practice of telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. The total payment for both the treating provider and the consulting provider shall not exceed the payment for a face-to-face consultation of the same level.

4. The standard of care for the use of asynchronous store-and-forward technology in the practice of telehealth shall be the same as the standard of care for services provided in person.]

[208.673. 1. There is hereby established the “Telehealth Services Advisory Committee” to advise the department of social services and propose rules regarding the coverage of telehealth services in the MO HealthNet program utilizing asynchronous store-and-forward technology.

2. The committee shall be comprised of the following members:

- (1) The director of the MO HealthNet division, or the director’s designee;
- (2) The medical director of the MO HealthNet division;
- (3) A representative from a Missouri institution of higher education with expertise in telehealth;
- (4) A representative from the Missouri office of primary care and rural health;
- (5) Two board-certified specialists licensed to practice medicine in this state;
- (6) A representative from a hospital located in this state that utilizes telehealth;
- (7) A primary care physician from a federally qualified health center (FQHC) or rural health clinic;
- (8) A primary care physician from a rural setting other than from an FQHC or rural health clinic;
- (9) A dentist licensed to practice in this state; and
- (10) A psychologist, or a physician who specializes in psychiatry, licensed to practice in this state.

3. Members of the committee listed in subdivisions (3) to (10) of subsection 2 of this section shall be appointed by the governor with the advice and consent of the senate. The first appointments to the committee shall consist of three members to serve three-year terms, three members to serve two-year terms, and three members to serve a one-year term as designated by the governor. Each member of the committee shall serve for a term of three years thereafter.

4. Members of the committee shall not receive any compensation for their services but shall be reimbursed for any actual and necessary expenses incurred in the performance of their duties.

5. Any member appointed by the governor may be removed from office by the governor without cause. If there is a vacancy for any cause, the governor shall make an appointment to become effective immediately for the

unexpired term.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.}]

[208.675. For purposes of the provision of telehealth services in the MO HealthNet program, the following individuals, licensed in Missouri, shall be considered eligible health care providers:

- (1) Physicians, assistant physicians, and physician assistants;
- (2) Advanced practice registered nurses;
- (3) Dentists, oral surgeons, and dental hygienists under the supervision of a currently registered and licensed dentist;
- (4) Psychologists and provisional licensees;
- (5) Pharmacists;
- (6) Speech, occupational, or physical therapists;
- (7) Clinical social workers;
- (8) Podiatrists;
- (9) Optometrists;
- (10) Licensed professional counselors; and
- (11) Eligible health care providers under subdivisions (1) to (10) of this section practicing in a rural health clinic, federally qualified health center, or community mental health center.]}"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 951, Page 5, Section 197.305, Line 68, by inserting immediately after said section and line the following:

“208.217. 1. As used in this section, the following terms mean:

(1) “Data match”, a method of comparing the department’s information with that of another entity and identifying those records which appear in both files. This process is accomplished by a computerized comparison by which both the department and the entity utilize a computer readable electronic media format;

(2) “Department”, the Missouri department of social services;

(3) “Entity”:

(a) Any insurance company as defined in chapter 375 or any public organization or agency transacting or doing the business of insurance; or

(b) Any health service corporation or health maintenance organization as defined in chapter 354 or any other provider of health services as defined in chapter 354;

(c) Any self-insured organization or business providing health services as defined in chapter 354; or

(d) Any third-party administrator (TPA), administrative services organization (ASO), or pharmacy benefit manager (PBM) transacting or doing business in Missouri or administering or processing claims or benefits, or both, for residents of Missouri;

(4) “Individual”, any applicant or present or former participant receiving public assistance benefits under sections 208.151 to 208.159 **or a person receiving department of mental health services for the purposes of subsection 9 of this section;**

(5) “Insurance”, any agreement, contract, policy plan or writing entered into voluntarily or by court or administrative order providing for the payment of medical services or for the provision of medical care to or on behalf of an individual;

(6) “Request”, any inquiry by the MO HealthNet division for the purpose of determining the existence of insurance where the department may have expended MO HealthNet benefits.

2. The department may enter into a contract with any entity, and the entity shall, upon request of the department of social services, inform the department of any records or information pertaining to the insurance of any individual.

3. The information which is required to be provided by the entity regarding an individual is limited to those insurance benefits that could have been claimed and paid by an insurance policy agreement or plan with respect to medical services or items which are otherwise covered under the MO HealthNet program.

4. A request for a data match made by the department pursuant to this section shall include sufficient information to identify each person named in the request in a form that is compatible with the record-keeping methods of the entity. Requests for information shall pertain to any individual or the person legally responsible for such individual and may be requested at a minimum of twice a year.

5. The department shall reimburse the entity which is requested to supply information as provided by this section for actual direct costs, based upon industry standards, incurred in furnishing the requested information and as set out in the contract. The department shall specify the time and manner in which information is to be delivered by the entity to the department. No reimbursement will be provided for information requested by the department other than by means of a data match.

6. Any entity which has received a request from the department pursuant to this section shall provide the requested information in compliance with HIPPA required transactions within sixty days of receipt of the request. Willful failure of an entity to provide the requested information within such period shall result in liability to the state for civil penalties of up to ten dollars for each day thereafter. The attorney general shall, upon request of the department, bring an action in a circuit court of competent jurisdiction to

recover the civil penalty. The court shall determine the amount of the civil penalty to be assessed. A health insurance carrier, including instances where it acts in the capacity of an administrator of an ASO account, and a TPA acting in the capacity of an administrator for a fully insured or self-funded employer, is required to accept and respond to the HIPPA ANSI standard transaction for the purpose of validating eligibility.

7. The director of the department shall establish guidelines to assure that the information furnished to any entity or obtained from any entity does not violate the laws pertaining to the confidentiality and privacy of an applicant or participant receiving MO HealthNet benefits. Any person disclosing confidential information for purposes other than set forth in this section shall be guilty of a class A misdemeanor.

8. The application for or the receipt of benefits under sections 208.151 to 208.159 shall be deemed consent by the individual to allow the department to request information from any entity regarding insurance coverage of said person.

**9. The provisions of this section that apply to the department of social services shall also apply to the department of mental health when contracting with any entity to supply information as provided for in this section regarding an individual receiving department of mental health services.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 951, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“58.451. 1. When any person, in any county in which a coroner is required by section 58.010, dies and there is reasonable ground to believe that such person died as a result of:

(1) Violence by homicide, suicide, or accident;

(2) Criminal abortions, including those self-induced;

(3) Some unforeseen sudden occurrence and the deceased had not been attended by a physician during the thirty-six-hour period preceding the death;

(4) In any unusual or suspicious manner;

(5) Any injury or illness while in the custody of the law or while an inmate in a public institution[;]

the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the coroner of the known facts concerning the time, place, manner and circumstances of the death. Immediately upon receipt of notification, the coroner or deputy coroner shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death, including whether by the act of man, and the manner of death. The coroner or deputy coroner may take the names and addresses of witnesses to the death and shall file this information in the coroner’s office. The coroner or deputy coroner shall take possession of all property of value found on the body, making exact inventory of such property on the report and shall direct the return of such property to the person entitled to its custody or possession. The coroner or deputy coroner shall take possession of any object or article which, in the coroner’s or the deputy coroner’s opinion, may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the county.



2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall immediately contact the county coroner. Immediately upon receipt of such notification, the coroner or the coroner's deputy shall make the determination if further investigation is necessary, based on information provided by the individual contacting the coroner, and immediately advise such individual of the coroner's intentions.

**3. Notwithstanding the provisions of subsection 2 of this section, when a death occurs under the care of a hospice, no investigation shall be required if the death is certified by the treating physician of the deceased or the medical director of the hospice. The hospice shall provide written notice to the coroner within twenty-four hours of the death.**

[3.] 4. Upon taking charge of the dead body and before moving the body the coroner shall notify the police department of any city in which the dead body is found, or if the dead body is found in the unincorporated area of a county governed by the provisions of sections 58.451 to 58.457, the coroner shall notify the county sheriff or the highway patrol and cause the body to remain unmoved until the police department, sheriff or the highway patrol has inspected the body and the surrounding circumstances and carefully noted the appearance, the condition and position of the body and recorded every fact and circumstance tending to show the cause and manner of death, with the names and addresses of all known witnesses, and shall subscribe the same and make such record a part of the coroner's report.

[4.] 5. In any case of sudden, violent or suspicious death after which the body was buried without any investigation or autopsy, the coroner, upon being advised of such facts, may at the coroner's own discretion request that the prosecuting attorney apply for a court order requiring the body to be exhumed.

[5.] 6. The coroner may certify the cause of death in any case where death occurred without medical attendance or where an attending physician refuses to sign a certificate of death or when a physician is unavailable to sign a certificate of death.

[6.] 7. When the cause of death is established by the coroner, the coroner shall file a copy of the findings in the coroner's office within thirty days.

[7.] 8. If on view of the dead body and after personal inquiry into the cause and manner of death, the coroner determines that a further examination is necessary in the public interest, the coroner on the coroner's own authority may make or cause to be made an autopsy on the body. The coroner may on the coroner's own authority employ the services of a pathologist, chemist, or other expert to aid in the examination of the body or of substances supposed to have caused or contributed to death, and if the pathologist, chemist, or other expert is not already employed by the city or county for the discharge of such services, the pathologist, chemist, or other expert shall, upon written authorization of the coroner, be allowed reasonable compensation, payable by the city or county, in the manner provided in section 58.530. The coroner shall, at the time of the autopsy, record or cause to be recorded each fact and circumstance tending to show the condition of the body and the cause and manner of death.

[8.] 9. If on view of the dead body and after personal inquiry into the cause and manner of death, the coroner considers a further inquiry and examination necessary in the public interest, the coroner shall make out the coroner's warrant directed to the sheriff of the city or county requiring the sheriff forthwith to summon six good and lawful citizens of the county to appear before the coroner, at the time and place expressed in the warrant, and to inquire how and by whom the deceased died.

[9.] **10.** (1) When a person is being transferred from one county to another county for medical treatment and such person dies while being transferred, or dies while being treated in the emergency room of the receiving facility, the place which the person is determined to be dead shall be considered the place of death and the county coroner or medical examiner of the county from which the person was originally being transferred shall be responsible for determining the cause and manner of death for the Missouri certificate of death.

(2) The coroner or medical examiner in the county in which the person is determined to be dead may with authorization of the coroner or medical examiner from the original transferring county, investigate and conduct postmortem examinations at the expense of the coroner or medical examiner from the original transferring county. The coroner or medical examiner from the original transferring county shall be responsible for investigating the circumstances of such and completing the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

(3) Such coroner or medical examiner of the county where a person is determined to be dead shall immediately notify the coroner or medical examiner of the county from which the person was originally being transferred of the death of such person, and shall make available information and records obtained for investigation of the death.

(4) If a person does not die while being transferred and is institutionalized as a regularly admitted patient after such transfer and subsequently dies while in such institution, the coroner or medical examiner of the county in which the person is determined to be dead shall immediately notify the coroner or medical examiner of the county from which such person was originally transferred of the death of such person. In such cases, the county in which the deceased was institutionalized shall be considered the place of death. If the manner of death is by homicide, suicide, accident, criminal abortion including those that are self-induced, child fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death shall revert to the county of origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

[10.] **11.** There shall not be any statute of limitations or time limits on the cause of death when death is the final result or determined to be caused by homicide, suicide, accident, child fatality, criminal abortion including those self-induced, or any unusual or suspicious manner. The place of death shall be the place in which the person is determined to be dead. The final investigation of death in determining the cause and matter of death shall revert to the county of origin, and the coroner or medical examiner of such county shall be responsible for the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

[11.] **12.** Except as provided in subsection [9] **10** of this section, if a person dies in one county and the body is subsequently transferred to another county, for burial or other reasons, the county coroner or medical examiner where the death occurred shall be responsible for the certificate of death and for investigating the cause and manner of the death.

[12.] **13.** In performing the duties, the coroner or medical examiner shall comply with sections 58.775 to 58.785 with respect to organ donation.

58.720. 1. When any person dies within a county having a medical examiner as a result of:

- (1) Violence by homicide, suicide, or accident;
- (2) Thermal, chemical, electrical, or radiation injury;
- (3) Criminal abortions, including those self-induced;
- (4) Disease thought to be of a hazardous and contagious nature or which might constitute a threat to public health; or when any person dies:
  - (a) Suddenly when in apparent good health;
  - (b) When unattended by a physician, chiropractor, or an accredited Christian Science practitioner, during the period of thirty-six hours immediately preceding his death;
  - (c) While in the custody of the law, or while an inmate in a public institution;
  - (d) In any unusual or suspicious manner[;]

the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the office of the medical examiner of the known facts concerning the time, place, manner and circumstances of the death. Immediately upon receipt of notification, the medical examiner or his designated assistant shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death. He may take the names and addresses of witnesses to the death and shall file this information in his office. The medical examiner or his designated assistant shall take possession of all property of value found on the body, making exact inventory thereof on his report and shall direct the return of such property to the person entitled to its custody or possession. The medical examiner or his designated assistant examiner shall take possession of any object or article which, in his opinion, may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the county.

2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall contact the county medical examiner. Immediately upon receipt of such notification, the medical examiner or the medical examiner's deputy shall make a determination if further investigation is necessary, based on information provided by the individual contacting the medical examiner, and immediately advise such individual of the medical examiner's intentions.

**3. Notwithstanding the provisions of subsection 2 of this section, when a death occurs under the care of a hospice, no investigation shall be required if the death is certified by the treating physician of the deceased or the medical director of the hospice. The hospice shall provide written notice to the medical examiner within twenty-four hours of the death.**

[3.] 4. In any case of sudden, violent or suspicious death after which the body was buried without any investigation or autopsy, the medical examiner, upon being advised of such facts, may at his own discretion request that the prosecuting attorney apply for a court order requiring the body to be exhumed.

[4.] 5. The medical examiner shall certify the cause of death in any case where death occurred without medical attendance or where an attending physician refuses to sign a certificate of death, and may sign a certificate of death in the case of any death.

[5.] 6. When the cause of death is established by the medical examiner, he shall file a copy of his findings in his office within thirty days after notification of the death.

[6.] 7. (1) When a person is being transferred from one county to another county for medical treatment and such person dies while being transferred, or dies while being treated in the emergency room of the receiving facility, the place which the person is determined to be dead shall be considered the place of death and the county coroner or the medical examiner of the county from which the person was originally being transferred shall be responsible for determining the cause and manner of death for the Missouri certificate of death.

(2) The coroner or medical examiner in the county in which the person is determined to be dead may, with authorization of the coroner or medical examiner from the transferring county, investigate and conduct postmortem examinations at the expense of the coroner or medical examiner from the transferring county. The coroner or medical examiner from the transferring county shall be responsible for investigating the circumstances of such and completing the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

(3) Such coroner or medical examiner, or the county where a person is determined to be dead, shall immediately notify the coroner or medical examiner of the county from which the person was originally being transferred of the death of such person and shall make available information and records obtained for investigation of death.

(4) If a person does not die while being transferred and is institutionalized as a regularly admitted patient after such transfer and subsequently dies while in such institution, the coroner or medical examiner of the county in which the person is determined to be dead shall immediately notify the coroner or medical examiner of the county from which such person was originally transferred of the death of such person. In such cases, the county in which the deceased was institutionalized shall be considered the place of death. If the manner of death is by homicide, suicide, accident, criminal abortion including those that are self-induced, child fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death shall revert to the county of origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

[7.] 8. There shall not be any statute of limitations or time limits on cause of death when death is the final result or determined to be caused by homicide, suicide, accident, criminal abortion including those self-induced, child fatality, or any unusual or suspicious manner. The place of death shall be the place in which the person is determined to be dead, but the final investigation of death determining the cause and manner of death shall revert to the county of origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

[8.] 9. Except as provided in subsection [6] 7 of this section, if a person dies in one county and the body is subsequently transferred to another county, for burial or other reasons, the county coroner or medical examiner where the death occurred shall be responsible for the certificate of death and for investigating the cause and manner of the death.

[9.] 10. In performing the duties, the coroner or medical examiner shall comply with sections 58.775 to 58.785 with respect to organ donation.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 951, Page 5, Section 210.070, Line 8, by inserting immediately after said line the following:

**“334.1000. As used in sections 334.1000 to 334.1030, the following terms shall mean:**

**(1) “Advisory committee”, the Missouri radiologic imaging and radiation therapy advisory committee;**

**(2) “Board”, the state board of registration for the healing arts;**

**(3) “Certification organization”, a certification organization that specializes in the certification and registration of radiologic imaging or radiation therapy technical personnel that is accredited by the National Commission for Certifying Agencies, American National Standards Institute, or other accreditation organization recognized by the board;**

**(4) “Ionizing radiation”, radiation that may consist of alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, or other particles capable of producing ions. Ionizing radiation does not include non-ionizing radiation, such as radiofrequency or microwaves, visible infrared or ultraviolet light, or ultrasound;**

**(5) “Licensed practitioner”, a person licensed to practice medicine, chiropractic medicine, podiatry, dentistry, or a certified registered nurse anesthetist in this state with education and specialist training in the medical or dental use of radiation who is deemed competent to independently perform or supervise radiologic imaging or radiation therapy procedures by their respective state licensure board;**

**(6) “Limited x-ray machine operator”, a person who is licensed to perform only x-ray or bone densitometry procedures not involving the administration or utilization of contrast media on selected specific parts of human anatomy under the supervision of a licensed practitioner;**

**(7) “Nuclear medicine technologist”, a person who is licensed to perform a variety of nuclear medicine and molecular imaging procedures using sealed and unsealed radiation sources, ionizing radiation, adjunctive medicine and pharmaceuticals associated with nuclear medicine procedures, and therapeutic procedures using unsealed radioactive sources;**

**(8) “Radiation therapist”, a person who is licensed to administer ionizing radiation to human beings for therapeutic purposes;**

**(9) “Radiation therapy”, the use of ionizing radiation for the purpose of treating disease;**

**(10) “Radiographer”, a person who is licensed to perform a comprehensive set of diagnostic radiographic procedures using external ionizing radiation to produce radiographic, fluoroscopic, or digital images;**

**(11) “Radiologic imaging”, any procedure or article intended for use in the diagnosis or visualization of disease or other medical conditions in human beings, including, but not limited to computed tomography, fluoroscopy, nuclear medicine, radiography, and other procedures using ionizing radiation;**

(12) “Radiologist”, a physician licensed in this state and certified by or board-eligible to be certified by the American Board of Radiology, the American Osteopathic Board of Radiology, the British Royal College of Radiology, or the Canadian College of Physicians and Surgeons in that medical specialty;

(13) “Radiologist assistant”, a person who is licensed to perform a variety of activities under the supervision of a radiologist in the areas of patient care, patient management, radiologic imaging, or interventional procedures guided by radiologic imaging, and who does not interpret images, render diagnoses or prescribe medications or therapies.

**334.1005. 1.** Except as provided in this section, after January 1, 2020, only a person licensed under the provisions of sections 334.1000 to 334.1030 or a licensed practitioner may perform radiologic imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes.

2. The board shall issue licenses to persons certified by a certification organization to perform nuclear medicine technology, radiation therapy, radiography, and radiologist assistant procedures and to limited x-ray machine operators meeting licensure standards established by the board.

3. No person, corporation, or facility shall knowingly employ a person who does not hold a license or who is not exempt from the provisions of sections 334.1000 to 334.1030 to perform radiologic imaging or radiation therapy procedures for more than one hundred eighty days.

4. Nothing in this section relating to radiologic imaging or radiation therapy shall limit or enlarge the practice of a licensed practitioner.

5. The provisions of section 334.1000 to 334.1030 shall not apply to the following:

(1) A dental hygienist or dental assistant licensed by this state;

(2) A resident physician enrolled in and attending a school or college of medicine, chiropractic, podiatry, dentistry, radiologic imaging, or radiation therapy who performs radiologic imaging or radiation therapy procedures on humans;

(3) A student enrolled in and attending a school or college of medicine, chiropractic, podiatry, dentistry, radiologic imaging, or radiation therapy who performs radiologic imaging or radiation therapy procedures on humans while under the supervision of a licensed practitioner or a person holding a nuclear medicine technologist, radiation therapist, radiographer, or radiologist assistant license;

(4) A person who is employed by the United States government when performing radiologic imaging or radiation therapy associated with that employment; or

(5) A person performing radiologic imaging procedures on nonhuman subjects or cadavers.

**334.1010. 1.** There is hereby created the “Missouri Radiologic Imaging and Radiation Therapy Advisory Committee”. The board shall provide administrative support to the advisory committee. The advisory committee shall guide, advise, and make recommendations to the board, and shall consist of five members appointed by the director of the division of professional registration, a majority of whom shall be licensed practitioners, individuals certified or registered by a certification organization, or individuals licensed under sections 334.1000 to 334.1030.

**2. The board, based on recommendations, guidance, and advice from the advisory committee, shall:**

- (1) Establish scopes of practice for limited x-ray machine operators, nuclear medicine technologists, radiation therapists, radiographers, and radiologist assistants;**
- (2) Promulgate rules for issuance of licenses;**
- (3) Establish minimum requirements for the issuance of licenses and recognition of licenses issued by other states;**
- (4) Establish minimum requirements for continuing education;**
- (5) Determine fees and requirements for the issuance of new licenses and renewal of licenses;**
- (6) Contract to use a competency based examination that shall provide for a virtually administered option for the determination of limited x-ray machine operator qualifications for licensure;**
- (7) Promulgate rules for acceptance of certification and registration by a certification organization recognized by the board as qualification for licensure;**
- (8) Promulgate rules for issuance of licenses to retired military personnel and spouses of active-duty military personnel;**
- (9) Establish ethical, moral, and practice standards; and**
- (10) Promulgate rules and procedures for the denial or refusal to renew a license, and the suspension, revocation, or other discipline of active licensees.**

**3. The board shall create alternative licensure requirements for individuals working in rural health clinics as defined in P.L. 95-210 and for areas of this state that the board deems too remote to contain a sufficient number of qualified persons licensed under sections 334.1000 to 334.1030 to perform radiologic imaging or radiation therapy procedures.**

**4. All fees payable pursuant to the provisions of sections 334.1000 to 334.1030 shall be collected by the division of professional registration, which shall transmit such funds to the department of revenue for deposit in the state treasury to the credit of the board of registration for the healing arts fund. The division of professional registration and the board of registration for the healing arts may use these funds as necessary for the administration of sections 334.1000 to 334.1030.**

**5. The fee charged for a limited x-ray machine operator examination shall not exceed the actual cost to administer the examination.**

**334.1015. 1. To be eligible for licensure by the board, at the time of application an applicant shall be at least eighteen years of age.**

**2. The board shall accept nuclear medicine technology, radiation therapy, radiography, or radiologist assistant certification and registration by a certification organization recognized by the board as a qualification for licensure.**

**3. The board may issue limited x-ray machine operator licenses in the following areas:**

- (1) Chest radiography: radiography of the thorax, heart, and lungs;**

**(2) Extremity radiography: radiography of the upper and lower extremities, including the pectoral girdle;**

**(3) Spine radiography: radiography of the vertebral column;**

**(4) Skull/sinus radiography: radiography of the skull and facial structures;**

**(5) Podiatric radiography: radiography of the foot, ankle, and lower leg below the knee;**

**(6) Bone densitometry: performance and analysis of bone density scans; or**

**(7) Other areas the board deems necessary to ensure necessary services throughout the state.**

**4. The board may require a limited x-ray machine operator to verify training in x-ray procedures at their place of employment, including a minimum of one hundred hours of supervised experience performing x-ray procedures.**

**(1) The hours shall be sufficient for individuals to be licensed in any limited machine operator area for which they pass an examination;**

**(2) The hours shall be documented by the licensee and verified by the licensee's supervisor.**

**5. Individuals shall be licensed in any limited machine operator area for which they successfully pass an examination as defined by the board.**

**6. The board shall not require, but may recommend, any advance class work, either remote or in person, prior to a limited x-ray machine operator candidate taking such examination.**

**7. No additional testing requirements or other stipulations shall be imposed after the initial examination for limited x-ray machine operator licensure provided the licensee maintain required continuing education and is not disciplined under rules promulgated pursuant to subdivision (10) of subsection 2 of section 334.1010.**

**8. The board shall require limited x-ray machine operators to complete a minimum of twelve hours biannually of continuing education that may be fulfilled by approved continuing education activities at the licensee's place of employment.**

**9. The board may accept certification from the American Chiropractic Registry of Radiologic Technologists for persons applying for a limited x-ray machine operator license in spine radiography.**

**10. The board may accept certification from the American Society of Podiatric Medical Assistants for persons applying for a limited x-ray machine operator license in podiatric radiography.**

**11. The board may accept certification from the International Society of Clinical Densitometry for persons applying for a limited x-ray machine operator license in bone densitometry.**

**334.1020. 1. A licensee who violates any provision of sections 334.1000 to 334.1030 shall be guilty of a class A misdemeanor. Each act of such unlawful practice shall constitute a distinct and separate offense.**

**2. The board may assess a civil penalty not in excess of two hundred dollars for each violation of sections 334.1000 to 334.1030 or any rules adopted by the board. The clear proceeds of any civil penalty assessed under this section shall be remitted to the credit of the public school fund of the state.**



**334.1025.** A person who has been engaged in the practice of radiologic imaging and radiation therapy, other than a radiologist assistant, and who does not hold a current certification and registration by a certification organization recognized by the board may continue to practice in the radiologic imaging or radiation therapy modality in which they are currently employed, provided that such person:

- (1) Registers with the board on or before January 1, 2020;**
- (2) Does not change the scope of their current practice or current place of employment;**
- (3) Completes all continuing education requirements for their modality biennially as prescribed by the board;**
- (4) Practices only under the supervision of a licensed practitioner; and**
- (5) Meets all licensure requirements of sections 334.1000 to 334.1030 and the rules adopted by the board and obtains a license from the board on or before October 1, 2023.**

**334.1030. 1.** The board may promulgate rules to implement the provisions of sections 334.1000 to 334.1030. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

**2.** Any authority granted to the board or the advisory committee to adopt or promulgate rules or to establish the scope of practice for the licensure issued by the board shall not include the authority to define, regulate, or interpret the scope of practice of any profession not licensed by the board.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 581**, entitled:

An Act to repeal sections 512.180, 535.030, 535.110, 535.170, 535.200, 535.210, and 535.300, RSMo, and to enact in lieu thereof seven new sections relating to landlord tenant actions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 871**, entitled:

An Act to repeal sections 478.375, 478.600, 478.625, and 488.2250, RSMo, and to enact in lieu thereof three new sections relating to court administration.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 871, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“455.513. 1. **The court may immediately issue an ex parte order of protection** upon the filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and upon finding that:

(1) No prior order regarding custody **involving the respondent and the child** is pending or has been made; or [that]

(2) The respondent is less than seventeen years of age[, the court may immediately issue an ex parte order of protection].

An immediate and present danger of domestic violence, stalking, or sexual assault to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.

2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

3. If the allegations in the petition would give rise to jurisdiction under section 211.031, the court may direct the children’s division to conduct an investigation and to provide appropriate services. The division shall submit a written investigative report to the court and to the juvenile officer within thirty days of being ordered to do so. The report shall be made available to the parties and the guardian ad litem or court-appointed special advocate.

4. If the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the court may issue an ex parte order and shall transfer the case to juvenile court for a hearing on a full order of protection. Service of process shall be made pursuant to section 455.035.”; and

Further amend said bill, Page 2, Section 478.625, Line 7, by inserting immediately after said section and line the following:

“483.075. 1. Every clerk shall record the judgments, rules, orders and other proceedings of the court; issue and attest all process when required by law and affix the seal of his office thereto, or if none be provided, then his private seal; keep a perfect account of all moneys coming into his hands on account of costs or otherwise, and punctually pay over the same.

2. Provided, that where the clerk of the circuit court is a party, plaintiff or defendant, whether singly or jointly with others, to a suit or action, the writ of summons and all other process shall be issued by the clerk of the county commission, the reason therefor being noted on said process, and said latter named clerk shall, on the trial of said cause, act as temporary clerk of the circuit court and otherwise perform in said cause all the duties of the circuit court clerk. **This subsection shall not apply where the clerk of the circuit court is named as a party under sections 610.130 to 610.145 or other sections relating to the expungement**

**of criminal records.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 871, Page 3, Section 488.2250, Line 19, by inserting after all of said section and line the following:

“516.105. **1.** All actions against physicians, hospitals, dentists, registered or licensed practical nurses, optometrists, podiatrists, pharmacists, chiropractors, professional physical therapists, mental health professionals licensed under chapter 337, and any other entity providing health care services and all employees of any of the foregoing acting in the course and scope of their employment, for damages for malpractice, negligence, error or mistake related to health care shall be brought within two years from the date of occurrence of the act of neglect complained of, except that:

(1) In cases in which the act of neglect complained of is introducing and negligently permitting any foreign object to remain within the body of a living person, the action shall be brought within two years from the date of the discovery of such alleged negligence, or from the date on which the patient in the exercise of ordinary care should have discovered such alleged negligence, whichever date first occurs; and

(2) In cases in which the act of neglect complained of is the negligent failure to inform the patient of the results of medical tests, the action for failure to inform shall be brought within two years from the date of the discovery of such alleged negligent failure to inform, or from the date on which the patient in the exercise of ordinary care should have discovered such alleged negligent failure to inform, whichever date first occurs; except that, no such action shall be brought for any negligent failure to inform about the results of medical tests performed more than two years before August 28, 1999. For purposes of this subdivision, the act of neglect based on the negligent failure to inform the patient of the results of medical tests shall not include the act of informing the patient of the results of negligently performed medical tests or the act of informing the patient of erroneous test results; and

(3) In cases in which the person bringing the action is a minor less than eighteen years of age, such minor shall have until his or her twentieth birthday to bring such action.

In no event shall any action for damages for malpractice, error, or mistake be commenced after the expiration of ten years from the date of the act of neglect complained of or for two years from a minor’s eighteenth birthday, whichever is later.

**2. Any service on a defendant by a plaintiff after the statute of limitations set forth in subsection 1 of this section has expired or after the expiration of any extension of the time provided to commence an action pursuant to law shall be made within one hundred eighty days of the filing of the petition. If such service is not made on a defendant within one hundred eighty days of the filing of the petition, the court shall dismiss the action against the defendant. The dismissal shall be without prejudice unless the plaintiff has previously taken or suffered a nonsuit, in which case the dismissal shall be with prejudice.**

537.100. **1.** Every action instituted under section 537.080 shall be commenced within three years after the cause of action shall accrue; provided, that if any defendant, whether a resident or nonresident of the

state at the time any such cause of action accrues, shall then or thereafter be absent or depart from the state, so that personal service cannot be had upon such defendant in the state in any such action heretofore or hereafter accruing, the time during which such defendant is so absent from the state shall not be deemed or taken as any part of the time limited for the commencement of such action against him; and provided, that if any such action shall have been commenced within the time prescribed in this section, and the plaintiff therein take or suffer a nonsuit, or after a verdict for him the judgment be arrested, or after a judgment for him the same be reversed on appeal or error, such plaintiff may commence a new action from time to time within one year after such nonsuit suffered or such judgment arrested or reversed; and in determining whether such new action has been begun within the period so limited, the time during which such nonresident or absent defendant is so absent from the state shall not be deemed or taken as any part of such period of limitation.

**2. Any service on a defendant by a plaintiff after the statute of limitations set forth in subsection 1 of this section has expired or after the expiration of any extension of the time provided to commence an action pursuant to law shall be made within one hundred eighty days of the filing of the petition. If such service is not made on a defendant within one hundred eighty days of the filing of the petition, the court shall dismiss the action against the defendant. The dismissal shall be without prejudice unless the plaintiff has previously taken or suffered a nonsuit, in which case the dismissal shall be with prejudice.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

### **MESSAGES FROM THE GOVERNOR**

Senator Kehoe inquired of the President as to whether Messages from the Governor had been received by the Secretary of the Senate; and if messages were received, that the reading be waived and they be printed in the Journal.

Senator Romine rose to object to the acceptance and printing of the message and further moved that the message from the Governor received by the Secretary of the Senate’s office on May 11, 2018, regarding appointments to the State Board of Education be rejected, not be printed in the Journal, and be returned to the Governor, which motion prevailed.

### **RESOLUTIONS**

Senator Nasheed offered Senate Resolution No. 2102, regarding Wanda Leach, which was adopted.

Senator Nasheed offered Senate Resolution No. 2103, regarding Herbert Michael Ford Sr., St. Louis, which was adopted.

Senator Nasheed offered Senate Resolution No. 2104, regarding Mila SSekasozi, which was adopted.

Senator Nasheed offered Senate Resolution No. 2105, regarding Lena Ann Jones, which was adopted.

Senator Hummel offered Senate Resolution No. 2106, regarding Dave Lalumondier, Crystal City, which was adopted.

Senator Hummel offered Senate Resolution No. 2107, regarding John Patrick “Jack” Wells, Saint Louis, which was adopted.

Senator Walsh offered Senate Resolution No. 2108, regarding Lambert E. Behlmann, Florissant, which was adopted.

Senator Walsh offered Senate Resolution No. 2109, regarding William L. “Bill” Spurgeon, Florissant, which was adopted.

On motion of Senator Kehoe, the Senate adjourned under the rules.

#### SENATE CALENDAR

---

SEVENTY-FIRST DAY—TUESDAY, MAY 15, 2018

---

#### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HB 2644-Rowland

HCS for HJR 100

#### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

1. SJR 36-Schatz, with SCS
2. SB 678-Eigel
3. SB 1102-Kehoe, with SCS
4. SB 1015-Wieland, with SCS
5. SB 709-Schatz, with SCS
6. SB 640-Sater
7. SB 963-Wieland, with SCS
8. SB 952-Rowden

9. SB 864-Hoskins
10. SB 998-Schatz, with SCS
11. SB 703-Hegeman
12. SB 915-Crawford
13. SB 934-Hegeman
14. SB 988-Rowden, with SCS
15. SB 790-Cierpiot, with SCS
16. SB 734-Schatz, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HBs 2280, 2120, 1468 & 1616,  
with SCS (Sater) (In Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 &  
667-Eigel (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)  
SB 550-Wasson, with SCS  
SBs 555 & 609-Brown, with SCS  
SB 556-Brown, with SA 1 (pending)  
SB 561-Sater, with SA 1 (pending)  
SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 578-Romine  
SB 591-Hegeman, with SCS  
SB 596-Riddle, with SCS  
SB 599-Schatz  
SB 602-Onder, with SCS  
SB 612-Koenig, with SCS, SS#2 for SCS,  
SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
for SA 2 (pending)  
SB 663-Schatz, with SCS, SS for SCS & SA 1  
(pending)  
SB 730-Wallingford, with SCS & SA 1  
(pending)  
SB 751-Schatz  
SB 767-Hoskins, with SCS, SS for SCS &  
SA 2 (pending)  
SB 774-Munzlinger

SB 813-Riddle, with SCS & SA 1 (pending)  
SB 822-Hegeman, with SCS & SS for SCS  
(pending)  
SB 832-Rowden, with SCS, SS#2 for SCS &  
point of order (pending)  
SB 837-Rowden  
SB 848-Riddle  
SB 849-Kehoe and Schupp, with SCS, SA 1  
& SA 1 to SA 1 (pending)  
SB 859-Koenig, with SCS & SS for SCS  
(pending)  
SB 860-Koenig, with SCS, SS for SCS & SA 1  
(pending)  
SB 861-Hegeman, with SCS  
SB 865-Kehoe  
SB 893-Sater, with SCS, SS for SCS & SA 1  
(pending)  
SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)  
SB 920-Riddle, with SS & SA 2 (pending)  
SB 928-Onder, with SCS  
SB 1003-Wasson, with SS & SA 1 (pending)  
SB 1021-Dixon and Wallingford, with SCS

HOUSE BILLS ON THIRD READING

HB 1247-Pike (Onder)  
HB 1249-Plocher, with SCS (Dixon)  
HB 1250-Plocher, with SCS (Dixon)  
HCS for HB 1251, with SCS (Crawford)  
HCS for HB 1264 (Hegeman)  
HB 1267-Lichtenegger (Munzlinger)  
SS#2 for SCS for HCS for HBs 1288, 1377  
& 2050 (Dixon)

HB 1303-Alferman, with SCS (Rowden)  
HB 1329-Remole, with SCS, SS for SCS &  
SA 5 (pending) (Munzlinger)  
HCS for HB 1388, with SCS (Riddle)  
HB 1389-Fitzpatrick, with SCS (Schatz)  
HB 1409-Fitzpatrick (Kehoe)  
HB 1413-Taylor, with SCS, SS for SCS &  
SA 1 (pending) (Onder)

SS for HB 1415-Lauer (Wasson)  
 HB 1442-Alferman, with SCS, SS for SCS &  
   SA 1 (pending) (Schatz)  
 HCS for HB 1443, with SCS (Sater)  
 HB 1446-Eggleston, with SCS (Koenig)  
 HCS for HB 1456, with SCS (Wallingford)  
 HB 1578-Kolkmeier (Munzlinger)  
 HCS for HB 1597, with SCS (Dixon)  
 HCS for HB 1605, with SCS (Kehoe)  
 HCS for HB 1611 (Riddle)  
 HCS for HB 1614 (Hegeman)  
 HCS for HB 1617, with SCS, SS#2 for SCS  
   & SA 1 (pending) (Onder)  
 HB 1630-Evans (Rowden)  
 HCS for HB 1645 (Rowden)  
 HCS for HB 1667, with SCS (Wallingford)  
 HB 1691-Miller, with SCS & SS for SCS  
   (pending) (Emery)  
 HCS for HB 1710, with SCS (Eigel)  
 HCS for HB 1713, with SCS (Sater)  
 HB 1719-Grier, with SCS (Riddle)  
 HCS for HBs 1729, 1621 & 1436 (Brown)  
 HCS for HB 1796, with SS (pending) (Rowden)  
 HB 1809-Tate (Schatz)  
 HB 1831-Ruth, with SA 1 & SA 1 to SA 1  
   (pending) (Wieland)

HB 1832-Cornejo, with SCS (Riddle)  
 HCS for HB 1868, with SCS (Riddle)  
 HCS for HB 1872 (Hegeman)  
 HB 1892-Wilson (Cierpiot)  
 HB 1968-Grier (Schatz)  
 HB 1998-Bondon, with SCS (Emery)  
 HB 2026-Wilson, with SCS (Rowden)  
 HCS for HB 2031 (Hoskins)  
 HB 2039-Fraker (Cunningham)  
 HCS for HB 2042, with SCS (Dixon)  
 HB 2043-Tate (Wasson)  
 HB 2044-Taylor, with SCS (pending) (Dixon)  
 HCS for HB 2079, with SCS (Crawford)  
 HCS for HB 2119 (Rowden)  
 HB 2122-Engler, with SCS (Schatz)  
 HCS for HB 2129, with SS (pending) (Romine)  
 HB 2179-Richardson (Kehoe)  
 HB 2208-Curtman, with SCS (Eigel)  
 HCS for HB 2216, with SCS (Emery)  
 HCS for HB 2249, with SCS (Riddle)  
 HCS for HBs 2277 & 1983, with SCS (Schatz)  
 HCS for HBs 2337 & 2272, with SCS (Wieland)  
 HB 2347-Davis, with SCS (Wallingford)  
 HCS for HB 2540, with SCS (pending) (Eigel)  
 HB 2562-Austin, with SCS (Dixon)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 549-Wasson, with HA 1,  
   HA 3, HA 4, HA 5, as amended, HA 6,  
   HA 7, HA 8, HA 9 & HA 10  
 SB 581-Libla, with HCS  
 SS#2 for SCS for SB 590-Hegeman, with  
   HA 1 & point of order (pending)

SS for SB 597-Riddle, with HCS, as amended  
 SCS for SB 769-Cunningham, with HCS  
 SCS for SBs 807 & 577-Wasson, with HCS,  
   as amended  
 SB 871-Romine, with HCS, as amended  
 SB 951-Crawford, with HCS, as amended

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 569-Cunningham, with HCS, as amended  
   (Senate adopted CCR and passed CCS)  
 SS for SB 608-Hoskins, with HCS

SB 660-Riddle, with HCS, as amended  
 SB 687-Sater, with HCS, as amended  
 SCS for SB 718-Eigel, with HCS, as amended

SB 743-Sater, with HCS, as amended  
SS for SCS for SB 775-Brown, with HCS,  
as amended (Senate adopted CCR and  
passed CCS)  
SB 806-Crawford, with HCS, as amended

SS for SCS for SB 826-Sater, with HCS,  
as amended  
SS for SB 870-Hegeman, with HCS,  
as amended  
(Senate adopted CCR and passed CCS)

Requests to Recede or Grant Conference

SS for SCS for SBs 603, 576 & 898-Onder,  
with HCS, as amended  
(Senate requests House recede or grant  
conference)

HB 1350-Smith (163), with SS for SCS,  
as amended (Rowden)  
(House requests Senate recede or grant  
conference)

RESOLUTIONS

SR 1137-Walsh, with SS (pending)  
SR 1487-Schaaf  
SR 2020-Schaaf  
SR 2052-Schaaf  
SR 2053-Schaaf  
SR 2054-Schaaf  
SR 2055-Schaaf  
SR 2056-Schaaf  
SR 2057-Schaaf

SR 2058-Schaaf  
SR 2059-Schaaf  
SR 2060-Schaaf  
SR 2061-Schaaf  
SR 2062-Schaaf  
SR 2063-Schaaf  
SR 2064-Schaaf  
SR 2065-Schaaf  
SR 2066-Schaaf

Reported from Committee

SCR 30-Wallingford, with SA 1 (pending)  
SCR 50-Hegeman  
SCR 53-Munzlinger

HCR 63-Haefner (Wieland)  
HCR 69-Davis (Hoskins)  
HCR 96-Conway (Eigel)

✓



# Journal of the Senate

## SECOND REGULAR SESSION

---

**SEVENTY-FIRST DAY—TUESDAY, MAY 15, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“So whether we are at home or absent, we make it our aim to be pleasing to God.” (II Corinthians 5:9).

Heavenly Father, These words are our test of service in our lives as believers in You our God. This standard for us drive us to do our work and all that we do here or at home to the very best of our ability. We bear with pride to pick up on what has gone before us so we may carry forth this work for the future that is unfolding before us. We do so with gratitude to You to be able to do such important work. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Eigel offered Senate Resolution No. 2110, regarding Harry E. Behlmann, St. Charles, which was adopted.

Senator Sifton offered Senate Resolution No. 2111, regarding Cornelius Eugene “Connie” Coughlin, Saint Louis, which was adopted.

Senator Cunningham offered Senate Resolution No. 2112, regarding Norma J. Stillings, Ava, which was adopted.

Senator Cunningham offered Senate Resolution No. 2113, regarding Barbara Gatewood, Doniphan, which was adopted.

Senator Cunningham offered Senate Resolution No. 2114, regarding Gene Hancock, West Plains, which was adopted.

Senator Cunningham offered Senate Resolution No. 2115, regarding DOCO, Incorporated, Sheltered Workshop, Ava, which was adopted.

## REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **HCS** for **HBs 2280, 2120, 1468** and **1616**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Pro Tem Richard assumed the Chair.

Senator Wallingford, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1460**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Rowden, Chairman of the Committee on Government Reform, submitted the following reports:

Mr. President: Your Committee on Government Reform, to which was referred **HCS** for **HB 2140**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Government Reform, to which was referred **HB 1517**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Munzlinger, Chairman of the Committee on Agriculture, Food Production and Outdoor Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Food Production and Outdoor Resources, to which was referred **HB 1625**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Sater, Chairman of the Committee on Seniors, Families and Children, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Children, to which was referred **HB 2117**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Emery, Chairman of the Committee on Commerce, Consumer Protection, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Consumer Protection, Energy and the Environment, to which was referred **HB 1800**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Romine, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 1675**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which were referred **HB 1421** and **HB 1371**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Hegeman, Chairman of the Committee on Local Government and Elections, submitted the following report:

Mr. President: Your Committee on Local Government and Elections, to which was referred **HB 1265**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schatz, Chairman of the Committee on Transportation, Infrastructure and Public Safety, submitted the following report:

Mr. President: Your Committee on Transportation, Infrastructure and Public Safety, to which was referred **HCS for HB 1300**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Onder, Chairman of the Committee on General Laws, submitted the following report:

Mr. President: Your Committee on General Laws, to which was referred **HB 1349**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hoskins, Chairman of the Committee on Veterans and Military Affairs, submitted the following report:

Mr. President: Your Committee on Veterans and Military Affairs, to which was referred **HB 1469**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Parson assumed the Chair.

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 28**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

**HOUSE BILLS ON THIRD READING**

Senator Romine moved that **HCS** for **HB 2129**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **HCS** for **HB 2129** was again taken up.

At the request of Senator Romine, **SS** for **HCS** for **HB 2129** was withdrawn.

Senator Romine offered **SS No. 2** for **HCS** for **HB 2129**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2129

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to public awareness of organ donation.

Senator Romine moved that **SS No. 2** for **HCS** for **HB 2129** be adopted, which motion prevailed.

On motion of Senator Romine, **SS No. 2** for **HCS** for **HB 2129** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Koenig—1

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HB 2562**, introduced by Representative Austin, with **SCS**, entitled:

An Act to repeal sections 208.151, 217.703, 478.001, 478.003, 478.004, 478.005, 478.006, 478.007, 478.008, 478.009, 478.466, 478.550, 478.551, 478.600, 478.716, 488.2230, 488.5358, and 577.001, RSMo, and to enact in lieu thereof fifteen new sections relating to treatment courts.

Was called from the Informal Calendar and taken up by Senator Dixon.

SCS for **HB 2562**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2562

An Act to repeal sections 82.1025, 82.1027, 82.1028, 143.783, 208.151, 217.703, 302.321, 302.341, 478.001, 478.003, 478.004, 478.005, 478.006, 478.007, 478.008, 478.009, 478.466, 478.550, 478.551, 478.600, 478.716, 479.020, 479.353, 479.359, 479.360, 488.2230, 488.2250, 488.5358, and 577.001, RSMo, and to enact in lieu thereof twenty-eight new sections relating to courts, with existing penalty provisions.

Was taken up.

Senator Dixon moved that **SCS** for **HB 2562** be adopted.

Senator Dixon offered **SS** for **SCS** for **HB 2562**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2562

An Act to repeal sections 82.1025, 82.1027, 82.1028, 208.151, 217.703, 302.321, 302.341, 476.521, 478.001, 478.003, 478.004, 478.005, 478.006, 478.007, 478.008, 478.009, 478.466, 478.550, 478.551, 478.600, 478.716, 479.020, 479.190, 479.353, 479.360, 488.2230, 488.2250, 488.5358, 514.040, and 577.001, RSMo, and to enact in lieu thereof thirty new sections relating to courts, with existing penalty provisions.

Senator Dixon moved that **SS** for **SCS** for **HB 2562** be adopted.

Senator Nasheed offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2562, Page 56, Section 479.360, Line 15 of said page, by inserting immediately after said line the following:

“483.075. 1. Every clerk shall record the judgments, rules, orders and other proceedings of the court; issue and attest all process when required by law and affix the seal of [his] **the** office thereto, or if none be provided, then his **or her** private seal; keep a perfect account of all moneys coming into his **or her** hands on account of costs or otherwise, and punctually pay over the same.

2. Provided, that where the clerk of the circuit court is a party, plaintiff or defendant, whether singly or jointly with others, to a suit or action, the writ of summons and all other process shall be issued by the clerk of the county commission, the reason therefor being noted on said process, and said latter named clerk shall, on the trial of said cause, act as temporary clerk of the circuit court and otherwise perform in said cause all the duties of the circuit court clerk. **This subsection shall not apply where the clerk of the circuit court is named as a party under sections 610.130 to 610.145 or other sections relating to the expungement of criminal records.**”; and

Further amend the title and enacting clause accordingly.

Senator Nasheed moved that the above amendment be adopted, which motion prevailed.

Senator Schaaf offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2562, Page 26, Section 302.341, Line 9 of said page, by inserting after all of said line the following:

“452.430. **Notwithstanding section 109.180 to the contrary**, all pleadings and filings in a dissolution of marriage, legal separation, or modification proceeding filed more than seventy-two years prior to the time a request for inspection is made may be made available to the public. Any pleadings, other than the interlocutory or final judgment or any modification thereof, in a dissolution of marriage, legal separation, or modification proceeding filed prior to August 28, 2009, but less than seventy-two years prior to the time a request for inspection is made, shall be subject to inspection only by the parties, an attorney of record, the family support division within the department of social services when services are being provided under section 454.400, the attorney general or his or her designee, a person or designee of a person licensed and acting under chapter 381 who shall keep any information obtained confidential, except as necessary to the performance of functions required by chapter 381, or upon order of the court for good cause shown. Such persons may receive or make copies of documents without the clerk being required to redact the Social Security number, unless the court specifically orders the clerk to do otherwise. The clerk shall redact the Social Security number from any copy of a judgment or satisfaction of judgment before releasing the copy of the interlocutory or final judgment or satisfaction of judgment to the public.”; and

Further amend said bill and page, section 476.175, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Schaaf moved that the above amendment be adopted, which motion prevailed.

Under the provisions of Senate Rule 91, Senator Sifton requested unanimous consent to be excused from voting on amendments, adoption of SS for SCS for **HB 2562**, as amended, and 3rd reading of SS for SCS for **HB 2562**, as amended, which request was granted.

Senator Onder offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2562, Page 60, Section 514.040, Line 13 of said page, by inserting immediately after said line the following:

“559.600. **1.** In cases where the board of probation and parole is not required under section 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities or other court-approved entity to provide such services. The court-approved entity, including private or other entities, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for class A, B, C, and D misdemeanor offenses, specifically including persons placed on probation for violations of section 577.023. Nothing in sections 559.600 to 559.615 shall be construed to prohibit the board of probation and parole, or the court, from supervising misdemeanor offenders in a circuit where the judges have entered into a contract with a probation entity.

**2. In all cases, the entity providing such private probation service shall utilize the cutoff concentrations utilized by the department of corrections with regard to drug and alcohol screening**

**for clients assigned to such entity. A drug test is positive if drug presence is at or above the cutoff concentration or negative if no drug is detected or if drug presence is below the cutoff concentration.**

**3. In all cases, the entity providing such private probation service shall not require the clients assigned to such entity to travel in excess of fifty miles in order to attend their regular probation meetings.”; and**

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted, which motion prevailed.

Senator Koenig offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2562, Page 60, Section 514.040, Line 13 of said page, by inserting after all of said line the following:

“516.105. **1.** All actions against physicians, hospitals, dentists, registered or licensed practical nurses, optometrists, podiatrists, pharmacists, chiropractors, professional physical therapists, mental health professionals licensed under chapter 337, and any other entity providing health care services and all employees of any of the foregoing acting in the course and scope of their employment, for damages for malpractice, negligence, error or mistake related to health care shall be brought within two years from the date of occurrence of the act of neglect complained of, except that:

(1) In cases in which the act of neglect complained of is introducing and negligently permitting any foreign object to remain within the body of a living person, the action shall be brought within two years from the date of the discovery of such alleged negligence, or from the date on which the patient in the exercise of ordinary care should have discovered such alleged negligence, whichever date first occurs; and

(2) In cases in which the act of neglect complained of is the negligent failure to inform the patient of the results of medical tests, the action for failure to inform shall be brought within two years from the date of the discovery of such alleged negligent failure to inform, or from the date on which the patient in the exercise of ordinary care should have discovered such alleged negligent failure to inform, whichever date first occurs; except that, no such action shall be brought for any negligent failure to inform about the results of medical tests performed more than two years before August 28, 1999. For purposes of this subdivision, the act of neglect based on the negligent failure to inform the patient of the results of medical tests shall not include the act of informing the patient of the results of negligently performed medical tests or the act of informing the patient of erroneous test results; and

(3) In cases in which the person bringing the action is a minor less than eighteen years of age, such minor shall have until his or her twentieth birthday to bring such action.

In no event shall any action for damages for malpractice, error, or mistake be commenced after the expiration of ten years from the date of the act of neglect complained of or for two years from a minor's eighteenth birthday, whichever is later.

**2. Any service on a defendant by a plaintiff after the statute of limitations set forth in subsection 1 of this section has expired or after the expiration of any extension of the time provided to commence an action pursuant to law shall be made within one hundred eighty days of the filing of the petition.**

**If such service is not made on a defendant within one hundred eighty days of the filing of the petition, the court shall dismiss the action against the defendant. The dismissal shall be without prejudice unless the plaintiff has previously taken or suffered a nonsuit, in which case the dismissal shall be with prejudice.**

537.100. 1. Every action instituted under section 537.080 shall be commenced within three years after the cause of action shall accrue; provided, that if any defendant, whether a resident or nonresident of the state at the time any such cause of action accrues, shall then or thereafter be absent or depart from the state, so that personal service cannot be had upon such defendant in the state in any such action heretofore or hereafter accruing, the time during which such defendant is so absent from the state shall not be deemed or taken as any part of the time limited for the commencement of such action against him; and provided, that if any such action shall have been commenced within the time prescribed in this section, and the plaintiff therein take or suffer a nonsuit, or after a verdict for him the judgment be arrested, or after a judgment for him the same be reversed on appeal or error, such plaintiff may commence a new action from time to time within one year after such nonsuit suffered or such judgment arrested or reversed; and in determining whether such new action has been begun within the period so limited, the time during which such nonresident or absent defendant is so absent from the state shall not be deemed or taken as any part of such period of limitation.

**2. Any service on a defendant by a plaintiff after the statute of limitations set forth in subsection 1 of this section has expired or after the expiration of any extension of the time provided to commence an action pursuant to law shall be made within one hundred eighty days of the filing of the petition. If such service is not made on a defendant within one hundred eighty days of the filing of the petition, the court shall dismiss the action against the defendant. The dismissal shall be without prejudice unless the plaintiff has previously taken or suffered a nonsuit, in which case the dismissal shall be with prejudice.”; and**

Further amend the title and enacting clause accordingly.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman offered SA 5:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2562, Page 66, Section 577.001, Line 24, by inserting after all of said line the following:

**“630.1010. The department of mental health shall develop a treatment protocol containing best practice guidelines for the treatment of opioid-dependent patients. The treatment protocol shall include the following:**

**(1) Appropriate clinical use of all drugs approved by the federal Food and Drug Administration for the treatment of opioid addiction, including, but not limited to, the following:**

**(a) Opioid maintenance;**

**(b) Opioid detoxification;**

**(c) Overdose reversal; and**



**(d) Long acting, antagonist medication;**

**(2) Training for prescribers dispensing narcotic drugs for the treatment and management of opiate-dependent patients consistent with the federal Controlled Substances Act, as amended by Section 303 of the Comprehensive Addiction and Recovery Act of 2016; and**

**(3) Development and adoption of standard processes for obtaining informed consent from patients concerning all available medication-assisted treatment options, including potential benefits and risks.”; and**

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted.

Senator Dixon raised the point of order that **SA 5** is out of order in that it goes beyond the scope of the bill. The point of order was referred to the President Pro Tem.

At the request of Senator Hegeman, **SA 5** was withdrawn, rendering the point of order moot.

Senator Onder offered **SA 6**:

**SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2562, Pages 23-25, Section 302.321, by striking all of said section from the bill; and

Further amend said bill, pages 25-26, section 302.341, by striking all of said section from the bill; and

Further amend said bill, page 54, section 479.353, lines 10-16 of said page, by striking all of said lines and inserting in lieu thereof the following: “**the court may order the defendant to complete a period of community**”; and

Further amend the title and enacting clause accordingly.

Senator Onder moved that the above amendment be adopted.

Senator Schaaf offered **SSA 1** for **SA 6**:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2562, Pages 23-25, Section 302.321, by striking all of said section from the bill; and

Further amend said bill, pages 25-26, section 302.341, by striking all of said section from the bill; and

Further amend said bill, page 54, section 479.353, line 2, by striking the opening bracket “[” and closing bracket “]”; and further amend lines 5-17 by striking all of said lines and inserting in lieu thereof the following: “the case is dismissed.”.

Senator Schaaf moved that the above substitute amendment be adopted, which motion prevailed.

Senator Curls offered **SA 7**:

## SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2562, Page 1, Section A, Line 11, by inserting after all of said line the following:

“67.398. 1. The governing body of any city or village, or any county having a charter form of government, or any county of the first classification that contains part of a city with a population of at least three hundred thousand inhabitants, may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of a nuisance including, but not limited to, debris of any kind, weed cuttings, cut, fallen, or hazardous trees and shrubs, overgrown vegetation and noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material or condition which is unhealthy or unsafe and declared to be a public nuisance.

2. The governing body of any home rule city with more than four hundred thousand inhabitants and located in more than one county may enact ordinances for the abatement of a condition of any lot or land that has vacant buildings or structures open to entry.

3. Any ordinance authorized by this section shall provide for service to the owner of the property [and, if the property is not owner-occupied, to any occupant of the property] of a written notice specifically describing each condition of the lot or land declared to be a public nuisance, and which notice shall identify what action will remedy the public nuisance. Unless a condition presents an immediate, specifically identified risk to the public health or safety, the notice shall provide a reasonable time, not less than ten days, in which to abate or commence removal of each condition identified in the notice. Written notice may be given by personal service or by first-class mail to [both the occupant of the property at the property address and] the owner at the last known address of the owner[, if not the same]. Upon a failure of the owner to pursue the removal or abatement of such nuisance without unnecessary delay, the building commissioner or designated officer may cause the condition which constitutes the nuisance to be removed or abated. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal or abatement and the proof of notice to the owner of the property shall be certified to the city clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the city collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property from the date the tax bill is delinquent until paid.

67.410. 1. Except as provided in subsection 3 of this section, any ordinance enacted pursuant to section 67.400 shall:

(1) Set forth those conditions detrimental to the health, safety or welfare of the residents of the city, town, village, or county the existence of which constitutes a nuisance;

(2) Provide for duties of inspectors with regard to such buildings or structures and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such buildings or structures;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the property is to be vacated, if such be the case, reconditioned or removed, listing a reasonable time for commencement; and may provide that such notice be served either by personal service [or], by certified mail, return receipt requested, **or by a private delivery service that is substantially equivalent to certified mail**, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the building or structure as shown by the land records of the recorder of deeds of the county wherein the land is located shall be made parties;

(4) Provide that upon failure to commence work of reconditioning or demolition within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town, village, or county, the building commissioner or designated officer or officers shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety, or welfare of the residents of the city, town, village, or county and ordering the building or structure to be demolished and removed, or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town, village, or county, no order shall be issued;

(5) Provide that if the building commissioner or other designated officer or officers issue an order whereby the building or structure is demolished, secured, or repaired, or the property is cleaned up, the cost of performance shall be certified to the city clerk or officer in charge of finance, who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the city collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the city, town, village, or county and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in sections 429.010 to 429.360. Except as provided in subsection 3 of this section, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. A city not within a county or a city with a population of at least four hundred thousand located in more than one county, notwithstanding any charter provision to the contrary, may, by ordinance, provide that upon determination by the city that a public benefit will be gained the city may discharge the special tax bill, including the costs of tax collection, accrued interest and attorneys fees, if any.

2. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, the ordinance may establish a procedure for the payment of up to twenty-five percent of the insurance proceeds, as set forth in this subsection. The order or ordinance shall apply only to a covered claim payment which is in excess of fifty percent of the face value of the policy covering a building or other structure:

(1) The insurer shall withhold from the covered claim payment up to twenty-five percent of the covered claim payment, and shall pay such moneys to the city to deposit into an interest-bearing account. Any

named mortgagee on the insurance policy shall maintain priority over any obligation under the order or ordinance;

(2) The city or county shall release the proceeds and any interest which has accrued on such proceeds received under subdivision (1) of this subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty days after receipt of such insurance moneys, unless the city or county has instituted legal proceedings under the provisions of subdivision (5) of subsection 1 of this section. If the city or county has proceeded under the provisions of subdivision (5) of subsection 1 of this section, all moneys in excess of that necessary to comply with the provisions of subdivision (5) of subsection 1 of this section for the removal, securing, repair and cleanup of the building or structure, and the lot on which it is located, less salvage value, shall be paid to the insured;

(3) If there are no proceeds of any insurance policy as set forth in this subsection, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be a lien on the property until paid;

(4) This subsection shall apply to fire, explosion, or other casualty loss claims arising on all buildings and structures;

(5) This subsection does not make the city or county a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

3. The governing body of any city not within a county and the governing body of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county may enact their own ordinances pursuant to section 67.400 and are exempt from subsections 1 and 2 of this section.

4. Notwithstanding the provisions of section 82.300, any city may prescribe and enforce and collect fines and penalties for a breach of any ordinance enacted pursuant to section 67.400 or this section and to punish the violation of such ordinance by a fine or imprisonment, or by both fine and imprisonment. Such fine may not exceed one thousand dollars, unless the owner of the property is not also a resident of the property, then such fine may not exceed two thousand dollars.

5. The ordinance may also provide that a city not within a county or a city with a population of at least three hundred fifty thousand located in more than one county may seek to recover the cost of demolition prior to the occurrence of demolition, as described in this subsection. The ordinance may provide that if the building commissioner or other designated officer or officers issue an order whereby the building or structure is ordered to be demolished, secured or repaired, and the owner has been given an opportunity for a hearing to contest such order, then the building commissioner or other designated officer or officers may solicit no less than two independent bids for such demolition work. The amount of the lowest bid, including offset for salvage value, if any, plus reasonable anticipated costs of collection, including attorney's fees, shall be certified to the city clerk or officer in charge of finance, who shall cause a special tax bill to be issued against the property owner to be prepared and collected by the city collector or other official collecting taxes. The municipal clerk or other officer in charge of finance shall discharge the special tax bill upon documentation by the property owner of the completion of the ordered repair or demolition work. Upon determination by the municipal clerk or other officer in charge of finance that a public benefit is secured prior to payment of the special tax bill, the municipal clerk or other officer in charge of finance may

discharge the special tax bill upon the transfer of the property. The payment of the special tax bill shall be held in an interest-bearing account. Upon full payment of the special tax bill, the building commissioner or other designated officer or officers shall, within one hundred twenty days thereafter, cause the ordered work to be completed, and certify the actual cost thereof, including the cost of tax bill collection and attorney's fees, to the city clerk or other officer in charge of finance who shall, if the actual cost differs from the paid amount by greater than two percent of the paid amount, refund the excess payment, if any, to the payor, or if the actual amount is greater, cause a special tax bill or assessment for the difference against the property to be prepared and collected by the city collector or other official collecting taxes. If the building commissioner or other designated officer or officers shall not, within one hundred twenty days after full payment, cause the ordered work to be completed, then the full amount of the payment, plus interest, shall be repaid to the payor. Except as provided in subsection 2 of this section, at the request of the taxpayer the tax bill for the difference may be paid in installments over a period of not more than ten years. The tax bill for the difference from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

**82.462. 1. Except as provided in subsection 4 of this section, a person who is not the owner of the real property or who is a creditor holding a lien interest on the property, and who suspects that the real property may be abandoned, may enter upon the premises of the real property to do the following:**

**(1) Without entering any structure located on the real property, visually inspect the real property to determine whether the real property may be abandoned;**

**(2) Upon a good faith determination based upon the inspection that the property is abandoned, perform any of the following actions:**

**(a) Secure the real property;**

**(b) Remove trash or debris from the grounds of the real property;**

**(c) Landscape, maintain, or mow the grounds of the real property;**

**(d) Remove or paint over graffiti on the real property.**

**2. A person who enters upon the premises and conducts the actions permitted in subsection 1 of this section and who makes a good faith determination based upon the inspection that the property is abandoned is immune from claims of civil and criminal trespass and all other civil liability therefor, unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct.**

**3. The owner of the real property upon which a person enters and conducts the actions permitted in subsection 1 of this section shall be immune from civil liability for any injury sustained by the person, unless the injury resulted from the owner's gross negligence or willful, wanton, or intentional misconduct.**

**4. In the case of real property that is subject to a mortgage or deed of trust, the creditor holding the debt secured by the mortgage or deed of trust may not enter upon the premises of the real property under subsection 1 of this section if entry is barred by an automatic stay issued by a bankruptcy court.**

**5. For purposes of this section, “abandoned” property means:**

**(1) A vacant, unimproved lot zoned residential or commercial for which the owner is in violation of a municipal nuisance or property maintenance code; or**

**(2) With respect to actions taken pursuant to this section by a creditor holding a lien interest in the property, a property that contains a structure or building that has been continuously unoccupied by persons legally entitled to possession for at least six months prior to entry under this section and the creditor’s debt secured by such lien interest has been continuously delinquent for not less than three months; or**

**(3) With respect to actions taken pursuant to this section by persons other than creditors, a property that contains a structure or building that has been continuously unoccupied by persons legally entitled to possession for at least six months prior to entry under this section, and for which the owner is in violation of a municipal nuisance or property maintenance code, and for which either:**

**(a) Ad valorem property taxes are delinquent; or**

**(b) The property owner has failed to comply with any municipal ordinance requiring registration of vacant property, or the municipality has determined the structure to be uninhabitable due to deteriorated conditions.**

**6. This section shall apply only to real property located in any home rule city or any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.”; and**

Further amend said bill, page 7, section 82.1028, line 17, by inserting after all of said line the following:

“84.510. 1. For the purpose of operation of the police department herein created, the chief of police, with the approval of the board, shall appoint such number of police department employees, including police officers and civilian employees as the chief of police from time to time deems necessary.

2. The base annual compensation of police officers shall be as follows for the several ranks:

(1) Lieutenant colonels, not to exceed five in number, at not less than seventy-one thousand nine hundred sixty-nine dollars, nor more than [one hundred thirty-three thousand eight hundred eighty-eight] **one hundred forty-six thousand one hundred twenty-four** dollars per annum each;

(2) Majors at not less than sixty-four thousand six hundred seventy-one dollars, nor more than [one hundred twenty-two thousand one hundred fifty-three] **one hundred thirty-three thousand three hundred twenty** dollars per annum each;

(3) Captains at not less than fifty-nine thousand five hundred thirty-nine dollars, nor more than [one hundred eleven thousand four hundred thirty-four] **one hundred twenty-one thousand six hundred eight** dollars per annum each;

(4) Sergeants at not less than forty-eight thousand six hundred fifty-nine dollars, nor more than [ninety-seven thousand eighty-six] **one hundred six thousand five hundred sixty** dollars per annum each;

(5) Master patrol officers at not less than fifty-six thousand three hundred four dollars, nor more than [eighty-seven thousand seven hundred one] **ninety-four thousand three hundred thirty-two** dollars per annum each;

(6) Master detectives at not less than fifty-six thousand three hundred four dollars, nor more than [eighty-seven thousand seven hundred one] **ninety-four thousand three hundred thirty-two** dollars per annum each;

(7) Detectives, investigators, and police officers at not less than twenty-six thousand six hundred forty-three dollars, nor more than [eighty-two thousand six hundred nineteen] **eighty-seven thousand six hundred thirty-six** dollars per annum each.

3. The board of police commissioners has the authority by resolution to effect a comprehensive pay schedule program to provide for step increases with separate pay rates within each rank, in the above-specified salary ranges from police officers through chief of police.

4. Officers assigned to wear civilian clothes in the performance of their regular duties may receive an additional one hundred fifty dollars per month clothing allowance. Uniformed officers may receive seventy-five dollars per month uniform maintenance allowance.

5. The chief of police, subject to the approval of the board, shall establish the total regular working hours for all police department employees, and the board has the power, upon recommendation of the chief, to pay additional compensation for all hours of service rendered in excess of the established regular working period, but the rate of overtime compensation shall not exceed one and one-half times the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given nor deductions made from payments for overtime for the purpose of retirement benefits.

6. The board of police commissioners, by majority affirmative vote, including the mayor, has the authority by resolution to authorize incentive pay in addition to the base compensation as provided for in subsection 2 of this section, to be paid police officers of any rank who they determine are assigned duties which require an extraordinary degree of skill, technical knowledge and ability, or which are highly demanding or unusual. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

7. The board of police commissioners may effect programs to provide additional compensation for successful completion of academic work at an accredited college or university. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

8. The additional pay increments provided in subsections 6 and 7 of this section shall not be considered a part of the base compensation of police officers of any rank and shall not exceed ten percent of what the officer would otherwise be entitled to pursuant to subsections 2 and 3 of this section.

9. Not more than twenty-five percent of the officers in any rank who are receiving the maximum rate of pay authorized by subsections 2 and 3 of this section may receive the additional pay increments authorized by subsections 6 and 7 of this section at any given time. However, any officer receiving a pay increment provided pursuant to the provisions of subsections 6 and 7 of this section shall not be deprived of such pay increment as a result of the limitations of this subsection.”; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

Senator Dixon moved that **SS** for **SCS** for **HB 2562**, as amended, be adopted, which motion prevailed.

On motion of Senator Dixon, **SS** for **SCS** for **HB 2562**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Hummel	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Romine	Sater	Schatz	Wallingford
Wasson	Wieland—23					

## NAYS—Senators

Curls	Holsman	Nasheed	Rizzo	Rowden	Schaaf	Schupp
Walsh—8						

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Excused from voting—Senator Sifton—1

Vacancies—1

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Wasson moved that **SS** for **HB 1415** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Wasson, **SS** for **HB 1415**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Emery
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Libla	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	Wasson
Wieland—29						

## NAYS—Senators

Eigel	Koenig	Schaaf—3
-------	--------	----------

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1



The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Emery
Hegeman	Hoskins	Hummel	Kehoe	Libla	Munzlinger	Nasheed
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Schatz	Schupp	Sifton	Wallingford	Walsh	Wasson	Wieland—28

NAYS—Senators

Eigel	Koenig	Schaaf—3
-------	--------	----------

Absent—Senators

Chappelle-Nadal	Holsman—2
-----------------	-----------

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Dixon moved that **SS No. 2** for **SCS** for **HCS** for **HBs 1288, 1377** and **2050** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Dixon, **SS No. 2** for **SCS** for **HCS** for **HBs 1288, 1377** and **2050**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators

Chappelle-Nadal	Hummel	Schaaf—3
-----------------	--------	----------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Crawford moved that the Senate refuse to concur in **HCS** for **SB 951**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Rowden moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 1350**, as amended, and grant the House a conference thereon, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 757**.

With House Amendment Nos. 1, 3, 4, 5, 6, 8 and 9.

#### HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 757, Page 1, In the Title, Line 3, by removing the phrase “the bi-state metropolitan development district.” and inserting in lieu thereof the phrase “political subdivisions.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 757, Page 5, Section 70.370, Line 128, by inserting immediately after all of said section and line the following:

“115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district including municipal elections in any city, town, or village with [one] **two** thousand or fewer inhabitants that have adopted a proposal pursuant to subsection 3 of this section but excluding municipal elections in any city, town, or village with more than [one] **two** thousand inhabitants, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation as defined in section 493.050 in the district, and [if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office] **if the number of candidates for each office in a particular political subdivision, special district, or municipality is equal to the number of positions for each office within the political subdivision, special district, or municipality to be filled by the election and no ballot measure is placed on the ballot such that a particular political subdivision will owe no proportional elections costs if an election is not held, no election shall be held**, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. If no election is held for [such office] **a particular political subdivision, special district, or municipality** as provided in this section, the election authority shall publish a notice containing the names of the candidates that shall assume the responsibilities of office under this section. Such notice shall be published in at least one newspaper of general circulation as defined in section 493.050 in such political subdivision or district by the first of the month in which the election would have occurred, had it been contested. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw

from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the election authority or political subdivision may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate, or candidate's representative if the candidate filed under subsection 2 of section 115.355, may draw a number at random at the time of filing. If such drawing is conducted, the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn.

3. The governing body of any city, town, or village with [one] **two** thousand or fewer inhabitants may submit to the voters at any available election, a question to adopt the provisions of subsection 1 of this section for municipal elections. If a majority of the votes cast by the qualified voters voting thereon are in favor of the question, then the city, town, or village shall conduct nonpartisan municipal elections as provided in subsection 1 of this section for all nonpartisan elections remaining in the year in which the proposal was adopted and for the six calendar years immediately following such approval. At the end of such six-year period, each such city, town, or village shall be prohibited from conducting such elections in such a manner unless such a question is again adopted by the majority of qualified voters as provided in this subsection.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 757, Page 5, Section 70.370, Line 128, by inserting after all of said section and line the following:

“162.064. **1.** Each school district shall have on file a statement from a medical examiner which indicates that the driver is physically qualified to operate a school bus for the purpose of transporting pupils. Such statement shall be made on an annual basis, **unless a statement is issued by a department of transportation certified medical examiner, in which case such examiner may issue a statement for up to a two-year duration, subject to rules promulgated by the department of transportation.** The term “medical examiner” includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic. For new drivers, such statement shall be on file prior to the driver's initial operation of a school bus. This section shall apply to drivers employed by the school district or under contract with the school district.

**2. The director of the department of transportation may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section**

**536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

302.272. 1. No person shall operate any school bus owned by or under contract with a public school or the state board of education unless such driver has qualified for a school bus endorsement under this section and complied with the pertinent rules and regulations of the department of revenue and any final rule issued by the secretary of the United States Department of Transportation or has a valid school bus endorsement on a valid commercial driver's license issued by another state. A school bus endorsement shall be issued to any applicant who meets the following qualifications:

(1) The applicant has a valid state license issued under this chapter;

(2) The applicant is at least twenty-one years of age; and

(3) The applicant has successfully passed an examination for the operation of a school bus as prescribed by the director of revenue. The examination shall include any examinations prescribed by the secretary of the United States Department of Transportation, and a driving test in the type of vehicle to be operated. The test shall be completed in the appropriate class of vehicle to be driven. For purposes of this section classes of school buses shall comply with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570). For drivers who are at least seventy years of age, such examination, **excluding the pre-trip inspection portion of the commercial driver's license skills test**, shall be completed annually **to retain the school bus endorsement**.

2. The director of revenue, to the best of the director's knowledge, shall not issue or renew a school bus endorsement to any applicant whose driving record shows that such applicant's privilege to operate a motor vehicle has been suspended, revoked or disqualified or whose driving record shows a history of moving vehicle violations.

3. The director may adopt any rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

4. Notwithstanding the requirements of this section, an applicant who resides in another state and possesses a valid driver's license from his or her state of residence with a valid school bus endorsement for the type of vehicle being operated shall not be required to obtain a Missouri driver's license with a school bus endorsement.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend Senate Bill No. 757, Page 5, Section 70.370, Line 128, by inserting immediately after all of said

section and line the following:

**“160.066. 1. By September 1, 2019, each public school district and each charter school shall develop, maintain, and make publicly available, at a minimum, a searchable expenditure and revenue document or database detailing actual income, expenditures, and disbursements for the current calendar or fiscal year on its district or school website, which may be in the format of a searchable PDF, document, or spreadsheet. If the public school district or charter school does not provide the aforementioned detailed financial and budgetary information on its website, then a direct link to the department of elementary and secondary education’s website, which has detailed financial and budgetary information about the public school district or charter school, shall be provided on the district’s website. The site shall contain only information that is a public record or that is not confidential or otherwise protected from public disclosure under state or federal law.**

**2. The public school district or charter school shall, to the extent practicable, update the financial data contained on the site no less frequently than every quarter and provide the data in a structured format. The public school district or charter school shall archive the financial data, which shall remain accessible and searchable, for a minimum of ten years.**

**3. By January 1, 2019, the department of elementary and secondary education shall create a template for voluntary use by school districts needing assistance with the online posting of the information specified in subsection 1 of this section. The template may include both the type of electronic file posted as well as the information to be included in the posting. The department may take into consideration any existing templates or reports developed by the department for purposes of financial reporting. In the event that a school district or charter school does not maintain a website, this information shall be accessible through the department.**

**4. Nothing in this section shall direct or require a school district or charter school to post online any personal information relating to payroll including, but not limited to, payroll deductions, payroll contributions, or any other information that is confidential or otherwise protected from public disclosure under state or federal law.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend Senate Bill No. 757, Page 5, Section 70.370, Line 128, by inserting immediately after all of said section and line the following:

**“610.031. 1. If the attorney general concludes that any person may have engaged in any act, conduct, or practice that violates any provision of chapter 109 or this chapter, the attorney general may apply for an order issued by a judge of the circuit court of Cole County to serve a civil investigative demand on any person who the attorney general believes may have information or evidence relevant to the suspected violation. A judge shall issue the order to serve the civil investigative demand if the judge finds that probable cause exists that a violation of chapter 109 or this chapter has occurred. Once a judge has issued an order to serve a civil investigative demand, the demand issued under this section may seek any information and documents that could be obtained by means of a subpoena duces tecum issued by a court of this state. A civil investigative demand issued under this section may also require answers to written interrogatories that would be permitted by the Missouri supreme court rules.**

**2. A civil investigative demand issued under this section shall:**

- (1) State the statute or statutes that the attorney general believes may have been violated;**
- (2) Describe the class or classes of information and evidence to be produced with sufficient specificity so as to fairly indicate the material demanded;**
- (3) Prescribe a return date, which shall be at least thirty days, by which the information and evidence is to be produced;**
- (4) Identify the members of the attorney general's staff to whom the information and evidence requested is to be produced; and**
- (5) Provide notice to the recipient of the demand of the recipient's ability to file a petition in the circuit court of Cole County to extend the return date for good cause or to quash or modify any portion of the demand.**

**3. Service of a civil investigative demand issued under this section may be made by:**

- (1) Delivering a duly executed copy thereof to the person to be served, or to a partner or any officer or agent authorized by appointment or by law to receive service of process on behalf of such person;**
- (2) Delivering a duly executed copy thereof to the principal place of business or the residence in this state of the person to be served;**
- (3) Mailing by registered or certified mail a duly executed copy thereof addressed to the person to be served, at the person's principal place of business or residence in this state, or if such person has no place of business or residence in this state, to his or her principal office, place of business, or his or her residence; or**
- (4) Mailing by registered or certified mail a duly executed copy thereof, requesting a return receipt signed by the addressee only, to the last known place of business, residence, or abode within or without this state of such person.**

**4. At any time prior to the return date specified in a civil investigative demand issued under this section or within twenty days after the civil investigative demand is served, whichever is earlier, the recipient of the civil investigative demand may file a petition in the circuit court of Cole County seeking to extend the return date for good cause or to quash or modify any portion of the civil investigative demand. A civil investigative demand issued under this section shall only be quashed or modified on the same basis as a subpoena duces tecum issued by a court of this state.**

**5. If any person fails to comply with any portion of a civil investigative demand served under this section, the attorney general may file a petition for an order to enforce the civil investigative demand. The attorney general may file such petition in the circuit court of Cole County or in any circuit court where such person has his or her principal place of business or residence. Any person who refuses to comply with an order enforcing a civil investigative demand shall be found in contempt.**

**6. Any person who, with the intent to avoid, evade, or prevent compliance with a civil investigative demand issued under this section, removes, conceals, withholds, destroys, alters, or falsifies any information or evidence responsive to a civil investigative demand served under this section shall be guilty of a class A misdemeanor. The attorney general shall have concurrent jurisdiction to enforce**

the provisions of this subsection.

7. No information, documentary material, or physical evidence requested pursuant to a civil investigative demand issued under this section shall, unless otherwise ordered by a court for good cause shown, be produced for or the contents thereof be disclosed to, any person other than the authorized employee of the attorney general without the consent of the person who produced such information, documentary material or physical evidence; provided, that under such reasonable terms and conditions as the attorney general shall prescribe, such information, documentary material or physical evidence shall be made available for inspection and copying by the person who produced such information, documentary material or physical evidence, or any duly authorized representative of such person. The attorney general, or any attorney designated by him or her, may use the information, documentary material, or physical evidence in the enforcement of chapter 109 or this chapter, by presentation before any court or by disclosure to law enforcement agencies of this state.

610.033. There is created within the office of the attorney general a transparency division. No assistant attorney general while assigned to the transparency division shall participate in the prosecution or defense of any civil claim on behalf of the state, any agency of the state, or any officer of the state, except the prosecution of an action alleging a violation of any provision of chapter 109 or this chapter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend Senate Bill No. 757, Page 5, Section 70.370, Line 128, by inserting immediately after said line the following:

“105.470. As used in section 105.473, unless the context requires otherwise, the following words and terms mean:

(1) “Elected local government official lobbyist”, any natural person [employed specifically for the purpose of attempting] **who, as a part of his or her regular employment duties, attempts** to influence any action by:

(a) A local government official elected in a county, city, town, or village [with an annual operating budget of over ten million dollars];

(b) A superintendent or school board member of a school district; or

(c) A member of the governing body of a charter school;

(2) “Executive lobbyist”, any natural person who acts for the purpose of attempting to influence any action by the executive branch of government or by any elected or appointed official, employee, department, division, agency or board or commission thereof and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment on behalf of or for the benefit of such person’s employer; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious

organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the executive branch of state government in connection with such activity.

An “executive lobbyist” shall not include a member of the general assembly, an elected state official, or any other person solely due to such person’s participation in any of the following activities:

a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state board, commission, department, division or agency of the executive branch of government or any elected or appointed officer or employee thereof;

b. Preparing, filing or inquiring, or responding to any audit, regarding any tax return, any public document, permit or contract, any application for any permit or license or certificate, or any document required or requested to be filed with the state or a political subdivision;

c. Selling of goods or services to be paid for by public funds, provided that such person is attempting to influence only the person authorized to authorize or enter into a contract to purchase the goods or services being offered for sale;

d. Participating in public hearings or public proceedings on rules, grants, or other matters;

e. Responding to any request for information made by any public official or employee of the executive branch of government;

f. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;

g. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee; or

h. Testifying as a witness before a state board, commission or agency of the executive branch;

(3) “Expenditure”, any payment made or charge, expense, cost, debt or bill incurred; any gift, honorarium or item of value bestowed including any food or beverage; any price, charge or fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is cancelled, reduced or otherwise forgiven; the transfer of any item with a reasonably discernible cost or fair market value from one person to another or provision of any service or granting of any opportunity for which a charge is customarily made, without charge or for a reduced charge; except that the term “expenditure” shall not include the following:

(a) Any item, service or thing of value transferred to any person within the third degree of consanguinity of the transferor which is unrelated to any activity of the transferor as a lobbyist;

(b) Informational material such as books, reports, pamphlets, calendars or periodicals informing a public official regarding such person’s official duties, or souvenirs or mementos valued at less than ten dollars;

(c) Contributions to the public official’s campaign committee or candidate committee which are reported



pursuant to the provisions of chapter 130;

(d) Any loan made or other credit accommodations granted or other payments made by any person or entity which extends credit or makes loan accommodations or such payments in the regular ordinary scope and course of business, provided that such are extended, made or granted in the ordinary course of such person's or entity's business to persons who are not public officials;

(e) Any item, service or thing of de minimis value offered to the general public, whether or not the recipient is a public official or a staff member, employee, spouse or dependent child of a public official, and only if the grant of the item, service or thing of de minimis value is not motivated in any way by the recipient's status as a public official or staff member, employee, spouse or dependent child of a public official;

(f) The transfer of any item, provision of any service or granting of any opportunity with a reasonably discernible cost or fair market value when such item, service or opportunity is necessary for a public official or employee to perform his or her duty in his or her official capacity, including but not limited to entrance fees to any sporting event, museum, or other venue when the official or employee is participating in a ceremony, public presentation or official meeting therein;

(g) Any payment, gift, compensation, fee, expenditure or anything of value which is bestowed upon or given to any public official or a staff member, employee, spouse or dependent child of a public official when it is compensation for employment or given as an employment benefit and when such employment is in addition to their employment as a public official;

(4) "Judicial lobbyist", any natural person who acts for the purpose of attempting to influence any purchasing decision by the judicial branch of government or by any elected or appointed official or any employee thereof and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment which primary purpose is to influence the judiciary in its purchasing decisions on a regular basis on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation or association; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the judicial branch of state government in connection with attempting to influence such purchasing decisions by the judiciary.

A "judicial lobbyist" shall not include a member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state court;

b. Participating in public hearings or public proceedings on rules, grants, or other matters;

c. Responding to any request for information made by any judge or employee of the judicial branch of government;

d. Preparing, distributing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic; or

e. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee;

(5) “Legislative lobbyist”, any natural person who acts for the purpose of attempting to influence the taking, passage, amendment, delay or defeat of any official action on any bill, resolution, amendment, nomination, appointment, report or any other action or any other matter pending or proposed in a legislative committee in either house of the general assembly, or in any matter which may be the subject of action by the general assembly and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment, which primary purpose is to influence legislation on a regular basis, on behalf of or for the benefit of such person’s employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the legislative branch of state government in connection with such activity.

A “legislative lobbyist” shall include an attorney at law engaged in activities on behalf of any person unless excluded by any of the following exceptions. A “legislative lobbyist” shall not include any member of the general assembly, an elected state official, or any other person solely due to such person’s participation in any of the following activities:

a. Responding to any request for information made by any public official or employee of the legislative branch of government;

b. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;

c. Acting within the scope of employment of the legislative branch of government when acting with respect to the general assembly or any member thereof;

d. Testifying as a witness before the general assembly or any committee thereof;

(6) “Lobbyist”, any natural person defined as an executive lobbyist, judicial lobbyist, elected local government official lobbyist, or a legislative lobbyist;

(7) “Lobbyist principal”, any person, business entity, governmental entity, religious organization, nonprofit corporation or association who employs, contracts for pay or otherwise compensates a lobbyist;

(8) “Public official”, any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any agency head, department director or division director of state government or any member of any state board or commission and any designated decision-making public servant designated by persons described in this subdivision.

[105.473. 1. Each lobbyist shall, not later than January fifth of each year or five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist’s name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works. The commission shall maintain files on all lobbyists’ filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist’s employment or representation. The filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or a lobbyist employing another person for lobbying purposes may notify the commission that a judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the lobbyist and should be removed from the commission’s files.

2. Each person shall, before giving testimony before any committee of the general assembly, give to the secretary of such committee such person’s name and address and the identity of any lobbyist or organization, if any, on whose behalf such person appears. A person who is not a lobbyist as defined in section 105.470 shall not be required to give such person’s address if the committee determines that the giving of such address would endanger the person’s physical health.

3. (1) During any period of time in which a lobbyist continues to act as an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local government official lobbyist, the lobbyist shall file with the commission on standardized forms prescribed by the commission monthly reports which shall be due at the close of business on the tenth day of the following month;

(2) Each report filed pursuant to this subsection shall include a statement, verified by a written declaration that it is made under the penalties of perjury, setting forth the following:

(a) The total of all expenditures by the lobbyist or his or her lobbyist

principals made on behalf of all public officials, their staffs and employees, and their spouses and dependent children, which expenditures shall be separated into at least the following categories by the executive branch, judicial branch and legislative branch of government: printing and publication expenses; media and other advertising expenses; travel; the time, venue, and nature of any entertainment; honoraria; meals, food and beverages; and gifts;

(b) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all elected local government officials, their staffs and employees, and their spouses and children. Such expenditures shall be separated into at least the following categories: printing and publication expenses; media and other advertising expenses; travel; the time, venue, and nature of any entertainment; honoraria; meals; food and beverages; and gifts;

(c) An itemized listing of the name of the recipient and the nature and amount of each expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of value, for all expenditures made during any reporting period, paid or provided to or for a public official or elected local government official, such official's staff, employees, spouse or dependent children;

(d) The total of all expenditures made by a lobbyist or lobbyist principal for occasions and the identity of the group invited, the date, location, and description of the occasion and the amount of the expenditure for each occasion when any of the following are invited in writing:

a. All members of the senate, which may or may not include senate staff and employees under the direct supervision of a state senator;

b. All members of the house of representatives, which may or may not include house staff and employees under the direct supervision of a state representative;

c. All members of a joint committee of the general assembly or a standing committee of either the house of representatives or senate, which may or may not include joint and standing committee staff;

d. All members of a caucus of the majority party of the house of representatives, minority party of the house of representatives, majority party of the senate, or minority party of the senate;

e. All statewide officials, which may or may not include the staff and employees under the direct supervision of the statewide official;

(e) Any expenditure made on behalf of a public official, an elected local government official or such official's staff, employees, spouse

or dependent children, if such expenditure is solicited by such official, the official's staff, employees, or spouse or dependent children, from the lobbyist or his or her lobbyist principals and the name of such person or persons, except any expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization or other association formed to provide for good in the order of benevolence and except for any expenditure reported under paragraph (d) of this subdivision;

(f) A statement detailing any direct business relationship or association or partnership the lobbyist has with any public official or elected local government official. The reports required by this subdivision shall cover the time periods since the filing of the last report or since the lobbyist's employment or representation began, whichever is most recent.

4. No expenditure reported pursuant to this section shall include any amount expended by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to this section shall be valued on the report at the actual amount of the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such lobbyists. No expenditure shall be made on behalf of a state senator or state representative, or such public official's staff, employees, spouse, or dependent children for travel or lodging outside the state of Missouri unless such travel or lodging was approved prior to the date of the expenditure by the administration and accounts committee of the house or the administration committee of the senate.

5. Any lobbyist principal shall provide in a timely fashion whatever information is reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by this section.

6. All information required to be filed pursuant to the provisions of this section with the commission shall be kept available by the executive director of the commission at all times open to the public for inspection and copying for a reasonable fee for a period of five years from the date when such information was filed.

7. No person shall knowingly employ any person who is required to register as a registered lobbyist but is not registered pursuant to this section. Any person who knowingly violates this subsection shall be subject to a civil penalty in an amount of not more than ten thousand dollars for each violation. Such civil penalties shall be collected by

action filed by the commission.

8. Any lobbyist found to knowingly omit, conceal, or falsify in any manner information required pursuant to this section shall be guilty of a class A misdemeanor.

9. The prosecuting attorney of Cole County shall be reimbursed only out of funds specifically appropriated by the general assembly for investigations and prosecutions for violations of this section.

10. Any public official or other person whose name appears in any lobbyist report filed pursuant to this section who contests the accuracy of the portion of the report applicable to such person may petition the commission for an audit of such report and shall state in writing in such petition the specific disagreement with the contents of such report. The commission shall investigate such allegations in the manner described in section 105.959. If the commission determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter an order requiring filing of an amended or corrected report.

11. The commission shall provide a report listing the total spent by a lobbyist for the month and year to any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any elected local government official on or before the twentieth day of each month. For the purpose of providing accurate information to the public, the commission shall not publish information in either written or electronic form for ten working days after providing the report pursuant to this subsection. The commission shall not release any portion of the lobbyist report if the accuracy of the report has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked "Under Review".

12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose behalf the lobbyist acted, shall provide a general description of the proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed. This information shall be supplied to the commission on March fifteenth and May thirtieth of each year.

13. The provisions of this section shall supersede any contradicting ordinances or charter provisions.]

105.473. 1. Each lobbyist shall, not later than January fifth of each year or five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist's name and business address, the name and address of all persons such lobbyist employs

for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works; **and, for elected local government official lobbyists, the local government entity to be lobbied.** The commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist's employment or representation. The filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or a lobbyist employing another person for lobbying purposes may notify the commission that a judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the lobbyist and should be removed from the commission's files.

2. Each person shall, before giving testimony before any committee of the general assembly, give to the secretary of such committee such person's name and address and the identity of any lobbyist or organization, if any, on whose behalf such person appears. A person who is not a lobbyist as defined in section 105.470 shall not be required to give such person's address if the committee determines that the giving of such address would endanger the person's physical health.

3. (1) During any period of time in which a lobbyist continues to act as an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local government official lobbyist, the lobbyist shall file with the commission on standardized forms prescribed by the commission monthly reports which shall be due at the close of business on the tenth day of the following month;

(2) Each report filed pursuant to this subsection shall include a statement, verified by a written declaration that it is made under the penalties of perjury, setting forth the following:

(a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all public officials, their staffs and employees, and their spouses and dependent children, which expenditures shall be separated into at least the following categories by the executive branch, judicial branch and legislative branch of government: printing and publication expenses; media and other advertising expenses; travel; the time, venue, and nature of any entertainment; honoraria; meals, food and beverages; and gifts;

(b) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all elected local government officials, their staffs and employees, and their spouses and children. Such expenditures shall be separated into at least the following categories: printing and publication expenses; media and other advertising expenses; travel; the time, venue, and nature of any entertainment; honoraria; meals; food and beverages; and gifts;

(c) An itemized listing of the name of the recipient and the nature and amount of each expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of value, for all expenditures made during any reporting period, paid or provided to or for a public official or elected local government official, such official's staff, employees, spouse or dependent children;

(d) The total of all expenditures made by a lobbyist or lobbyist principal for occasions and the identity of the group invited, the date and description of the occasion and the amount of the expenditure for each occasion when any of the following are invited in writing:

- a. All members of the senate;
- b. All members of the house of representatives;
- c. All members of a joint committee of the general assembly or a standing committee of either the house

of representatives or senate; or

d. All members of a caucus of the majority party of the house of representatives, minority party of the house of representatives, majority party of the senate, or minority party of the senate;

(e) Any expenditure made on behalf of a public official, an elected local government official or such official's staff, employees, spouse or dependent children, if such expenditure is solicited by such official, the official's staff, employees, or spouse or dependent children, from the lobbyist or his or her lobbyist principals and the name of such person or persons, except any expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization or other association formed to provide for good in the order of benevolence;

(f) A statement detailing any direct business relationship or association or partnership the lobbyist has with any public official or elected local government official. The reports required by this subdivision shall cover the time periods since the filing of the last report or since the lobbyist's employment or representation began, whichever is most recent.

4. No expenditure reported pursuant to this section shall include any amount expended by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to this section shall be valued on the report at the actual amount of the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such lobbyists. No expenditure shall be made on behalf of a state senator or state representative, or such public official's staff, employees, spouse, or dependent children for travel or lodging outside the state of Missouri unless such travel or lodging was approved prior to the date of the expenditure by the administration and accounts committee of the house or the administration committee of the senate.

5. Any lobbyist principal shall provide in a timely fashion whatever information is reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by this section.

6. All information required to be filed pursuant to the provisions of this section with the commission shall be kept available by the executive director of the commission at all times open to the public for inspection and copying for a reasonable fee for a period of five years from the date when such information was filed.

7. No person shall knowingly employ any person who is required to register as a registered lobbyist but is not registered pursuant to this section. Any person who knowingly violates this subsection shall be subject to a civil penalty in an amount of not more than ten thousand dollars for each violation. Such civil penalties shall be collected by action filed by the commission.

8. No lobbyist shall knowingly omit, conceal, or falsify in any manner information required pursuant to this section.

9. The prosecuting attorney of Cole County shall be reimbursed only out of funds specifically appropriated by the general assembly for investigations and prosecutions for violations of this section.

10. Any public official or other person whose name appears in any lobbyist report filed pursuant to this section who contests the accuracy of the portion of the report applicable to such person may petition the



commission for an audit of such report and shall state in writing in such petition the specific disagreement with the contents of such report. The commission shall investigate such allegations in the manner described in section 105.959. If the commission determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter an order requiring filing of an amended or corrected report.

11. The commission shall provide a report listing the total spent by a lobbyist for the month and year to any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any elected local government official on or before the twentieth day of each month. For the purpose of providing accurate information to the public, the commission shall not publish information in either written or electronic form for ten working days after providing the report pursuant to this subsection. The commission shall not release any portion of the lobbyist report if the accuracy of the report has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked "Under Review".

12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose behalf the lobbyist acted, shall provide a general description of the proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed. This information shall be supplied to the commission on March fifteenth and May thirtieth of each year.

13. The provisions of this section shall supersede any contradicting ordinances or charter provisions.”;  
and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 9

Amend Senate Bill No. 757, Page 5, Section 70.370, Line 128, by inserting after all of said section and line the following:

“115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application, or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant to vote. Delivery shall be made to the voter personally in the office of the election authority or by bipartisan teams appointed by the election authority, or by first class, registered, or certified mail at the discretion of the election authority, or in the case of a covered voter as defined in section 115.902, the method of transmission prescribed in section 115.914. Where the election authority is a county clerk, the members of bipartisan teams representing the political party other than that of county clerk shall be selected from a list of persons submitted to the county clerk by the county chairman of that party. If no list is provided by the time that absentee ballots are to be made available, the county clerk may select a person or persons from lists provided in accordance with section 115.087. If the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by absentee ballot. The applicant may appeal the decision of the election authority to the circuit court in the manner provided in section 115.223.

2. If, after 5:00 p.m. on the Wednesday before an election, any voter from the jurisdiction has become

hospitalized, becomes confined due to illness or injury, or is confined in an adult boarding facility, intermediate care facility, residential care facility, or skilled nursing facility, as defined in section 198.006, in the county in which the jurisdiction is located or in the jurisdiction or an adjacent election authority within the same county, the election authority shall appoint a team to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot. In counties with a charter form of government and in cities not within a county, and in each city which has over three hundred thousand inhabitants, and is situated in more than one county, if the election authority receives ten or more applications for absentee ballots from the same address it may appoint a team to deliver and witness the voting and return of absentee ballots by voters residing at that address[, except when such addresses are for an apartment building or other structure wherein individual living units are located, each of which has its own separate cooking facilities]. Each team appointed pursuant to this subsection shall consist of two registered voters, one from each major political party. Both members of any team appointed pursuant to this subsection shall be present during the delivery, signing or voting and return of any application or absentee ballot signed or voted pursuant to this subsection.

3. On the mailing and ballot envelopes for each covered voter, the election authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

4. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with an absentee ballot."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Titling change adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 79**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment to article I of the Constitution of Missouri, by adopting one new section relating to labor organizations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 718**, as amended. Representatives: Rhoads, Barnes (60), Rehder, Stevens (46), Walker (74).

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 1350**, as amended: Senators Rowden, Riddle, Wasson, Walsh and Sifton.

## **RESOLUTIONS**

Senator Schupp offered Senate Resolution No. 2116, regarding Jill Kline, which was adopted.

Senator Schupp offered Senate Resolution No. 2117, regarding Robert B. “Bob” Knight, Ballwin, which was adopted.

Senator Schupp offered Senate Resolution No. 2118, regarding Ronald Dale “Ron” Watson, Manchester, which was adopted.

Senator Schupp offered Senate Resolution No. 2119, regarding Kenneth Dale “Ken” Corbin, Creve Coeur, which was adopted.

Senators Kehoe, Riddle and Rowden offered Senate Resolution No. 2120, regarding the One Hundredth Anniversary of the Order of the Eastern Star Fulton Chapter #35, Fulton, which was adopted.

Senator Schatz offered Senate Resolution No. 2121, regarding Edward Adam Pogorzelski, Ellisville, which was adopted.

Senator Schatz offered Senate Resolution No. 2122, regarding Randall DeWayne “Randy” Barron, Chesterfield, which was adopted.

Senator Sater offered Senate Resolution No. 2123, regarding Teresa Hickman, Exeter, which was adopted.

Senator Sater offered Senate Resolution No. 2124, regarding Mike Atwood, Cassville, which was adopted.

Senator Sater offered Senate Resolution No. 2125, regarding Nancy Fielding, Cassville, which was adopted.

Senator Sater offered Senate Resolution No. 2126, regarding Heather Lyons-Burney, Branson, which was adopted.

Senator Sater offered Senate Resolution No. 2127, regarding Tracey Williams, Rockaway Beach, which was adopted.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

## **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

## **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 808**, entitled:

An Act to repeal sections 311.020, 311.070, 311.185, 311.190, 311.300, 311.355, and 311.373, RSMo, and to enact in lieu thereof nine new sections relating to the transfer of intoxicating liquor, with penalty provisions.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 808, Page 1, Section 311.020, Line 7, by deleting the word “**nonalcoholic**”; and

Further amend said bill, Pages 11-12, Section 311.185, Lines 1-63, by deleting all of said section and lines; and

Further amend said bill, Page 12, Section 311.188, Lines 1-3, by deleting all of said section and lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 1633**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SBs 603, 576 & 898**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House Conferees on **HCS** for **SS** for **SCS** for **SBs 603, 576 and 898**, as amended, be allowed to exceed the differences.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SBs 603, 576 and 898**, as amended. Representatives: Spencer, Roeber, Swan, Morgan, Curtis.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HB 1350**, as amended. Representatives: Smith (163), Christofanelli, Conway (104), Franks Jr., Mitten.

PRIVILEGED MOTIONS

Senator Sater, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 826**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 826

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, with House Amendment Nos. 1, 2, 3, 4, 5, 6, and House Substitute Amendment No. 1 for House Amendment No. 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 826;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 826, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Sater  
/s/ Jeanie Riddle  
/s/ Bob Onder  
/s/ Jill Schupp  
/s/ Scott Sifton

FOR THE HOUSE:

/s/ Robert Ross  
/s/ Justin Hill  
/s/ Jim Neely  
/s/ Lauren Arthur  
/s/ Martha Stevens

Senator Sater moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Sater, CCS for HCS for SS for SCS for **SB 826**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 826

An Act to repeal sections 191.227, 195.010, 195.070, 195.080, 210.070, 338.010, 338.056, 338.202, and 376.1237, RSMo, and to enact in lieu thereof thirteen new sections relating to health care, with an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SBs 603, 576 and 898**, as amended: Senators Onder, Romine, Hoskins, Schupp and Sifton.

**PRIVILEGED MOTIONS**

Senator Wasson moved that **SCS** for **SBs 807 and 577**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SBs 807 and 577**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NOS. 807 and 577

An Act to repeal sections 160.545, 162.441, 163.191, 172.280, 173.005, 173.260, 173.1003, 173.1101, 173.1102, 173.1104, 173.1105, 173.1107, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, 178.636, 436.218, 436.221, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.263, 436.266, and 436.257, RSMo, and to enact in lieu thereof thirty-two new sections relating to higher education, with penalty provisions.

Was taken up.

Senator Wasson moved that **HCS** for **SCS** for **SBs 807 and 577**, as amended, be adopted.

At the request of Senator Wasson, the above motion was withdrawn which placed the bill back on the Calendar.

Senator Cunningham moved that **SCS** for **SB 769**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 769**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 769

An Act to repeal sections 30.270, 67.085, 95.530, 110.010, 110.080, 110.140, 165.221, 165.231, 165.241, and 165.271, RSMo, and to enact in lieu thereof thirteen new sections relating to financial institutions.

Was taken up.

President Pro Tem Richard assumed the Chair.

Senator Cunningham moved that **HCS** for **SCS** for **SB 769** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Richard	Riddle	Rizzo	Romine

1995

*Seventy-First Day—Tuesday, May 15, 2018*

Rowden	Sater	Schatz	Sifton	Wallingford	Walsh	Wasson
Wieland—29						

NAYS—Senator Schupp—1

Absent—Senators

Hummel	Onder	Schaaf—3
--------	-------	----------

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Cunningham, **HCS** for **SCS** for **SB 769** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Sifton	Wallingford	Walsh	Wasson
Wieland—29						

NAYS—Senator Schupp—1

Absent—Senators

Hummel	Koenig	Schaaf—3
--------	--------	----------

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

## CONCURRENT RESOLUTIONS

**SCR 50**, introduced by Senator Hegeman, entitled:

Relating to the replacement of a statue in the Statuary Hall of the Capitol of the United States.

Was taken up.

On motion of Senator Hegeman, **SCR 50** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe



Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

The President declared the concurrent resolution passed.

On motion of Senator Hegeman, title to the concurrent resolution was agreed to.

Senator Hegeman moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Munzlinger moved that **SCR 53** be taken up for adoption, which motion prevailed.

On motion of Senator Munzlinger, **SCR 53** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

### PRIVILEGED MOTIONS

Senator Wasson moved that the Senate refuse to concur in **HCS** for **SCS** for **SBs 807** and **577**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Riddle, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 660**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

### CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 660

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 660, with

House Amendment Nos. 1, 2, 3, 4, and 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 660, as amended;
2. That the Senate recede from its position on Senate Bill No. 660;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 660, be Third Read and Finally Passed.

**FOR THE SENATE:**

/s/ Jeanie Riddle  
 /s/ David Sater  
 /s/ Dan Hegeman  
 /s/ Jill Schupp  
 Jason Holsman

**FOR THE HOUSE:**

/s/ Travis Fitzwater  
 /s/ Becky Ruth  
 /s/ Diane Franklin  
 /s/ Cora Faith Walker  
 /s/ Martha Stevens

Senator Riddle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

**YEAS—Senators**

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

**NAYS—Senator Nasheed—1**

**Absent—Senator Schaaf—1**

**Absent with leave—Senators—None**

**Vacancies—1**

On motion of Senator Riddle, **CCS** for **HCS** for **SB 660**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 SENATE BILL NO. 660**

An Act to repeal sections 208.217, 337.025, 337.029, 337.033, 552.020, 630.745, 630.945, and 632.005, RSMo, and to enact in lieu thereof twenty-three new sections relating to mental health, with penalty provisions and a contingent effective date for certain sections.

Was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe

Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Crawford, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 806**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 806

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 806, with House Amendment Nos. 1, 2, 3, 5, and 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 806, as amended;
2. That the Senate recede from its position on Senate Bill No. 806;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 806 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Sandy Crawford  
/s/ Jeanie Riddle  
/s/ Paul Wieland  
/s/ Jill Schupp  
/s/ Gina Walsh

FOR THE HOUSE:

/s/ Jim Neely  
/s/ Nathan Beard  
/s/ Kevin Corlew  
/s/ Gina Mitten  
/s/ Mark Ellebracht

Senator Crawford moved that the above conference committee report be adopted, which motion prevailed by the following vote:

1999

*Seventy-First Day—Tuesday, May 15, 2018*

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators

Munzlinger      Schaaf—2

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Crawford, **CCS** for **HCS** for **SB 806**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 806

An Act to repeal sections 473.397, 473.398, 473.730, 473.770, 473.771, 475.010, 475.016, 475.050, 475.060, 475.061, 475.062, 475.070, 475.075, 475.078, 475.079, 475.080, 475.082, 475.083, 475.094, 475.120, 475.125, 475.130, 475.145, 475.230, 475.270, 475.276, 475.290, 475.320, 475.355, and 630.005, RSMo, and to enact in lieu thereof thirty-six new sections relating to guardianship proceedings.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Sater, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SB 743**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 743

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 743, with House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, and 8, House Amendment No. 1 to House Amendment No. 9, House Amendment No. 9 as amended, House Amendment Nos. 10, 11, and 12, House Substitute Amendment No. 1 for House Amendment No. 13, House Amendment Nos. 14, 15, and 16, House Amendment No. 1 to House Amendment No. 17, House Amendment No. 17 as amended, House Amendment Nos. 18, 19, 20, 22, 23, 24 and 25, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 743, as amended;
2. That the Senate recede from its position on Senate Bill No. 743;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 743 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David Sater

/s/ Gary Romine

/s/ Jay Wasson

/s/ Jason Holsman

/s/ Scott Sifton

FOR THE HOUSE:

/s/ Craig Redmon

/s/ Lyndall Fraker

/s/ Rebecca Roeber

/s/ Ingrid Burnett

/s/ Judy Morgan

President Parson assumed the Chair.

Senator Sater moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Eigel
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators

Emery                      Schaaf—2

Absent—Senator Dixon—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Sater, **CCS** for **HCS** for **SB 743**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 743

An Act to repeal sections 160.011, 160.041, 160.410, 161.072, 161.106, 161.217, 162.401, 162.720, 163.018, 163.021, 163.073, 164.011, 167.225, 171.029, 171.031, 171.033, 178.930, and 304.060, RSMo, and to enact in lieu thereof twenty-four new sections relating to elementary and secondary education, with an effective date for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Eigel
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Libla	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	Wasson

Wieland—29

NAYS—Senators

Emery	Koenig	Schaaf—3
-------	--------	----------

Absent—Senator Dixon—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Libla moved that **SB 581**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 581**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 581

An Act to repeal sections 512.180, 535.030, 535.110, 535.170, 535.200, 535.210, and 535.300, RSMo, and to enact in lieu thereof seven new sections relating to landlord tenant actions.

Was taken up.

Senator Libla moved that **HCS** for **SB 581** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder
Richard	Riddle	Romine	Rowden	Sater	Schaaf	Schatz
Wallingford	Wasson	Wieland—24				

NAYS—Senators

Curls	Holsman	Hummel	Rizzo	Schupp	Sifton	Walsh—7
-------	---------	--------	-------	--------	--------	---------

Absent—Senators

Dixon	Nasheed—2
-------	-----------

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Libla, **HCS for SB 581** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Dixon	Eigel
Emery	Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Romine	Rowden	Sater	Schaaf
Schatz	Wallingford	Wasson	Wieland—25			

NAYS—Senators

Curls	Holsman	Hummel	Rizzo	Schupp	Sifton	Walsh—7
-------	---------	--------	-------	--------	--------	---------

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Sater, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SB 687**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 687

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 687, with

House Amendment Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 687, as amended;
2. That the Senate recede from its position on Senate Bill No. 687;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 687 be Third Read and Finally Passed.

**FOR THE SENATE:**

/s/ David Sater  
 /s/ Gary Romine  
 /s/ Dan Hegeman  
 Jason Holsman  
 /s/ Scott Sifton

**FOR THE HOUSE:**

/s/ Lyle Rowland  
 /s/ David Wood  
 /s/ Kathryn Swan  
 /s/ Kip Kendrick  
 /s/ Judy Morgan

Senator Sater moved that the above conference committee report be adopted, which motion prevailed by the following vote:

**YEAS—Senators**

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

**NAYS—Senators—None**

**Absent—Senators**

Holsman          Schatz—2

**Absent with leave—Senators—None**

**Vacancies—1**

On motion of Senator Sater, **CCS for HCS for SB 687**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 SENATE BILL NO. 687**

An Act to repeal sections 160.530, 302.272, and 304.060, RSMo, and to enact in lieu thereof three new sections relating to student transportation.

Was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig



Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators

Holsman	Schatz—2
---------	----------

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Romine moved that **SB 871**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 871**, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 871

An Act to repeal sections 478.375, 478.600, 478.625, and 488.2250, RSMo, and to enact in lieu thereof three new sections relating to court administration.

Was taken up.

Senator Romine moved that **HCS for SB 871**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Sifton	Wallingford	Walsh	Wasson
Wieland—29						

NAYS—Senators—None

Absent—Senators

Holsman	Schaaf	Schatz	Schupp—4
---------	--------	--------	----------

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Romine, **HCS** for **SB 871**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Sifton	Wallingford	Walsh	Wasson

Wieland—29

## NAYS—Senators

Hummel Schupp—2

## Absent—Senators

Holsman Schatz—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Romine, title to the bill was agreed to.

Senator Romine moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Brown moved that the Senate refuse to concur in **HCS** for **SB 808**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Dixon moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 1633**, as amended, and grant the House a conference thereon, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HB 1719**, with **SCS**, introduced by Representative Grier, entitled:

An Act to repeal sections 324.920, 324.1108, 327.221, 327.312, 330.030, 331.030, 332.131, 334.530, 334.655, 336.030, 341.170, 344.030, 374.715, 374.784, and 632.005, RSMo, and to enact in lieu thereof twenty-five new sections relating to professional registration.

Was taken up by Senator Riddle.

**SCS** for **HB 1719**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1719

An Act to repeal sections 209.297, 256.468, 317.006, 324.071, 324.136, 324.200, 324.205, 324.210, 324.212, 324.265, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436,

324.487, 324.522, 324.920, 324.925, 324.1108, 325.025, 326.286, 327.141, 327.221, 327.231, 327.241, 327.312, 327.313, 327.321, 327.615, 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, 329.130, 330.030, 331.030, 332.131, 332.181, 332.241, 333.031, 334.090, 334.404, 334.530, 334.580, 334.655, 334.710, 334.738, 334.870, 335.036, 335.046, 335.066, 335.067, 336.030, 336.060, 337.020, 337.025, 337.029, 337.033, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, 337.718, 338.013, 338.035, 338.070, 338.220, 338.333, 339.513, 340.232, 340.302, 344.030, 345.050, 374.715, 374.784, 436.239, and 632.005, RSMo, and to enact in lieu thereof one hundred twenty-one new sections relating to professional registration, with existing penalty provisions and a contingent effective date for certain sections.

Was taken up.

Senator Riddle moved that **SCS** for **HB 1719** be adopted.

Senator Riddle offered **SS** for **SCS** for **HB 1719**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1719

An Act to repeal sections 324.001, 324.200, 324.205, 324.210, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.920, 324.925, 324.1108, 327.221, 327.312, 327.313, 327.321, 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, 329.130, 330.030, 331.030, 332.131, 334.530, 334.655, 335.036, 335.046, 335.066, 335.067, 336.030, 337.020, 337.025, 337.029, 337.033, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712, 337.718, 344.030, 374.715, 374.784, and 632.005, RSMo, and to enact in lieu thereof eighty-six new sections relating to professional registration, with existing penalty provisions and a contingent effective date for certain sections.

Senator Riddle moved that **SS** for **SCS** for **HB 1719** be adopted.

Senator Riddle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1719, Page 124, Section 337.020, Line 1 of said page, by striking the opening bracket “[”]; and further amend line 2 of said page, by striking the closing bracket “]”; and

Further amend said bill, page 202, section 632.005, lines 1-3 of said page, by striking all of said lines and inserting in lieu thereof the following: “**for physician assistants in psychiatry**”;

Senator Riddle moved that the amendment be adopted.

At the request of Senator Riddle, **HB 1719**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

**HB 2347**, introduced by Representative Davis, with **SCS**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Was called from the Informal Calendar and taken up by Senator Wallingford.

2007

*Seventy-First Day—Tuesday, May 15, 2018*

**SCS** for **HB 2347**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2347

An Act to amend chapter 227, RSMo, by adding thereto six new sections relating to designation of memorial infrastructure.

Was taken up.

Senator Wallingford moved that **SCS** for **HB 2347** be adopted, which motion prevailed.

On motion of Senator Wallingford, **SCS** for **HB 2347** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators

Holsman      Schaaf—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Eigel moved that **HCS** for **HB 2540**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Eigel moved that **SCS** for **HCS** for **HB 2540** be adopted, which motion prevailed on a standing division vote.

On motion of Senator Eigel, **SCS** for **HCS** for **HB 2540** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder
Richard	Riddle	Romine	Rowden	Sater	Schaaf	Schatz
Wallingford	Wasson	Wieland—24				

## NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Hummel	Nasheed	Rizzo	Schupp
Sifton	Walsh—9					

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Eigel, title to the bill was agreed to.

Senator Eigel moved that the vote by which the bill passed be reconsidered.

Senator Romine moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 966**, entitled:

An Act to repeal sections 43.505, 43.507, 57.117, 57.450, 84.510, 109.210, 217.010, 217.015, 217.030, 217.075, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.105, 488.5320, 513.653, 566.147, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.045, 595.055, 595.220, 610.027, 610.140, and 650.055, RSMo, and to enact in lieu thereof fifty-two new sections relating to administration of the criminal justice system, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, House Amendment No. 1 to House Amendment No. 14, House Amendment No. 14, as amended, House Amendment Nos. 15, 16, 17, 18 and 19.

**HOUSE AMENDMENT NO. 1**

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 3, Section 43.507, Line 9, by inserting immediately after said section and line the following:

“43.650. 1. The patrol shall, subject to appropriation, maintain a web page on the internet which shall be open to the public and shall include a registered sexual offender search capability.

2. **Except as provided in subsections 4 and 5 of this section**, the registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website].

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

(1) The name and any known aliases of the offender;

(2) The date of birth and any known alias dates of birth of the offender;

(3) A physical description of the offender;

(4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;

(5) Any photographs of the offender;

(6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

(7) The nature and dates of all offenses qualifying the offender to register, **including the tier level assigned to the offender under sections 589.400 to 589.425;**

(8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the offender with the provisions of section 589.400 to 589.425; and

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

**5. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400 shall be exempt from public notification to include any adjudications from another state, territory, the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction.”; and**

Further amend said bill, Page 36, Section 566.147, Line 42, by inserting immediately after said section and line the following:

“589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter [convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor,] **adjudicated for an offense referenced in section 589.414**, unless such person is [exempted] **exempt** from registering under subsection [8] **9 or 10 of this section or section 589.401; [or]**

(2) [Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more

of the following offenses: kidnapping or kidnapping in the first degree when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or kidnapping in the second degree when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home or sexual conduct with a nursing facility resident or vulnerable person in the first or second degree; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or

(3)] Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; [or]

[(4)] (3) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense [listed] **referenced** in [subdivision (1) or (2) of this subsection] **section 589.414**; [or]

[(5)] (4) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been [convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;] **adjudicated for an offense listed under section 589.414**;

[(6)] (5) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

[(7)] (6) Any person who is a resident of this state who has, since July 1, 1979, **been** or is hereafter [convicted of, been found guilty of, or pled guilty to or nolo contendere] **adjudicated** in any other state, **territory, the District of Columbia**, or foreign country, or under federal, tribal, or military jurisdiction [to committing, attempting to commit, or conspiring to commit] **for** an offense which, if committed in this state, would [be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection] **constitute an offense listed under section 589.414**, or has been or is required to register in another state, **territory, the District of Columbia, or foreign country**, or has been or is required to register under tribal, federal, or military law; or

[(8)] (7) Any person who has been or is required to register in another state, **territory, the District of Columbia, or foreign country**, or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three **business** days of [conviction] **adjudication**, release from incarceration, or placement upon probation, register with the chief

law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. **For any juvenile under subdivision (5) of subsection 1 of this section, within three business days of adjudication or release from commitment to the division of youth services, the department of mental health, or other placement, such juvenile shall register with the chief law enforcement official of the county or city not within a county in which he or she resides unless he or she has already registered in such county or city not within a county for the same offense.** Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three **business** days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official[, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested].

3. The registration requirements of sections 589.400 through 589.425 [are lifetime registration requirements] **shall be as provided under subsection 4 of this section** unless:

(1) All offenses requiring registration are reversed, vacated, or set aside;

(2) [The registrant is pardoned of the offenses requiring registration;

(3)] The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of [subsection 6 of this] section **589.414**; or

[(4)] **(3)** The [registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the] court orders the removal or exemption of such person from the registry **under section 589.401**.

4. **The registration requirements shall be as follows:**

(1) **Fifteen years if the offender is a tier I sex offender as provided under section 589.414;**

(2) **Twenty-five years if the offender is a tier II sex offender as provided under section 589.414;**  
or

(3) **The life of the offender if the offender is a tier III sex offender.**

5. (1) **The registration period shall be reduced as described in subdivision (3) of this subsection for a sex offender who maintains a clean record for the periods described under subdivision (2) of this subsection by:**

(a) **Not being adjudicated of any offense for which imprisonment for more than one year may be imposed;**

(b) **Not being adjudicated of any sex offense;**

(c) **Successfully completing any periods of supervised release, probation, or parole; and**

(d) **Successfully completing an appropriate sex offender treatment program certified by the attorney general.**



**(2) In the case of a:**

**(a) Tier I sex offender, the period during which the clean record shall be maintained is ten years;**

**(b) Tier III sex offender adjudicated delinquent for the offense which required registration in a sex offender registry under sections 589.400 to 589.425, the period during which the clean record shall be maintained is twenty-five years.**

**(3) In the case of a:**

**(a) Tier I sex offender, the reduction is five years;**

**(b) Tier III sex offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (b) of subdivision (2) is maintained.**

6. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

[5.] 7. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

[6.] 8. Any person currently on the sexual offender registry [for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit,] **or who otherwise would be required to register for being adjudicated for the offense of felonious restraint of a nonsexual nature** when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping **of a nonsexual nature** when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

[7.] 9. **The following persons shall be exempt from registering as a sexual offender upon petition to the court of jurisdiction under section 589.401; except that, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425:**

**(1) Any person currently on the sexual offender registry [for having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register] or who otherwise would be required to register for a sexual offense involving:**

**(a) Sexual conduct where no force or threat of force was directed toward the victim or any other individual involved, if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense; or**

**(b) Sexual conduct where no force or threat of force was directed toward the victim, the victim was at least fourteen years of age, and the offender was not more than four years older than the victim at the time of the offense; or**

**(2) Any person currently required to register for the following sexual offenses:**

**(a) Promoting obscenity in the first degree under section 573.020;**

**(b) Promoting obscenity in the second degree under section 573.030;**

**(c) Furnishing pornographic materials to minors under section 573.040;**

**(d) Public display of explicit sexual material under section 573.060;**

**(e) Coercing acceptance of obscene material under section 573.065;**

**(f) Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor under section 566.206;**

**(g) Abusing an individual through forced labor under section 566.203;**

**(h) Contributing to human trafficking through the misuse of documentation under section 566.215; or**

**(i) Acting as an international marriage broker and failing to provide the information and notice as required under section 578.475.**

[8. Effective August 28, 2009,] **10. Any person currently on the sexual offender registry for having been [convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense] adjudicated for a tier I or II offense or adjudicated delinquent for a tier III offense or other comparable offenses listed under section 589.414 may file a petition under section 589.401.**

**[9. (1) The court may grant such relief under subsection 7 or 8 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the**

prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.]

[10.] 11. Any nonresident worker, including work as a volunteer or intern, or nonresident student shall register for the duration of such person's employment, **including participation as a volunteer or intern**, or attendance at any school of higher education [and is not entitled to relief under the provisions of subsection 9 of this section] **whether public or private, including any secondary school, trade school, professional school, or institution of higher education on a full-time or part-time basis in this state unless granted relief under section 589.401.** Any registered offender shall provide information regarding any place in which the offender is staying when away from his or her residence for seven or more days, including the period of time the offender is staying in such place. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency [and is not entitled to the provisions of subsection 9 of this section] **unless granted relief under section 589.401.**

[11. Any person whose name is removed or exempted from the sexual offender registry under subsection 7 or 8 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.]

**589.401. 1. A person on the sexual offender registry may file a petition in the division of the circuit court in the county or city not within a county in which the offense requiring registration was committed to have his or her name removed from the sexual offender registry.**

**2. A person who is required to register in this state because of an offense that was adjudicated in another jurisdiction shall file his or her petition for removal according to the laws of the state, territory, tribal, or military jurisdiction, the District of Columbia, or foreign country in which his or her offense was adjudicated. Upon the grant of the petition for removal in the jurisdiction where the offense was adjudicated, such judgment may be registered in this state by sending the information required under subsection 5 of this section as well as one authenticated copy of the order granting removal from the sexual offender registry in the jurisdiction where the offense was adjudicated to the court in the county or city not within a county in which the offender is required to register. On receipt of a request for registration removal, the registering court shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form. The petitioner shall be responsible for costs associated with filing the petition.**

**3. A person required to register as a tier III offender shall not file a petition under this section unless the requirement to register results from a juvenile adjudication.**

**4. The petition shall be dismissed without prejudice if the following time periods have not elapsed since the date the person was required to register for his or her most recent offense under sections**

**589.400 to 589.425:**

- (1) For a tier I offense, ten years;**
- (2) For a tier II offense, twenty-five years; or**
- (3) For a tier III offense adjudicated delinquent, twenty-five years.**

**5. The petition shall be dismissed without prejudice if it fails to include any of the following:**

**(1) The petitioner's:**

**(a) Full name, including any alias used by the individual;**

**(b) Sex;**

**(c) Race;**

**(d) Date of birth;**

**(e) Last four digits of the Social Security number;**

**(f) Address; and**

**(g) Place of employment, school, or volunteer status;**

**(2) The offense and tier of the offense that required the petitioner to register;**

**(3) The date the petitioner was adjudicated for the offense;**

**(4) The date the petitioner was required to register;**

**(5) The case number and court, including the county or city not within a county, that entered the original order for the adjudicated sex offense;**

**(6) Petitioner's fingerprints on an applicant fingerprint card;**

**(7) If the petitioner was pardoned or an offense requiring registration was reversed, vacated, or set aside, an authenticated copy of the order; and**

**(8) If the petitioner is currently registered under applicable law and has not been adjudicated for failure to register in any jurisdiction and does not have any charges pending for failure to register.**

**6. The petition shall name as respondents the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the petition is filed.**

**7. All proceedings under this section shall be governed under the Missouri supreme court rules of civil procedure.**

**8. The person seeking removal or exemption from the registry shall provide the prosecuting attorney in the circuit court in which the petition is filed with notice of the petition. The prosecuting attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition.**

**9. The prosecuting attorney in the circuit court in which the petition is filed shall have access to all applicable records concerning the petitioner including, but not limited to, criminal history records, mental health records, juvenile records, and records of the department of corrections or probation and parole.**

**10. The prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with such petition.**

**11. The court shall not enter an order directing the removal of the petitioner's name from the sexual offender registry unless it finds the petitioner:**

**(1) Has not been adjudicated or does not have charges pending for any additional nonsexual offense for which imprisonment for more than one year may be imposed since the date the offender was required to register for his or her current tier level;**

**(2) Has not been adjudicated or does not have charges pending for any additional sex offense that would require registration under sections 589.400 to 589.425 since the date the offender was required to register for his or her current tier level, even if the offense was punishable by less than one year imprisonment;**

**(3) Has successfully completed any required periods of supervised release, probation, or parole without revocation since the date the offender was required to register for his or her current tier level;**

**(4) Has successfully completed an appropriate sex offender treatment program as approved by a court of competent jurisdiction or the Missouri department of corrections; and**

**(5) Is not a current or potential threat to public safety.**

**12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11 of this section, the fingerprints filed in the case shall be examined by the Missouri state highway patrol. The petitioner shall be responsible for all costs associated with the fingerprint-based criminal history check of both state and federal files under section 43.530.**

**13. If the petition is denied due to an adjudication in violation of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition under this section until:**

**(1) Fifteen years have passed from the date of the adjudication resulting in the denial of relief if the petitioner is classified as a tier I offender;**

**(2) Twenty-five years have passed from the date of adjudication resulting in the denial of relief if the petitioner is classified as a tier II offender; or**

**(3) Twenty-five years have passed from the date of the adjudication resulting in the denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile adjudication.**

**14. If the petition is denied due to the petitioner having charges pending in violation of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition under this section until:**

**(1) The pending charges resulting in the denial of relief have been finally disposed of in a manner**

**other than adjudication; or**

**(2) If the pending charges result in an adjudication, the necessary time period has elapsed under subsection 13 of this section.**

**15. If the petition is denied for reasons other than those outlined in subsection 11 of this section, no successive petition requesting such relief shall be filed for at least five years from the date the judgment denying relief is entered.**

**16. If the court finds the petitioner is entitled to have his or her name removed from the sexual offender registry, the court shall enter judgment directing the removal of the name. A copy of the judgment shall be provided to the respondents named in the petition.**

**17. Any person subject to the judgment requiring his or her name to be removed from the sexual offender registry is not required to register under sections 589.400 to 589.425 unless such person is required to register for an offense that was different from that listed on the judgment of removal.**

**18. The court shall not deny the petition unless the petition failed to comply with the provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence demonstrating the petition should be denied.**

589.402. 1. The chief law enforcement officer of the county or city not within a county may maintain a web page on the internet, which shall be open to the public and shall include a registered sexual offender search capability.

**2. Except as provided in subsections 4 and 5 of this section,** the registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 3 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted of, found guilty of, or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website].

**3. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:**

**(1) The name and any known aliases of the offender;**

**(2) The date of birth and any known alias dates of birth of the offender;**

**(3) A physical description of the offender;**

**(4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;**

**(5) Any photographs of the offender;**

**(6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;**

**(7) The nature and dates of all offenses qualifying the offender to register, including the tier level assigned to the offender under sections 589.400 to 589.425;**

(8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the offender with the provisions of sections 589.400 to 589.425; and

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

4. The chief law enforcement officer of any county or city not within a county may publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any offender residing in the county or city not within a county.

**5. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400 shall be exempt from public notification to include any adjudications from another state, territory, the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction.**

**589.403. 1. Any person [to whom subsection 1 of section 589.400 applies] who is required to register under sections 589.400 to 589.425 and who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections [or], any mental health institution, private jail under section 221.095, or other private facility recognized by or contracted with the department of corrections or department of mental health where such person was confined shall:**

**(1) If the person plans to reside in this state, be informed by the official in charge of such correctional facility, private jail, or mental health institution of the person's possible duty to register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility, private jail, or the mental health institution shall complete the initial registration notification at least seven days prior to release and forward the offender's registration, within three business days of release, to the Missouri state highway patrol and the chief law enforcement official of the county or city not within a county where the person expects to reside upon discharge, parole, or release[. When the person lists an address where he or she expects to reside that is not in this state, the initial registration shall be forwarded to the Missouri state highway patrol.]; or**

**(2) If the person does not reside or plan to reside in Missouri, be informed by the official in charge of such correctional facility, private jail, or mental health institution of the person's possible duty to register under sections 589.400 to 589.425. If such person is required to register under sections 589.400 to 589.425, the official in charge of the correctional facility, private jail, or the mental health institution shall complete the initial registration notification at least seven days prior to release and forward the offender's registration, within three business days of release, to the Missouri state highway patrol and the chief law enforcement official within the county or city not within a county where the correctional facility, private jail, or mental health institution is located.**

**2. If the offender refuses to complete and sign the registration information as outlined in this section or fails to register with the chief law enforcement official within three business days as directed, the offender commits the offense of failure to register under section 589.425 within the jurisdiction where the correctional facility, private jail, or mental health institution is located.**

**589.404. As used in sections 589.400 to 589.425, the following terms mean:**

- (1) **“Adjudicated” or “adjudication”, adjudication of delinquency, a finding of guilt, plea of guilt, finding of not guilty due to mental disease or defect, or plea of nolo contendere to committing, attempting to commit, or conspiring to commit;**
- (2) **“Adjudicated delinquent”, a person found to have committed an offense that, if committed by an adult, would be a criminal offense;**
- (3) **“Chief law enforcement official”, the sheriff’s office of each county or the police department of a city not within a county;**
- (4) **“Offender registration”, the required minimum informational content of sex offender registries, which shall consist of, but not be limited to, a full set of fingerprints on a standard sex offender registration card upon initial registration in Missouri, as well as all other forms required by the Missouri state highway patrol upon each initial and subsequent registration;**
- (5) **“Residence”, any place where an offender sleeps for seven or more consecutive or nonconsecutive days or nights within a twelve-month period;**
- (6) **“Sex offender”, any person who meets the criteria to register under sections 589.400 to 589.425 or the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248;**
- (7) **“Sex offense”, any offense which is listed under section 589.414 or comparable to those listed under section 589.414 or otherwise comparable to offenses covered under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248;**
- (8) **“Sexual act”, any type or degree of genital, oral, or anal penetration;**
- (9) **“Sexual contact”, any sexual touching of or contact with a person’s body, either directly or through the clothing;**
- (10) **“Sexual element”, used for the purposes of distinguishing if sexual contact or a sexual act was committed. Authorities shall refer to information filed by the prosecutor, amended information filed by the prosecutor, indictment information filed by the prosecutor, or amended indictment information filed by the prosecutor, the plea agreement, or court documentation to determine if a sexual element exists;**
- (11) **“Signature”, the name of the offender signed in writing or electronic form approved by the Missouri state highway patrol;**
- (12) **“Student”, an individual who enrolls in or attends the physical location of an educational institution, including a public or private secondary school, trade or professional school, or an institution of higher education;**
- (13) **“Vehicle”, any land vehicle, watercraft, or aircraft.**

589.405. 1. Any person [to whom subsection 1 of section 589.400 applies] **who is required to register under sections 589.400 to 589.425 and** who is released on probation, discharged upon payment of a fine, or released after confinement in a county jail shall, prior to such release or discharge **and at the time of adjudication**, be informed of the possible duty to register pursuant to sections 589.400 to 589.425 by the



court having jurisdiction over the case. If such person is required to register pursuant to sections 589.400 to 589.425 **and is placed on probation**, the court shall [obtain the address where the person expects to reside upon discharge, parole or release and shall] **make it a condition of probation that the offender report[,]** within three business days[, such address] to the chief law enforcement official of the county **of adjudication** or city not within a county [where the person expects to reside, upon discharge, parole or release] **of adjudication to complete initial registration. If such offender is not placed on probation, the court shall:**

(1) **If the offender resides in Missouri, complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the offender resides; or**

(2) **If the offender does not reside in Missouri:**

(a) **Order the offender to report directly to the chief law enforcement official in the county or city not within a county where the adjudication was heard to register as provided in sections 589.400 to 589.425; and**

(b) **Complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county where the offender was adjudicated.**

**2. If the offender resides in Missouri and refuses to complete and sign the registration information as provided in subdivision (1) of subsection 1 of this section, or if the offender resides outside of Missouri and refuses to directly report to the chief law enforcement official as provided in subdivision (2) of subsection 1 of this section, the offender commits the offense of failure to register under section 589.425.**

589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol **or other format approved by the Missouri state highway patrol**. Such form shall **consist of a statement, including the signature of the offender, and shall** include, but is not limited to, the following:

(1) A statement in writing signed by the person, giving the name, address, **date of birth**, Social Security number, and phone number of the person, the license plate number and vehicle description, including the year, make, model, and color of each vehicle owned or operated by the offender, any online identifiers, as defined in section 43.651, used by the person, the place of employment of such person, enrollment within any institutions of higher education, the crime which requires registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 566.125, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable;

(2) The fingerprints[, **and** palm prints[, and a photograph] of the person; [and]

(3) **Unless the offender's appearance has not changed significantly, a photograph of such offender as follows:**

**(a) Quarterly if a tier III sex offender under section 589.414. Such photograph shall be taken every ninety days beginning in the month of the person's birth;**

**(b) Semiannually if a tier II sex offender. Such photograph shall be taken in the month of the person's birth and six months thereafter; and**

**(c) Yearly if a tier I sex offender. Such photograph shall be taken in the month of the person's birth; and**

**(4) A DNA sample from the individual, if a sample has not already been obtained.**

**2. The offender shall provide positive identification and documentation to substantiate the accuracy of the information completed on the offender registration form, including but not limited to the following:**

**(1) A photocopy of a valid driver's license or nondriver's identification card;**

**(2) A document verifying proof of the offender's residency; and**

**(3) A photocopy of the vehicle registration for each of the offender's vehicles.**

**3. The Missouri state highway patrol shall maintain all required registration information in digitized form.**

**4. Upon receipt of any changes to an offender's registration information contained in this section, the Missouri state highway patrol shall immediately notify all other jurisdictions in which the offender is either registered or required to register.**

**5. The offender shall be responsible for reviewing his or her existing registration information for accuracy at every regular in-person appearance and, if any inaccuracies are found, provide proof of the information in question.**

**6. The signed offender registration form shall serve as proof that the individual understands his or her duty to register as a sexual offender under sections 589.400 to 589.425 and a statement to this effect shall be included on the form that the individual is required to sign at each registration.**

**589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, [not later than] within three business days [after each change of name, residence within the county or city not within a county at which the offender is registered, employment, or student status], appear in person to the chief law enforcement officer of the county or city not within a county [and inform such officer of all changes in the information required by the offender. The chief law enforcement officer shall immediately forward the registrant changes to the Missouri state highway patrol within three business days] if there is a change to any of the following information:**

**(1) Name;**

**(2) Residence;**

**(3) Employment, including status as a volunteer or intern;**

**(4) Student status; or**

**(5) A termination to any of the items listed in this subsection.**

**2. Any person required to register under sections 589.400 to 589.425 shall, within three business**

days, notify the chief law enforcement official of the county or city not within a county of any changes to the following information:

- (1) Vehicle information;
- (2) Temporary lodging information;
- (3) Temporary residence information;
- (4) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications; or
- (5) Telephone or other cellular number, including any new forms of electronic communication.

3. The chief law enforcement official in the county or city not within a county shall immediately forward the registration changes described under subsections 1 and 2 of this section to the Missouri state highway patrol within three business days.

[2.] 4. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes their state **his or her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction** of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state, **territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction** having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state, **territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction**, the Missouri state highway patrol shall inform the responsible official in the new state, **territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction** of residence within three business days.

[3.] 5. **Tier I sexual offenders**, in addition to the requirements of subsections 1 [and 2] **to 4** of this section, [the following offenders] shall report in person to the chief law enforcement [agency every ninety days] **official annually in the month of their birth** to verify the information contained in their statement made pursuant to section 589.407. **Tier I sexual offenders include:**

(1) Any offender [registered as a predatory or persistent sexual offender under the definitions found in section 566.125] **who has been adjudicated for the offense of:**

(a) **Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of age or older;**

(b) **Sexual misconduct involving a child under section 566.083 if it is a first offense and the punishment is less than one year;**

- (c) Sexual abuse in the second degree under section 566.101 if the punishment is less than a year;
  - (d) Kidnapping in the second degree under section 565.120 with sexual motivation;
  - (e) Kidnapping in the third degree under section 565.130;
  - (f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is less than one year;
  - (g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person;
  - (h) Sexual contact with a prisoner or offender under section 566.145 if the victim is eighteen years of age or older;
  - (i) Sex with an animal under section 566.111;
  - (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen years of age or older;
  - (k) Possession of child pornography under section 573.037;
  - (l) Sexual misconduct in the first degree under section 566.093;
  - (m) Sexual misconduct in the second degree under section 566.095;
  - (n) Child molestation in the second degree under section 566.068 as it existed prior to January 1, 2017, if the punishment is less than one year; or
  - (o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of age;
- (2) [ Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and
- (3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.
- 4.] Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

**6. Tier II sexual offenders,** in addition to the requirements of subsections 1 [and 2] to 4 of this section, [all registrants] shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement [agency] **official** to verify the information contained in their statement made pursuant to section 589.407. [All registrants shall allow the chief law enforcement officer to take a current photograph of the offender in the month of his or her birth to the chief law enforcement agency.] **Tier II sexual offenders include:**

**(1) Any offender who has been adjudicated for the offense of:**

**(a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to seventeen years of age;**

**(b) Child molestation in the third degree under section 566.069 if the victim is between thirteen and fourteen years of age;**

**(c) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen years of age;**

**(d) Enticement of a child under section 566.151;**

**(e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is thirteen to seventeen years of age;**

**(f) Sexual exploitation of a minor under section 573.023;**

**(g) Promoting child pornography in the first degree under section 573.025;**

**(h) Promoting child pornography in the second degree under section 573.035;**

**(i) Patronizing prostitution under section 567.030;**

**(j) Sexual contact with a prisoner or offender under section 566.145 if the victim is thirteen to seventeen years of age;**

**(k) Child molestation in the fourth degree under section 566.071 if the victim is thirteen to seventeen years of age;**

**(l) Sexual misconduct involving a child under section 566.083 if it is a first offense and the penalty is a term of imprisonment of more than a year; or**

**(m) Age misrepresentation with intent to solicit a minor under section 566.153;**

**(2) Any person who is adjudicated of an offense comparable to a tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to register offense and who is already required to register as a tier I offender due to having been adjudicated of a tier I offense on a previous occasion; or**

**(3) Any person who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.**

**7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official every ninety days to verify the information contained in their statement made under section 589.407. Tier III sexual offenders include:**

**(1) Any offender registered as a predatory sexual offender as defined in section 566.123 or a persistent sexual offender as defined in section 566.124;**

**(2) Any offender who has been adjudicated for the crime of:**

**(a) Rape in the first degree under section 566.030;**

**(b) Statutory rape in the first degree under section 566.032;**

- (c) Rape in the second degree under section 566.031;**
- (d) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature;**
- (e) Sodomy in the first degree under section 566.060;**
- (f) Statutory sodomy under section 566.062;**
- (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;**
- (h) Sodomy in the second degree under section 566.061;**
- (i) Sexual misconduct involving a child under section 566.083 if the offense is a second or subsequent offense;**
- (j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen years of age;**
- (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian;**
- (l) Child kidnapping under section 565.115;**
- (m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is greater than a year;**
- (n) Incest under section 568.020;**
- (o) Endangering the welfare of a child in the first degree under section 568.045 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;**
- (p) Child molestation in the first degree under section 566.067;**
- (q) Child molestation in the second degree under section 566.068;**
- (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen years of age;**
- (s) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;**
- (t) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;**
- (u) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;**
- (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;**
- (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;**
- (x) Sexual trafficking of a child in the first degree under section 566.210;**

**(y) Sexual trafficking of a child in the second degree under section 566.211;**

**(z) Genital mutilation of a female child under section 568.065;**

**(aa) Statutory rape in the second degree under section 566.034;**

**(bb) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age;**

**(cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term of imprisonment of more than a year;**

**(dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;**

**(ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is under thirteen years of age;**

**(ff) Sexual contact with a prisoner or offender under section 566.145 if the victim is under thirteen years of age;**

**(gg) Sexual intercourse with a prisoner or offender under section 566.145;**

**(hh) Sexual contact with a student under section 566.086 if the victim is under thirteen years of age;**

**(ii) Use of a child in a sexual performance under section 573.200; or**

**(jj) Promoting a sexual performance by a child under section 573.205;**

**(3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense listed in this section or failure to register offense under section 589.425, or other comparable out-of-state failure to register offense, who has been or is already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I offense and failure to register offense, on a previous occasion;**

**(4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or**

**(5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in this section.**

[5.] **8.** In addition to the requirements of subsections 1 [and 2] to 7 of this section, all Missouri registrants who work, **including as a volunteer or unpaid intern**, or attend any school [or training] **whether public or private, including any secondary school, trade school, professional school, or institution of higher education**, on a full-time or part-time basis [in any other state] **or have a temporary residence in this state** shall be required to report in person to the chief law enforcement officer in the area of the state where they work, **including as a volunteer or unpaid intern**, or attend any school or training and register in that state. “Part-time” in this subsection means for more than seven days in any twelve-month

period.

[6.] **9.** If a person[,] who is required to register as a sexual offender under sections 589.400 to 589.425[,] changes or obtains a new online identifier as defined in section 43.651, the person shall report such information in the same manner as a change of residence before using such online identifier.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 35, Section 513.653, Line 19, by inserting after all of said section and line the following:

**“558.043. Notwithstanding any other provision of law, in sentencing a person convicted of an offense for which there is a statutory minimum sentence or a minimum prison term required by section 558.019 but that did not:**

**(1) Include the use, attempted use, or threatened use of serious physical force by the defendant against another person or result in the serious physical injury of another person by the defendant;**

**(2) Involve any sexual offense by the defendant against a minor other than an offense involving sexual contact if the victim was fourteen years of age or older and the defendant was not more than four years older than the victim and the sexual contact was consensual; or**

**(3) Include the brandishing or discharge of a firearm by the defendant,**

**the court may depart from the applicable statutory minimum sentence or minimum prison term required by section 558.019 if the court finds substantial and compelling reasons on the record that, giving due regard to the nature of the offense, the history and character of the defendant, and his or her chances of successful rehabilitation, imposition of the statutory minimum sentence or minimum prison term required by section 558.019 would result in substantial injustice to the defendant or is not necessary for the protection of the public.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 29, Section 221.105, Line 48, by inserting after all of said section and line the following:

**“407.431. The attorney general shall have all powers, rights, and duties regarding violations of sections 407.430 to 407.436 as are provided in sections 407.010 to 407.130, in addition to rulemaking authority under section 407.145.**

407.432. As used in sections 407.430 to 407.436, the following terms shall mean:

(1) “Acquirer”, a business organization, financial institution, or an agent of a business organization or financial institution that authorizes a merchant to accept payment by credit card for merchandise;

(2) “Cardholder”, the person’s name on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer[,] or any agent, authorized signatory, or employee of such person;

(3) “Chip”, an integrated circuit imbedded in a card that stores data so that the card may use the



**EMV payment method for transactions;**

(4) **“Contactless payment”, any payment method that uses a contactless smart card, a near field communication (NFC) antenna, radio-frequency identification (RFID) technology, or other method to remotely communicate data to a scanning device for transactions;**

(5) **“Counterfeit credit card”, any credit card which is fictitious, altered, or forged, any false representation, depiction, facsimile or component of a credit card, or any credit card which is stolen, obtained as part of a scheme to defraud, or otherwise unlawfully obtained, and which may or may not be embossed with account information or a company logo;**

[(4)] (6) **“Credit card” [or “debit card”], any instrument or device, whether known as a credit card, credit plate, bank service card, banking card, check guarantee card, or debit card or by any other name, that is issued with or without a fee by an issuer for the use of the cardholder in obtaining money or merchandise on credit[,] or by transferring payment from the cardholder’s checking account or for use in an automated banking device to obtain any of the services offered through the device. The presentation of a credit card account number is deemed to be the presentation of a credit card. “Credit card” shall include credit or debit cards whose information is stored in a digital wallet for use in in-app purchases or contactless payments;**

[(5)] (7) **“Expired credit card”, a credit card for which the expiration date shown on it has passed;**

[(6)] (8) **“Issuer”, the business organization [or] , financial institution, or [its] duly authorized agent[, which] thereof that issues a credit card;**

[(7)] (9) **“Merchandise”, any objects, wares, goods, commodities, intangibles, real estate, services, or anything else of value;**

[(8)] (10) **“Merchant”, an owner or operator of any retail mercantile establishment, or any agent, employee, lessee, consignee, officer, director, franchisee, or independent contractor of such owner or operator. A merchant includes a person who receives from [an authorized user of a payment card] a cardholder, or an individual the person believes to be [an authorized user] a cardholder, a [payment] credit card or information from a [payment] credit card as the instrument for obtaining, purchasing, or receiving goods, services, money, or anything of value from the person;**

[(9)] (11) **“Person”, any natural person or his legal representative, partnership, firm, for-profit or not-for-profit corporation, whether domestic or foreign, company, foundation, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestui que trust thereof;**

[(10)] (12) **“Reencoder”, an electronic device that places encoded information from the chip or magnetic strip or stripe of a credit [or debit] card onto the chip or magnetic strip or stripe of a different credit [or debit] card;**

[(11)] (13) **“Revoked credit card”, a credit card for which permission to use it has been suspended or terminated by the issuer;**

[(12)] (14) **“Scanning device”, a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information stored in the chip or encoded on the magnetic strip or stripe of a credit [or debit] card. “Scanning device” shall include devices**

**used by a merchant for contactless payments.**

407.433. 1. No person, other than the cardholder, shall:

(1) Disclose more than the last five digits of a credit card [or debit card] account number on any sales receipt provided to the cardholder for merchandise sold in this state[;]

(2) Use a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a credit or debit card without the permission of the cardholder and with the intent to defraud any person, the issuer, or a merchant; or

(3) Use a reencoder to place information encoded on the magnetic strip or stripe of a credit or debit card onto the magnetic strip or stripe of a different card without the permission of the cardholder from which the information is being reencoded and with the intent to defraud any person, the issuer, or a merchant[.]

2. Any person who knowingly violates this section is guilty of an infraction and any second or subsequent violation of this section is a class A misdemeanor.

3. It shall not be a violation of subdivision (1) of subsection 1 of this section if:

(1) The sole means of recording the credit card number [or debit card number] is by handwriting or, prior to January 1, 2005, by an imprint of the credit card [or debit card]; and

(2) For handwritten or imprinted copies of credit card [or debit card] receipts, only the merchant's copy of the receipt lists more than the last five digits of the account number.

4. This section shall become effective on January 1, 2003, and applies to any cash register or other machine or device that prints or imprints receipts of credit card [or debit card] transactions and which is placed into service on or after January 1, 2003. Any cash register or other machine or device that prints or imprints receipts on credit card [or debit card] transactions and which is placed in service prior to January 1, 2003, shall be subject to the provisions of this section on or after January 1, 2005.

**407.435. 1. A person commits the offense of illegal use of a card scanner if the person:**

(1) **Directly or indirectly uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information stored in the chip or encoded on the magnetic strip or stripe of a credit card without the permission of the cardholder, the credit card issuer, or a merchant;**

(2) **Possesses a scanning device with the intent to defraud a cardholder, credit card issuer, or merchant or possesses a scanning device with the knowledge that some other person intends to use the scanning device to defraud a cardholder, credit card issuer, or merchant;**

(3) **Directly or indirectly uses a reencoder to copy a credit card without the permission of the cardholder of the card from which the information is being reencoded and does so with the intent to defraud the cardholder, the credit card issuer, or a merchant; or**

(4) **Possesses a reencoder with the intent to defraud a cardholder, credit card issuer, or merchant or possesses a reencoder with the knowledge that some other person intends to use the reencoder to defraud a cardholder, credit card issuer, or merchant.**

2. **The offense of illegal use of a card scanner is a class D felony. However, a second or subsequent offense arising from a separate incident is a class C felony.**

407.436. [1. Any person who willfully and knowingly, and with the intent to defraud, engages in any practice declared to be an unlawful practice in sections 407.430 to 407.436 of this credit user protection law shall be guilty of a class E felony.

2. The violation of any provision of sections 407.430 to 407.436 of this credit user protection law constitutes an unlawful practice pursuant to sections 407.010 to 407.130, and the violator shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130. The attorney general shall have all powers, rights, and duties regarding violations of sections 407.430 to 407.436 as are provided in sections 407.010 to 407.130, in addition to rulemaking authority as provided in section 407.145.] **A person commits the offense of defacing a credit card reader if a person damages, defaces, alters, or destroys a scanning device and the person has no right to do so. The offense of defacing a credit card reader is a class A misdemeanor.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 29, Section 221.105, Lines 38-48, by deleting said lines and inserting in lieu thereof the following:

**“4. The presiding judge of a judicial circuit may propose expenses to be reimbursable by the state on behalf of one or more of the counties in that circuit. Proposed reimbursable expenses may include pretrial assessment and supervision strategies for defendants who are ultimately eligible for state incarceration. A county may not receive more than its share of the amount appropriated in the previous fiscal year, inclusive of expenses proposed by the presiding judge. Any county shall convey such proposal to the department, and any such proposal presented by a presiding judge shall include the documented agreement with the proposal by the county governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the county responsible for custody or incarceration of prisoners of the county represented in the proposal. Any county that declines to convey a proposal to the department, pursuant to the provisions of this subsection, shall receive its per diem cost of incarceration for all prisoners chargeable to the state in accordance with the provisions of subsections 1, 2, and 3 of this section.”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 7, Section 109.320, Line 44, by inserting after all of said section and line the following:

**“210.1014. 1. There is hereby created the “Amber Alert System Oversight Committee”, whose primary duty shall be to develop criteria and procedures for the Amber alert system and shall be housed within the department of public safety. The committee shall regularly review the function of the Amber alert system and revise its criteria and procedures in cooperation with the department of public safety to provide for efficient and effective public notification and meet at least annually to discuss potential improvements to the Amber alert system. As soon as practicable, the committee shall adopt criteria and procedures to expand the Amber alert system to provide urgent public alerts related to homeland security, criminal acts, health emergencies, and other imminent dangers to the public health and welfare.**

2. The Amber alert system oversight committee shall consist of ten members of which seven members shall be appointed by the governor with the advice and consent of the senate. Such members shall represent the following entities: two representatives of the Missouri Sheriffs' Association; two representatives of the Missouri Police Chiefs Association; one representative of small market radio broadcasters; one representative of large market radio broadcasters; one representative of television broadcasters. The director of the department of public safety shall also be a member of the committee and shall serve as chair of the committee. Additional members shall include one representative of the highway patrol and one representative of the department of health and senior services.

3. Members of the oversight committee shall serve a term of four years, except that members first appointed to the committee shall have staggered terms of two, three, and four years and shall serve until their successor is duly appointed and qualified.

4. Members of the oversight committee shall serve without compensation, except that members shall be reimbursed for their actual and necessary expenses required for the discharge of their duties.

5. The Amber alert system oversight committee shall promulgate rules for the implementation of the Amber alert system. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

**210.1016. 1. The provisions of this section shall be known and may be cited as “Hailey’s Law”.**

**2. The Amber alert system shall be integrated into the Missouri uniform law enforcement system (MULES) and Regional Justice Information Service (REJIS) to expedite the reporting of child abductions.”; and**

Further amend said bill, Page 33, Section 455.560, Line 46, by inserting after all of said section and line the following:

“483.075. 1. Every clerk shall record the judgments, rules, orders and other proceedings of the court; issue and attest all process when required by law and affix the seal of his office thereto, or if none be provided, then his private seal; keep a perfect account of all moneys coming into his hands on account of costs or otherwise, and punctually pay over the same.

2. Provided, that where the clerk of the circuit court is a party, plaintiff or defendant, whether singly or jointly with others, to a suit or action, the writ of summons and all other process shall be issued by the clerk of the county commission, the reason therefor being noted on said process, and said latter named clerk shall, on the trial of said cause, act as temporary clerk of the circuit court and otherwise perform in said cause all the duties of the circuit court clerk. **This subsection shall not apply where the clerk of the circuit court is named as a party under sections 610.130 to 610.145 or other sections relating to the expungement of criminal records.**

488.2206. 1. In addition to all court fees and costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within [the thirty-first judicial circuit]

**any judicial circuit composed of a single noncharter county** in all **civil and** criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state, including an infraction, except that no such surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance, or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by order, ordinance, or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the political subdivision authorizing such surcharge, **who shall deposit the funds in a separate account known as the “justice center fund”, to be established and maintained by the political subdivision.**

2. Each county or municipality shall use all funds received pursuant to this section only to pay for the costs associated with the land assemblage and purchase, **planning**, construction, maintenance, and operation of any county or municipal judicial facility **or justice center** including, but not limited to, **architectural, engineering, and other plans and studies**, debt service, utilities, maintenance, and building security. The county or municipality shall maintain records identifying [such operating costs, and any moneys not needed for the operating costs of the county or municipal judicial facility shall be transmitted quarterly to the general revenue fund of the county or municipality respectively] **all funds received and expenditures made from their respective center funds.**

488.2250. 1. For all appeal transcripts of testimony given [or proceedings in any circuit court], the court reporter shall receive the sum of three dollars and fifty cents per legal page for the preparation of a paper and an electronic version of the transcript.

2. In criminal cases where an appeal is taken by the defendant and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

3. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings and the court reporter shall receive the sum of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

4. For purposes of this section, a legal page, other than the first page and the final page of the transcript, shall be twenty-five lines, approximately eight and one-half inches by eleven inches in size, with the left-hand margin of approximately one and one-half inches, and with the right-hand margin of approximately one-half inch.

5. Notwithstanding any law to the contrary, the payment of court reporter’s fees provided in subsections 2 and 3 of this section shall be made by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings shall be borne by the party requesting their preparation and production, who shall reimburse the court reporter [the sum provided in subsection 1 of this section].”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 36, Section 566.147, Line 42, by inserting after all of said section and line the following:

“577.029. A licensed physician, registered nurse, phlebotomist, or trained medical technician, acting at the request and direction of the law enforcement officer **under section 577.020**, shall, **with the consent of the patient or a warrant issued by a court of competent jurisdiction**, withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical personnel, in his or her good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or her.

579.065. 1. A person commits the offense of trafficking drugs in the first degree if, except as authorized by this chapter or chapter 195, such person knowingly distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce:

(1) More than thirty grams but less than ninety grams of a mixture or substance containing a detectable amount of heroin;

(2) More than one hundred fifty grams but less than four hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;

(3) More than eight grams but less than twenty-four grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;

(4) More than five hundred milligrams but less than one gram of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(5) More than thirty grams but less than ninety grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(6) More than four grams but less than twelve grams of phencyclidine;

(7) More than thirty kilograms but less than one hundred kilograms of a mixture or substance containing marijuana;

(8) More than thirty grams but less than ninety grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; [or]

(9) More than thirty grams but less than ninety grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

**(10) More than ten grams but less than sixty grams of fentanyl, or any derivative thereof, or any mixture or substance containing a detectable amount of fentanyl.**

2. The offense of trafficking drugs in the first degree is a class B felony.

3. The offense of trafficking drugs in the first degree is a class A felony if the quantity involved is:

(1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or

(2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

(3) Twenty-four grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or

(4) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

(5) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

(6) Twelve grams or more of phencyclidine; or

(7) One hundred kilograms or more of a mixture or substance containing marijuana; or

(8) Ninety grams or more of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(9) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers; methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate, and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, or within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or

(10) Ninety grams or more of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

(11) More than thirty grams of any material, compound, mixture, or preparation which contains any

quantity of 3,4-methylenedioxymethamphetamine and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; **or**

**(12) Sixty grams or more of fentanyl, or any derivative thereof, or any mixture or substance containing a detectable amount of fentanyl.**

579.068. 1. A person commits the offense of trafficking drugs in the second degree if, except as authorized by this chapter or chapter 195, such person knowingly possesses or has under his or her control, purchases or attempts to purchase, or brings into this state:

(1) More than thirty grams but less than ninety grams of a mixture or substance containing a detectable amount of heroin;

(2) More than one hundred fifty grams but less than four hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;

(3) More than eight grams but less than twenty-four grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;

(4) More than five hundred milligrams but less than one gram of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(5) More than thirty grams but less than ninety grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(6) More than four grams but less than twelve grams of phencyclidine;

(7) More than thirty kilograms but less than one hundred kilograms of a mixture or substance containing marijuana;

(8) More than thirty grams but less than ninety grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; [or]

(9) More than thirty grams but less than ninety grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; **or**

**(10) More than ten grams but less than sixty grams of fentanyl, or any derivative thereof, or any mixture or substance containing a detectable amount of fentanyl.**



2. The offense of trafficking drugs in the second degree is a class C felony.

3. The offense of trafficking drugs in the second degree is a class B felony if the quantity involved is:

(1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or

(2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

(3) Twenty-four grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or

(4) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

(5) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

(6) Twelve grams or more of phencyclidine; or

(7) One hundred kilograms or more of a mixture or substance containing marijuana; or

(8) More than five hundred marijuana plants; or

(9) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(10) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; **or**

**(11) Sixty grams or more of fentanyl, or any derivative thereof, or any mixture or substance containing a detectable amount of fentanyl.**

4. The offense of trafficking drugs in the second degree is a class A felony if the quantity involved is four hundred fifty grams or more of any material, compound, mixture or preparation which contains:

(1) Any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate; or

(2) Any quantity of 3,4-methylenedioxymethamphetamine.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 10, Section 217.075, Line 41, by inserting immediately after all of said section and line

the following:

**“217.149. 1. By January 1, 2019, all correctional centers shall develop specific procedures for the intake and care of offenders who are pregnant, which shall include procedures regarding:**

**(1) Maternal health evaluations;**

**(2) Dietary supplements;**

**(3) Substance abuse treatment;**

**(4) Treatment for the human immunodeficiency virus and ways to avoid human immunodeficiency virus transmission;**

**(5) Hepatitis C;**

**(6) Sleeping arrangements for such offenders, including requiring such offenders to sleep on the bottom bunk bed;**

**(7) Access to mental health professionals;**

**(8) Sanitary materials;**

**(9) Postpartum recovery, including that no such offender shall be placed in isolation during such recovery unless deemed necessary for medical or security reasons. Such reasons shall be documented in writing within forty-eight hours of the incident. Such documents shall be kept on file by the correctional center for at least ten years from the date the incident occurred;**

**(10) A requirement that a female medical professional be present during any examination of such offender while in a state of undress; and**

**(11) The department shall, with the assistance of the department of social services and consent of the pregnant offender, consider enrolling an unborn child in the show-me healthy babies program under section 208.662.**

**2. As used in this section “postpartum recovery” means, as determined by a physician, the period immediately following delivery, including the entire period an offender who was pregnant is in the hospital or infirmary after delivery.**

**217.151. 1. As used in this section, the following terms mean:**

**(1) “Extraordinary circumstance”, a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of a pregnant offender in her third trimester or a postpartum offender within forty-eight hours postdelivery, the staff of the correctional center or medical facility, other offenders, or the public;**

**(2) “Labor”, the period of time before a birth during which contractions are present;**

**(3) “Postpartum”, the period of recovery immediately following childbirth, which is six weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so determined by a physician or nurse;**

**(4) “Restraints”, any physical restraint or other device used to control the movement of a person’s body or limbs.**

**2. A correctional center shall not use restraints on a pregnant offender in her third trimester, whether during transportation to and from visits to health care providers and court proceedings or medical appointments and examinations, or during labor, delivery, or within forty-eight hours postdelivery.**

**3. Pregnant offenders shall be transported in vehicles equipped with seatbelts.**

**4. Any time restraints are used on a pregnant offender in her third trimester or on a postpartum offender within forty-eight hours postdelivery, the restraints shall be the least restrictive available and the most reasonable under the circumstances. In no case shall leg, ankle, or waist restraints or any mechanical restraints be used on any such offender, and if wrist restraints are used, such restraints shall be placed in the front of such offender's body to protect the offender and the unborn child in the case of a forward fall.**

**5. If a doctor, nurse, physician assistant, paramedic, or emergency medical technician treating the pregnant offender in her third trimester or the postpartum offender within forty-eight hours postdelivery requests that restraints not be used, the corrections officer accompanying such offender shall immediately remove all restraints.**

**6. In the event a corrections officer determines that extraordinary circumstances exist and restraints are necessary, the corrections officer shall fully document in writing within forty-eight hours of the incident the reasons he or she determined such extraordinary circumstances existed, the type of restraints used, and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances. Such documents shall be kept on file by the correctional center for at least ten years from the date the restraints were used.**

**7. The sentencing and corrections oversight commission established under section 217.147 and the advisory committee established under section 217.015 shall conduct biannual reviews of every report written on the use of restraints on a pregnant offender in her third trimester or on a postpartum offender within forty-eight hours postdelivery in accordance with subsection 6 of this section to determine compliance with this section. The written reports shall be kept on file by the department for ten years.**

**8. The chief administrative officer, or equivalent position, of each correctional center shall:**

**(1) Ensure that employees of the correctional center are provided with training, which may include online training, on the provisions of this section; and**

**(2) Inform female offenders, in writing and orally, of any policies and practices developed in accordance with this section upon admission to the correctional center, including policies and practices in any offender handbook, and post the policies and practices in locations in the correctional center where such notices are commonly posted and will be seen by female offenders, including common housing areas and health care facilities.**

**9. Nothing in this section shall be construed to prohibit the use of handcuffs upon arrest.”; and**

Further amend said bill, Page 29, Section 221.105, Line 48, by inserting immediately after said section and line the following:

**“221.523. 1. By January 1, 2019, all county and city jails shall develop specific written policies and**

procedures for the intake and care of offenders who are pregnant. Nothing in this section shall be construed to prohibit the use of handcuffs upon arrest. The policies and procedures shall include the following:

- (1) Maternal health evaluations;
- (2) Dietary supplements;
- (3) Substance abuse treatment;
- (4) Treatment for the human immunodeficiency virus and ways to avoid human immunodeficiency virus transmission;
- (5) Hepatitis C;
- (6) Sleeping arrangements for such offenders, including requiring such offenders to sleep on the bottom bunk bed;
- (7) Access to mental health professionals;
- (8) Sanitary materials;
- (9) Postpartum recovery, including that no such offender shall be placed in isolation during such recovery unless deemed necessary for medical or security reasons. Such reasons shall be documented in writing within forty-eight hours of the incident. Such documents shall be kept on file by the correctional center for at least ten years from the date the incident occurred;
- (10) The jail shall, with the assistance of the department of social services and consent of the pregnant offender, consider enrolling an unborn child in the show-me healthy babies program under section 208.662; and
- (11) The use of restraints on a pregnant offender in her third trimester. Such policy may include provisions that:
  - (a) A county or city jail shall not use restraints on a pregnant offender in her third trimester, whether during transportation to and from visits to health care providers and court proceedings or medical appointments and examinations, or during labor, delivery, or forty-eight hours postdelivery;
  - (b) Pregnant offenders shall be transported in vehicles equipped with seatbelts;
  - (c) Anytime restraints are used on a pregnant offender in her third trimester or on a postpartum offender within forty-eight hours postdelivery, the restraints shall be the least restrictive available and the most reasonable under the circumstances. If wrist restraints are used, such restraints shall be placed in the front of such offender's body to protect the offender and the unborn child in the case of a forward fall;
  - (d) If a doctor, nurse, physician assistant, paramedic, or emergency medical technician treating the pregnant offender in her third trimester or the postpartum offender within forty-eight hours postdelivery requests that restraints not be used, the sheriff or jailer accompanying such offender shall immediately remove all restraints;
  - (e) In the event a sheriff or jailer determines that extraordinary circumstances exist and restraints

are necessary, the sheriff or jailer shall fully document in writing within forty-eight hours of the incident the reasons he or she determined such extraordinary circumstances existed, the type of restraints used, and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances. Such documents shall be kept on file by the county or city jail for at least ten years from the date the restraints were used;

**(f) The county or city jail shall:**

**a. Ensure that employees of the jail are provided with training, which may include online training, on the provisions of this section; and**

**b. Inform female offenders, in writing and orally, of any policies and practices developed in accordance with this section upon admission to the jail;**

**(g) A female medical professional be present during any examination of such offender while in a state of undress.**

**2. As used in this section, the following terms shall mean:**

**(1) “Extraordinary circumstance”, a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of a pregnant offender in her third trimester or a postpartum offender within forty-eight hours postdelivery, the staff of the county or city jail or medical facility, other offenders, or the public;**

**(2) “Gestational age”, the same meaning as in section 188.015;**

**(3) “Labor”, the period of time before a birth during which contractions are present;**

**(4) “Postpartum”, the period of recovery immediately following childbirth, which is six weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so determined by a physician or nurse;**

**(5) “Restraints”, any physical restraint or other device used to control the movement of a person’s body or limbs;**

**(6) “Third trimester”, the period of pregnancy beginning after twenty-seven weeks gestational age.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 35, Section 513.653, Line 19, by inserting immediately after said section and line the following:

“559.600. 1. In cases where the board of probation and parole is not required under section 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities or other court-approved entity to provide such services. The court-approved entity, including private or other entities, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for class A, B, C, and D misdemeanor offenses, specifically including persons placed on probation for violations of section 577.023. Nothing in sections 559.600 to

559.615 shall be construed to prohibit the board of probation and parole, or the court, from supervising misdemeanor offenders in a circuit where the judges have entered into a contract with a probation entity.

**2. In all cases, the entity providing such private probation service shall utilize the cutoff concentrations utilized by the department of corrections with regard to drug and alcohol screening for clients assigned to such entity. A drug test is positive if drug presence is at or above the cutoff concentration or negative if no drug is detected or if drug presence is below the cutoff concentration.**

**3. In all cases, the entity providing such private probation service shall not require the clients assigned to such entity to travel in excess of fifty miles in order to attend their regular probation meetings.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 1, Section A, Line 11, by inserting after all of said section and line the following:

**“37.940. 1. There is hereby established within the office of administration the “Social Innovation Grant Program”. The governor shall designate an individual to serve as the executive director of the social innovation grant program, who shall establish and oversee the program. For purposes of this section, the following terms mean:**

**(1) “Critical state concern”, instances or circumstances in which the state of Missouri is currently, and will likely be in the future, responsible for the costs associated with a particular act of the state through annual appropriations. The programs for which the costs are associated may not be optimal for reducing the overall scope of the problem to the greatest extent while limiting the exposure of the state budget;**

**(2) “Demonstration project”, a project selected by the social innovation grant team in response to the grant team’s request for proposals process;**

**(3) “Social innovation grant”, a grant awarded to a nonprofit organization with experience in the area of critical state concern to design a short-term demonstration project based on evidence and best practices that can be replicated to optimize state funding and services for populations and programs identified as areas of critical state concern.**

**2. Areas of critical state concern include, but are not limited to:**

**(1) Families in generational child welfare;**

**(2) Opioid-addicted pregnant women; and**

**(3) Children in residential treatment with behavioral issues where the children were not removed from the family due to abuse or neglect.**

**The office of administration or the general assembly may identify additional critical state concerns that could potentially be addressed through the social innovation grant program.**

**3. For any critical state concern for which a social innovation grant is being utilized, the executive director shall establish a “Social Innovation Grant Team” to be comprised of:**

**(1) Individuals working in governmental agencies responsible for the oversight of programs related to the critical state concern;**

**(2) Persons working in the nonprofit sector with practical field experience related to the critical state concern; and**

**(3) Academic leaders in research and study related to the critical state concern.**

**4. The social innovation grant team shall be charged with:**

**(1) Formulating a request for proposals for social innovation grants;**

**(2) Evaluating responsive proposals and selecting those bids for demonstration projects that provide the greatest opportunity for addressing the critical state concern in a cost-effective and replicable way; and**

**(3) Monitoring demonstration projects and evaluating them based on the objectives outlined in the request for proposals, the program's outline, the project's impact on the critical state concern, and the project's ability to be replicated on a cost-effective basis.**

**5. Demonstration projects shall be operated over a period of time sufficient to impact the population served by the project based on the parameters and objectives outlined in the request for proposals. Grantees, at a minimum, shall be nonprofit organizations with experience working with the population identified as a critical state concern.**

**6. Upon the conclusion of a demonstration project, the social innovation grant team shall compile all relevant data and submit a report to the general assembly:**

**(1) Evaluating the project's effectiveness in impacting the critical state concern;**

**(2) Assessing, based on the actual experience of the project, the likely ease of statewide deployment in a methodology consistent with the execution of the project and identifying possible barriers to deployment;**

**(3) Analyzing the likely cost of statewide deployment; and**

**(4) Identifying funding strategies for statewide deployment, which may include scaling based on savings reinvestment or outside capital investments.**

**7. The social innovation grant team shall identify methods to fund the social innovation grant program, including state partnerships with nonprofit organizations and foundations. The executive director of the social innovation grant program shall identify sustainability models for deploying successful demonstration projects.**

**8. All social innovation grants shall be subject to appropriation.**

**9. The office of administration may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently**

**held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

**10. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly;**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 10**

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 29, Section 221.105, Line 48, by inserting immediately after said section and line the following:

“221.111. 1. A person commits the offense of possession of unlawful items in a prison or jail if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises of any correctional center as the term “correctional center” is defined under section 217.010, or any city, county, or private jail:

(1) Any controlled substance as that term is defined by law, except upon the written prescription of a licensed physician, dentist, or veterinarian;

(2) Any other alkaloid of any kind or any intoxicating liquor as the term intoxicating liquor is defined in section 311.020;

(3) Any article or item of personal property which a prisoner is prohibited by law, by rule made pursuant to section 221.060, or by regulation of the department of corrections from receiving or possessing, except as herein provided;

(4) Any gun, knife, weapon, or other article or item of personal property that may be used in such manner as to endanger the safety or security of the institution or as to endanger the life or limb of any prisoner or employee thereof;

**(5) Any two-way telecommunications device or its component parts.**

2. The violation of subdivision (1) of subsection 1 of this section shall be a class D felony; the violation of subdivision (2) **or (5) of subsection 1** of this section shall be a class E felony; the violation of subdivision (3) **of subsection 1** of this section shall be a class A misdemeanor; and the violation of subdivision (4) **of subsection 1** of this section shall be a class B felony.

3. The chief operating officer of a county or city jail or other correctional facility or the administrator of a private jail may deny visitation privileges to or refer to the county prosecuting attorney for prosecution any person who knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises of such jail or facility any personal item which is prohibited by rule or regulation of such jail or



facility. Such rules or regulations, including a list of personal items allowed in the jail or facility, shall be prominently posted for viewing both inside and outside such jail or facility in an area accessible to any visitor, and shall be made available to any person requesting such rule or regulation. Violation of this subsection shall be an infraction if not covered by other statutes.

4. Any person who has been found guilty of a violation of subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to expungement of the record of the violation. The procedure to expunge the record shall be pursuant to section 610.123. The record of any person shall not be expunged if such person has been found guilty of knowingly delivering, attempting to deliver, possessing, depositing, or concealing any alkaloid of any controlled substance in or about the premises of any correctional center, or city or county jail, or private prison or jail.

**5. Subdivision (5) of subsection 1 of this section shall not apply to:**

**(1) Any law enforcement officer employed by a state agency, federal agency, or political subdivision lawfully engaged in his or her duties as a law enforcement officer;**

**(2) Any other person who is authorized by the correctional center or city, county, or private jail to possess or use a two-way telecommunications device in the correctional center or city, county, or private jail; or**

**(3) Any person who is not an inmate possessing a two-way telecommunications device or its component parts in an area of a correctional center or city, county, or private jail where such person may lawfully be without the intent to conceal, deliver to, or deposit for the use of another; except that, if such person refuses to comply with orders to surrender such device or its component parts, he or she shall be guilty of a class A misdemeanor.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 35, Section 513.653, Line 19, by inserting immediately after said section and line the following:

“559.021. 1. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. When a defendant is placed on probation he or she shall be given a certificate explicitly stating the conditions on which he or she is being released.

2. In addition to such other authority as exists to order conditions of probation, the court may order such conditions as the court believes will serve to compensate the victim, any dependent of the victim, any statutorily created fund for costs incurred as a result of the offender’s actions, or society. Such conditions may include restorative justice methods pursuant to section 217.777, or any other method that the court finds just or appropriate including, but not limited to:

(1) Restitution to the victim or any dependent of the victim, or statutorily created fund for costs incurred as a result of the offender’s actions in an amount to be determined by the judge;

(2) The performance of a designated amount of free work for a public or charitable purpose, or purposes,

as determined by the judge;

- (3) Offender treatment programs;
- (4) Work release programs in local facilities; and
- (5) Community-based residential and nonresidential programs.

**3. In addition to any of the conditions that may be imposed under this section, the judge may consider assigning the defendant to roadside cleanup as a condition of probation when the judge deems it to be appropriate.**

4. The defendant may refuse probation conditioned on the performance of free work. If he or she does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him or her if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of chapter 288. A defendant performing services pursuant to this section shall not be deemed an employee within the meaning of the provisions of chapter 287.

[4.] 5. In addition to such other authority as exists to order conditions of probation, in the case of a finding of guilt, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

[5.] 6. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a defendant to make payment.

[6.] 7. A defendant who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

[7.] 8. The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 36, Section 566.147, Line 42, by inserting immediately after all of said section and line the following:

“590.650. 1. The provisions of this section shall be known and may be cited as “The Fourth Amendment Affirmation Act”. As used in this section [“minority group” means individuals of African, Hispanic, Native American or Asian descent] the following terms mean:

(1) “Benchmark”, the number used as a basis of comparison in determining possible disproportions in law enforcement activities, including the following:

(a) The benchmark for measuring disproportions in vehicle stops shall be the proportions of drivers in racial or ethnic groups residing or traveling in a jurisdiction;

(b) The benchmark for measuring disproportions in post-stop activities shall be the racial or ethnic group’s proportion of stops; and

(c) The benchmark used to measure disproportions in hit rates shall be the group proportions of drivers searched;

(2) “Consent search”, a search authorized by the consent of the individual, not by probable cause;

(3) “Discriminatory policing”, circumstances in which the peace officer’s actions are based in whole or in part on the real or perceived race, ethnicity, religious beliefs, gender, English language proficiency, status as a person with a disability, or a person’s national origin rather than upon specific and articulable facts, which, taken together with rational inferences from those facts, reasonably indicate criminal activity. “Discriminatory policing” does not include investigations of alleged crimes when law enforcement must seek out suspects who match a specifically delineated description;

(4) “Hit rate”, the rate of searches in which contraband is found. The hit rate is calculated by dividing the number of searches that yield contraband by the total number of searches. Hit rate may be calculated for individual officers, agencies, or multiple agencies;

(5) “Investigative stop”, any stop by a peace officer of a motor vehicle involving at least in part an investigation of a criminal violation other than a motor vehicle violation. Investigative stops can involve calls for service, stops conducted in support of an agency investigation, stops conducted because of a peace officer’s observations, stops made at a sobriety checkpoint or other road block, or other investigatory stops;

(6) “Minority group”, individuals of African, Hispanic, Native American, or Asian descent;

(7) “Ratio of disparity”, the ratio of the rate of stops or other peace officer activities for a non-white group as compared to the rate for the white group. The ratio of disparity for the white group shall be the white group rate compared to the rate for non-white groups;

(8) “Significant disparity”, a ratio of disparity that is over one hundred twenty-five percent of the overall state disparity for any minority group for that category of officer activity after controlling for factors other than discrimination that are contributing to the disparity;

(9) “Significant disproportion”, a ratio of disparity that is over one hundred twenty-five percent of the overall state ratio of disparity for any minority group for that category of peace officer activity.

2. Each time a peace officer stops a driver of a motor vehicle, that officer shall report **at least** the following information to the law enforcement agency that employs the officer:

(1) The age, gender and race or minority group of the individual stopped;

(2) **Whether the driver resides in the jurisdiction of the stop;**

(3) The reasons for the stop. **Reasons for an investigative stop include, but are not limited to, calls for service, stops conducted in support of an agency investigation, stops conducted because of a peace officer's observations, and stops made at a sobriety checkpoint or other road block;**

[(3)] (4) Whether a search was conducted as a result of the stop;

[(4)] (5) If a search was conducted, whether the individual consented to the search, **how the individual's consent was documented**, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search;

[(5)] (6) Whether any contraband was discovered in the course of the search and the type of any contraband discovered;

[(6)] (7) Whether any warning or citation was issued as a result of the stop;

[(7)] (8) If a warning or citation was issued, the violation charged or warning provided;

[(8)] (9) Whether an arrest was made as a result of either the stop or the search;

[(9)] (10) If an arrest was made, the crime charged; and

[(10)] (11) The location of the stop.

Such information may be reported using a format determined by the department of public safety which uses existing citation and report forms.

3. (1) Each law enforcement agency shall compile the data described in subsection 2 of this section for the calendar year into a report to the attorney general.

(2) Each law enforcement agency shall submit the report to the attorney general no later than March first of the following calendar year.

(3) The attorney general shall determine the format that all law enforcement agencies shall use to submit the report. **The attorney general may allow the department of public safety to extract the data from other reports filed by law enforcement agencies.**

4. (1) The attorney general shall analyze the annual reports of law enforcement agencies required by this section and submit a report of the findings to the governor, the general assembly and each law enforcement agency no later than June first of each year.

(2) **The report shall identify situations in which data submitted by agencies indicate that racial and ethnic groups are disproportionately affected by law enforcement activity so that further analysis may be conducted to determine whether peace officers are engaging in discriminatory policing;**

(3) **The report shall provide group ratios of disparity for all categories of stops, post-stop activities, searches, and contraband found using appropriate benchmarks as defined in subsection 1 of this section;**

(4) The report of the attorney general shall include at least the following information for each agency

**and for the state overall:**

- (a) The total number of vehicles stopped by peace officers during the previous calendar year;
- (b) The number and percentage of stopped motor vehicles that were driven by members of each particular minority group;
- (c) [A comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises] **Ratios of disparity for all categories of stops, post-stop activities, searches, and contraband using appropriate benchmarks as defined in subsection 1 of this section;** and
- (d) A compilation of the information reported by law enforcement agencies pursuant to subsection 2 of this section.

5. **(1)** Each law enforcement agency shall adopt a policy on [race-based traffic stops] **discriminatory policing** that:

[(1)] **(a)** Prohibits [the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law] **discriminatory policing;**

[(2)] **(b)** Provides for [periodic] **annual** reviews by the law enforcement agency of the annual report of the attorney general required by subsection 4 of this section that:

[(a)] **a.** Determine whether any peace officers of the law enforcement agency have a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within the jurisdiction of the law enforcement agency; and

[(b)] **b.** If the review reveals a pattern, require an investigation to determine whether any peace officers of the law enforcement agency [routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law; and] **engaged in discriminatory policing;**

**c. Include a review of complaints received by the law enforcement agency and a breakdown of which complaints were verified, found to be unfounded, remain active, and what steps were taken to address verified complaints. The review of complaints shall indicate the number of complaints alleging discriminatory policing that a law enforcement agency received; and**

**d. The results of the review shall be made public, however, no personnel information prohibited by law shall be disclosed; and**

[(3)] **(c)** Provides for appropriate **discipline, up to and including dismissal**, counseling, and training of any peace officer found to have engaged in [race-based traffic stops] **discriminatory policing** within ninety days of the review.

The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, **cultural competency**, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

**(2) Each policy shall be in writing and accessible by the public. The attorney general shall certify that the discriminatory policing policy of each agency is substantially equivalent to the requirements of this subsection.**

**(3) Each policy shall put in place procedures to eliminate discriminatory policing.**

**6. When a motor vehicle has been stopped solely for a traffic violation, a peace officer shall request only the following documentation from only the driver of the motor vehicle:**

**(1) A driver's license or other verifiable, government-issued identification, including foreign-issued identification;**

**(2) Motor vehicle registration; and**

**(3) Proof of insurance.**

**7. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency.**

**[7.] 8. Each law enforcement agency in this state may utilize federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone or to purchase body cameras.**

**[8. A peace officer who stops a driver of a motor vehicle pursuant to a lawfully conducted sobriety check point or road block shall be exempt from the reporting requirements of subsection 2 of this section.]"; and**

**Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.**

#### HOUSE AMENDMENT NO. 13

**Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 5, Section 84.510, Line 61, by inserting immediately after said section and line the following:**

**"105.055. 1. As used in this section, the following terms mean:**

**(1) "Disciplinary action", any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, regardless of whether the withholding of work has affected or will affect the employee's compensation;**

**(2) "Public employee", any employee, volunteer, intern, or other individual performing work or services for a public employer;**

**(3) "Public employer", any state agency or office, the general assembly, any legislative or governing body of the state, any unit or political subdivision of the state, or any other instrumentality of the state.**

**2. No supervisor or appointing authority of any [state agency] public employer shall prohibit any employee of the [agency] public employer from discussing the operations of the [agency] public employer, either specifically or generally, with any member of the legislature, state auditor, attorney general, a prosecuting or circuit attorney, a law enforcement agency, news media, the public, or any state official or body charged with investigating [such] any alleged misconduct described in this section.**

**[2.] 3. No supervisor or appointing authority of any [state agency] public employer shall:**

**(1) Prohibit a [state] public employee from or take any disciplinary action whatsoever against a [state]**

**public** employee for the disclosure of any alleged prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes evidences:

(a) A violation of any law, rule or regulation; or

(b) Mismanagement, a gross waste of funds or abuse of authority, **violation of policy, waste of public resources, alteration of technical findings or communication of scientific opinion, breaches of professional ethical canons**, or a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law; [or]

(2) Require [any such] **a public** employee to give notice to the supervisor or appointing authority prior to [making any such report] **disclosing any activity described in subdivision (1) of this subsection; or**

**(3) Prevent a public employee from testifying before a court, administrative body, or legislative body regarding the alleged prohibited activity or disclosure of information.**

[3.] **4.** This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that [an] **a public** employee inform the supervisor or appointing authority as to legislative requests for information to the [agency] **public employer** or the substance of testimony made, or to be made, by the **public** employee to legislators on behalf of the [employee to legislators on behalf of the agency] **public employer;**

(2) Permitting [an] **a public** employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the **public** employee is requested by a legislator or legislative committee to appear before a legislative committee;

(3) Authorizing [an] **a public** employee to represent [the employee's] **his or her** personal opinions as the opinions of a [state agency] **public employer;** or

(4) Restricting or precluding disciplinary action taken against a [state] **public** employee if: the employee knew that the information was false; the information is closed or is confidential under the provisions of the open meetings law or any other law; or the disclosure relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority or endangerment of the public health or safety.

[4. As used in this section, "disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, whether or not the withholding of work has affected or will affect the employee's compensation.]

**5. In addition to any other remedies provided by law,** any **state** employee may file an administrative appeal whenever the employee alleges that disciplinary action was taken against the employee in violation of this section. The appeal shall be filed with the administrative hearing commission; provided that the appeal shall be filed with the appropriate agency review board or body of nonmerit agency employers which have established appeal procedures substantially similar to those provided for merit employees in subsection 5 of section 36.390. The appeal shall be filed within [thirty days] **one year** of the alleged disciplinary action. Procedures governing the appeal shall be in accordance with chapter 536. If the commission or appropriate review body finds that disciplinary action taken was unreasonable, the commission or appropriate review body shall modify or reverse the agency's action and order such relief for the employee as the commission considers appropriate. If the commission finds a violation of this section, it may review and recommend to the appointing authority that the violator be suspended on leave without pay for not more than thirty days or, in cases of willful or repeated violations, may review and recommend to the appointing authority that

the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The decision of the commission or appropriate review body in such cases may be appealed by any party pursuant to law.

6. Each [state agency] **public employer** shall prominently post a copy of this section in locations where it can reasonably be expected to come to the attention of all employees of the [agency] **public employer**.

7. (1) In addition to the remedies in subsection [6] **5** of this section **or any other remedies provided by law**, a person who alleges a violation of this section may bring a civil action **against the public employer** for damages within [ninety days] **one year** after the occurrence of the alleged violation.

(2) A civil action commenced pursuant to this subsection may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides. **A person commencing such action may request a trial by jury.**

(3) [An] **A public employee [must] shall** show by clear and convincing evidence that he or she or a person acting on his or her behalf has reported or was about to report, verbally or in writing, a prohibited activity or a suspected prohibited activity. **Upon such a showing, the burden shall be on the public employer to demonstrate that the disciplinary action was not the result of such a report.**

(4) A court, in rendering a judgment in an action brought pursuant to this section, shall order, as the court considers appropriate, actual damages, and may also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees.

**8. If the alleged misconduct is related to the receipt and expenditures of public funds, a public employee alleging that disciplinary action was taken against the employee in violation of this section may request the state auditor to investigate the alleged misconduct and whether the disciplinary action was taken in violation of this section. If the state auditor uses his or her discretion to make such an investigation, the time to appeal such disciplinary action under subsections 5 and 7 of this section shall be the later of one year from the date of the alleged disciplinary action or ninety days following the release of the state auditor's report.**

**9. The provisions of this section shall apply to public employees, notwithstanding any provisions of section 213.070 and section 285.575 to the contrary.**

**105.725. Any person who obtains a claim or final judgment for a payment to be made out of the state legal expense fund shall not be offered or required to sign any confidentiality agreement stating that he or she will not discuss his or her claim or final judgment or stating that if he or she does discuss such claim or final judgment, he or she will waive any right to moneys from the state legal expense fund. If a confidentiality agreement is offered to a person in violation of this section and such agreement is signed, such signed agreement shall be unenforceable.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 14

Amend House Amendment No. 14 to House Committee Substitute for Senate Substitute for Senate



Committee Substitute for Senate Bill No. 966, Page 2, Line 24, by inserting after all of said line the following:

“Further amend said bill, Page 36, Section 566.147, Line 42, by inserting after all of said line the following:

“567.050. 1. A person commits the offense of promoting prostitution in the first degree if he or she knowingly:

(1) Promotes prostitution by compelling a person to enter into, engage in, or remain in prostitution; [or]

(2) Promotes prostitution of a person less than sixteen years of age; **or**

**(3) Owns, manages, or operates an interactive computer service, as defined 47 U.S.C. Section 230(f), or conspires or attempts to do so, with the intent to promote or facilitate the prostitution of another.**

2. The term “compelling” includes:

(1) The use of forcible compulsion;

(2) The use of a drug or intoxicating substance to render a person incapable of controlling his conduct or appreciating its nature;

(3) Withholding or threatening to withhold dangerous drugs or a narcotic from a drug dependent person.

3. The offense of promoting prostitution in the first degree is a class B felony, **or a class A felony if a person violates subdivision (3) of subsection 1 of this section and acts in reckless disregard of the fact that such conduct contributed to the offense of trafficking for the purposes of sexual exploitation under section 566.209.**

**4. A person injured by the acts committed in violation subdivision (3) of subsection 1 of this section and subdivisions (1) and (2) of subsection 3 of this section shall have a civil cause of action to recover damages and reasonable attorneys’ fees for such injury.**

**5. In addition to the court’s authority to order a defendant to make restitution for the damage or loss caused by his or her offense as provided in section 559.105, the court shall enter a judgment of restitution against the offender convicted of violating subdivision (3) of subsection 1 of this section and subdivision (2) of subsection 3 of this section.”; and”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 35, Section 513.653, Line 19, by inserting after all of said section and line the following:

“556.036. 1. A prosecution for murder, rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, attempted sodomy in the first degree, attempted forcible sodomy, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

(1) For any felony, three years, except as provided in subdivision (4) of this subsection;

(2) For any misdemeanor, one year;

(3) For any infraction, six months;

(4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term “person who has a legal duty to represent an aggrieved party” shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections 407.511 to 407.556; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the person is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the person’s complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; [or]

(2) During any time when the accused is concealing himself **or herself** from justice either within or without this state; [or]

(3) During any time when a prosecution against the accused for the offense is pending in this state; [or]

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020; **or**

**(5) During any period of time after which a DNA profile is developed from evidence collected in relation to the commission of a crime and included in a published laboratory report until the date upon which the accused is identified by name based upon a match between that DNA evidence profile and the known DNA profile of the accused. For purposes of this section, the term “DNA profile”**

**means the collective results of the DNA analysis of an evidence sample.**

556.037. **1.** Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under [must be commenced within thirty years after the victim reaches the age of eighteen unless the prosecutions are for rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, kidnapping, kidnapping in the first degree, attempted sodomy in the first degree, or attempted forcible sodomy in which case such prosecutions] may be commenced at any time.

**2. For purposes of this section, “sexual offenses” include, but are not limited to, all offenses for which registration is required under sections 589.400 to 589.425.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 10, Section 217.075, Line 41, by inserting after said section and line the following:

**“217.243. 1. Any inmate who receives an on-site nonemergency medical examination or treatment from the correctional center’s medical personnel shall be assessed a charge of twenty-five cents per visit for the medical examination or treatment.**

**2. Inmates shall be charged a co-pay fee except for the following:**

- (1) Health care services based on staff referrals;**
- (2) Staff-approved follow-up treatment for chronic illnesses;**
- (3) Preventive health care;**
- (4) Emergency services;**
- (5) Prenatal care;**
- (6) Diagnosis or treatment of chronic infectious diseases;**
- (7) Mental health care; or**
- (8) Substance abuse treatment.**

**3. Inmates without funds shall not be charged, provided they are considered to be indigent and are unable to pay the health care services fee.**

**4. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

## HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 7, Section 109.320, Line 44, by inserting the following after all of said section and line:

“160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district’s determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district’s discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. **The district may satisfy this notice requirement by posting a copy of the policy and procedures on the district’s website.** All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, “need to know” is defined as school personnel who are directly responsible for the student’s education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase “act of school violence” or “violent behavior” means the exertion of physical force by a student with the intent to do serious physical injury as defined in section 556.061 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping in the first degree under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Rape in the first degree under section 566.030;
- (6) Sodomy in the first degree under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;
- (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or manufacture of a controlled substance under section 579.055;

- (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in the second degree under section 565.027;
- (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or second degree assault under section 565.052;
- (16) Rape in the second degree under section 566.031;
- (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or kidnapping in the second degree under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to January 1, 2017, or child molestation in the first, second, or third degree pursuant to section 566.067, 566.068, or 566.069;
- (21) Sodomy in the second degree pursuant to section 566.061;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse in the first degree pursuant to section 566.100; **or**
- (24) [Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment in the first degree under section 565.090; or
- (25)] Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the first degree under section 565.225[;]

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be

within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

(1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

(2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined

in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall report the allegation to the children's division as set forth in section 210.115. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;



(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

167.117. 1. [In any instance when any person is believed to have committed an act which if committed by an adult would be assault in the first, second or third degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property, including a school bus in service on behalf of the district, or while involved in school activities, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent, except in any instance when any person is believed to have committed an act which if committed by an adult would be assault in the third degree and a written agreement as to the procedure for the reporting of such incidents of third degree assault has been executed between the superintendent of the school district and the appropriate local law enforcement agency, the principal shall report such incident to the appropriate local law enforcement agency in accordance with such agreement.] **For purposes of this section, "on school premises" means on any school property including, but not limited to, a school playground or school parking lot; on any school bus in service on behalf of the school district; or while involved in school activities regardless of whether the activity is on or off school property.**

2. In any instance when a pupil is discovered to have on or about such pupil's person, or among such pupil's possessions, or placed elsewhere on [the] school premises[, including but not limited to the school playground or the school parking lot, on a school bus or at a school activity whether on or off of school property] any controlled substance as defined in section 195.010 or any weapon as defined in subsection 6 of section 160.261 in violation of school policy, the principal shall [immediately] **as soon as reasonably practical** report such incident to the appropriate local law enforcement agency and to the superintendent.

**In any instance when a school employee becomes aware that a pupil is in possession of a controlled substance or any weapon on school premises, the school employee shall as soon as reasonably practical report such incident to the principal.**

3. [In any instance when a teacher becomes aware of an assault as set forth in subsection 1 of this section or finds a pupil in possession of a weapon or controlled substances as set forth in subsection 2 of this section, the teacher shall immediately report such incident to the principal.] **In any instance when a pupil is believed to have committed an act listed in subdivisions (1) to (24) of subsection 2 of section 160.261 on school premises, the principal shall as soon as reasonably practical report such incident to the appropriate law enforcement agency; to the superintendent; and, if there is a victim, to the parents or legal guardian of each victim. In any instance when a school employee becomes aware that a pupil has committed an act listed in subdivisions (1) to (24) of subsection 2 of section 160.261 on school premises, the school employee shall as soon as reasonably practical report such incident to the principal.**

4. A school employee, superintendent, or such person's designee who in good faith provides information to law enforcement or juvenile authorities pursuant to this section or section 160.261 **or provides information to law enforcement or juvenile authorities regarding an instance in which a pupil is believed to have committed a crime on school premises** shall not be civilly liable for providing such information.

5. Any school official responsible for reporting pursuant to this section or section 160.261 who willfully neglects or refuses to perform this duty shall be subject to the penalty established pursuant to section 162.091.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 36, Section 566.147, Line 42, by inserting immediately after said section and line the following:

“571.030. 1. A person commits the offense of unlawful use of weapons, except as otherwise provided by sections 571.101 to 571.121, if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under section 571.107; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or

(11) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of section 579.015.

**2. (1) This subsection shall be known and may be cited as “Blair’s Law”.**

**(2) A person commits the offense of unlawful use of weapons if, with criminal negligence, he or she discharges a firearm within or into the limits of any municipality.**

**(3) This subsection shall not apply if the firearm is discharged:**

**(a) As allowed by a defense of justification under chapter 563;**

**(b) On a properly supervised range;**

**(c) To lawfully take wildlife during an open season established by the department of conservation. Nothing in this subdivision shall prevent a municipality from adopting an ordinance restricting the discharge of a firearm within one-quarter mile of an occupied structure;**

**(d) For the control of nuisance wildlife as permitted by the department of conservation or the United States Fish and Wildlife Service;**

**(e) By special permit of the chief of police of the municipality;**

**(f) As required by an animal control officer in the performance of his or her duties;**

**(g) Using blanks;**

**(h) More than one mile from any occupied structure; or**

**(i) In self defense or defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person.**

**(4) Notwithstanding any other provision of this section, a person who commits the offense of unlawful use of weapons under this subsection shall be guilty of a class D felony; except when such**

**person commits a violation under subdivision (9) of subsection 1 of this section in which case the penalties of subdivision (4) of subsection 9 of this section shall apply.**

3. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person 's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency 's jurisdiction, or all qualified retired peace officers, as defined in subsection [12] 13 of this section, and who carry the identification defined in subsection [13] 14 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the department of public safety under section 590.750;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are

necessary to the fulfillment of such person 's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person 's official duties.

[3.] 4. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

[4.] 5. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

[5.] 6. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

[6.] 7. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee 's vehicle on the state 's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

[7.] 8. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

[8.] 9. A person who commits the crime of unlawful use of weapons under:

(1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E felony, **except when such person commits a violation under subsection 2 of this section in which case the**

**penalties of subdivision (4) of subsection 2 of this section shall apply;**

(2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B misdemeanor, except when a concealed weapon is carried onto any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch, in which case the penalties of subsection 2 of section 571.107 shall apply; **and except when such person commits a violation under subsection 2 of this section in which case the penalties of subdivision (4) of subsection 2 of this section shall apply;**

(3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

(4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

[9.] **10.** Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

[10.] **11.** Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

[11.] **12.** Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

[12.] **13.** As used in this section “qualified retired peace officer” means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

[13.] 14. The identification required by subdivision (1) of subsection [2] 3 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

571.107. 1. A concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No concealed carry permit issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished

while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection [2] 3 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection [2] 3 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under Section 17, Article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid concealed carry permit or endorsement, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit or endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less



than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the

premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if applicable, endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for a concealed carry permit for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate of qualification for a concealed carry endorsement. If the person holds an endorsement, the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

571.215. 1. A Missouri lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 shall authorize the person in whose name the permit is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No Missouri lifetime or extended concealed carry permit shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries, or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule under subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection [2] 3 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection [2] 3 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule under subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government, or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid Missouri lifetime or extended concealed carry permit from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under Section 17, Article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid Missouri lifetime or extended concealed carry permit, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county, or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit holders in that portion of a building owned, leased, or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule, or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule, or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule, or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule, or ordinance. The provisions of this subdivision shall not apply to any

other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a Missouri lifetime or extended concealed carry permit to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, unless the person with the Missouri lifetime or extended concealed carry permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a Missouri lifetime or extended concealed carry permit;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager under rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or

commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a Missouri lifetime or extended concealed carry permit from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a Missouri lifetime or extended concealed carry permit from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a Missouri lifetime or extended concealed carry permit from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a Missouri lifetime or extended concealed carry permit shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her permit to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her Missouri lifetime or extended concealed carry permit revoked and such person shall not be eligible for a Missouri lifetime or extended concealed carry permit or a concealed carry permit issued under sections 571.101 to 571.121 for a period of three years. Upon conviction of charges arising from a citation issued under this subsection, the court shall notify the sheriff of the county which issued the Missouri lifetime or extended concealed carry permit. The sheriff shall suspend or revoke the Missouri lifetime or extended concealed carry permit.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 16, Section 217.690, Line 91, by inserting after said section and line the following:

**“217.697. 1. Notwithstanding any other provision of law, any offender incarcerated in a correctional facility after being sentenced by a court of this state who is serving a sentence of life without parole for a minimum of fifty years or more, is sixty-five years of age or older, has no felony conviction for a violent crime prior to the one for which he or she is currently serving the sentence, and is not a convicted sex offender shall receive a parole hearing upon serving thirty years or more of his or her sentence.**

2. During the parole hearing required under subsection 1 of this section, the board of probation and parole shall determine whether there is a reasonable probability that the offender will live and remain at liberty without violation of law upon release and therefore is eligible for release upon a finding that the offender has:

- (1) A record of good conduct while incarcerated;
- (2) Demonstrated self-rehabilitation while incarcerated;
- (3) A workable parole plan, including community and family support;
- (4) An institutional risk factor score of no higher than one; and
- (5) A mental health score of one or two.

3. Any offender granted parole under this section shall be subject to a minimum of five years of supervision by the board of probation and parole upon release.

4. If the board does not grant parole to an offender who qualifies for parole under this section, the offender shall be eligible for a reconsideration parole hearing every two years until a presumptive release date is established.

5. Nothing in this section shall diminish the consideration of parole under any other provision of law applicable to the offender or the responsibility and authority of the governor to grant clemency, including pardons and commutation of sentences when necessary or desirable.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 966, Page 35, Section 513.653, Line 19, by inserting immediately after said section and line the following:

“558.041. 1. Any offender committed to the department of corrections, except those persons committed pursuant to subsection 7 of section 558.016, or subsection 3 of section 566.125, [may] **shall** receive additional credit in terms of days spent in confinement [upon recommendation for such credit by the offender’s institutional superintendent when] **if** the offender meets the requirements for such credit as provided in subsections 3 [and], 4, **6, and 8** of this section. Good time credit may be rescinded by the director or his or her designee pursuant to the divisional policy issued pursuant to subsection 3 of this section.

2. Any credit extended to an offender shall only apply to the sentence which the offender is currently serving.

3. (1) The director of the department of corrections shall issue a policy for awarding credit. The policy [may] **shall** reward an [inmate] **offender** who has served his or her sentence in an orderly and peaceable manner and has taken advantage of the **work and** rehabilitation programs available to him or her. Any violation of **major** institutional rules [or], the laws of this state, **or the accumulation of minor violations exceeding six within a calendar year** may result in the loss of all or a portion of any credit earned by the [inmate] **offender** pursuant to this section.

**(2) Earned credits lost for a violation of institutional rules or laws of this state may be restored as provided under the department's policy.**

**(3) Earned credits from previous years shall not be lost.**

**4. (1) The department shall cause the policy to be published in the code of state regulations.**

**(2) Subject to the provisions of subsection 6 of this section, the department shall adopt rules that specify the programs or activities for which credit may be earned under this section; the criteria for determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion; and the criteria for withdrawing previously earned credit as a result of a violation of institutional rules or laws of this state.**

**5. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.] No person committed to the department who is sentenced to death shall be eligible for good time credit.**

**6. (1) Each offender shall receive a deduction from his or her sentence by being awarded the following specified monthly credits:**

**(a) For the offender's participation in any work program, credit earned shall be fifteen days for every month's work performed by such offender;**

**(b) For the offender's successful completion of high school, or for the offender who has obtained his or her diploma or equivalent general education diploma, credit earned shall be ninety days;**

**(c) For the offender's successful completion of an alcohol or drug abuse treatment program, credit earned shall be ninety days;**

**(d) For the offender's successful completion of each restorative justice program, credit earned shall be ninety days;**

**(e) For the offender's successful completion of each mental health or rehabilitation program not specified in this section, credit earned shall be ninety days;**

**(f) For the offender's successful completion of vocational training, credit earned shall be ninety days; and**

**(g) For the offender's successful completion of other educational accomplishments or other programs not specified in this section, credit earned shall be ninety days.**

**(2) For purposes of this subsection, "credit earned" means good time credit awarded to an offender and each credit shall be calculated to be a period of one day.**

**7. The accumulated credit of every offender shall be maintained by the institution where the term of imprisonment is being served. A record of such credit accumulated shall be:**

**(1) Sent to the records office of the department on a quarterly basis;**

**(2) Forwarded to the division of probation and parole; and**

**(3) Provided to the offender.**

**8. The provisions of this section shall only apply to offenses occurring after January 1, 1979.**

**9. The department of corrections shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2019, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SB 951**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SB 843**, entitled:

An Act to repeal sections 8.003, 8.007, 8.015, 8.017, 41.1010, 91.640, 105.955, 143.1015, 160.2100, 160.2110, 186.007, 189.015, 189.025, 189.030, 189.035, 191.400, 191.980, 192.005, 192.014, 192.230, 192.240, 192.707, 192.710, 192.2030, 194.400, 194.408, 194.409, 196.1129, 208.197, 208.955, 209.287, 209.307, 210.170, 217.900, 217.903, 217.905, 217.907, 217.910, 253.408, 253.412, 288.475, 324.177, 324.180, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.478, 332.086, 334.430, 334.625, 334.749, 335.021, 453.600, 620.1200, 633.200, 701.040, and 701.353, RSMo, and section 105.959 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and to enact in lieu thereof fifty-three new sections relating to the existence of certain state boards and commissions, with an emergency clause for certain sections.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 2 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, House Amendment No. 1 to House Amendment No. 11, House Amendment No. 11, as amended, House Amendment Nos. 12 and 14.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 6, Line 9, by inserting after all of said line the following:

“Further amend said bill, Page 46, Section 332.086, Line 37, by inserting after all of said line the following:



“334.253. 1. A physician may not make a referral to an entity for the furnishing of any physical therapy services with whom the physician, physician’s employer, or immediate family member of such referring physician has a financial relationship. A financial relationship exists if the referring physician, the referring physician’s employer, or immediate family member:

(1) Has a direct or indirect ownership or investment interest in the entity whether through equity, debt, or other means; or

(2) Receives remuneration from a compensation arrangement from the entity for the referral.

2. The following financial arrangements shall be exempt from disciplinary action under this section:

(1) When the entity with whom the referring physician has an ownership or investment interest is the sole provider of the physical therapy service within a rural area;

(2) When the referring physician owns registered securities issued by a publicly held corporation or publicly traded limited partnership, the shares of which are traded on a national exchange or the over-the-counter market, provided that such referring physician’s interest in the publicly held corporation or publicly traded limited partnership is less than five percent and the referring physician does not receive any compensation from such publicly held corporation or publicly traded limited partnership other than as any other owner of the shares of such publicly held corporation or publicly traded limited partnership;

(3) When the referring physician has an interest in real property resulting in a landlord-tenant relationship between the physician and the entity in which the equity interest is held, unless the rent is determined, in whole or in part, by the business volume or profitability of the tenant or is otherwise unrelated to fair market value;

(4) When the indirect ownership in the entity is by means of a bona fide debt incurred in the purchase or acquisition of the entity for a price which does not in any manner reflect the potential source of referrals from the physician with the indirect interest in the entity and the terms of the debt are fair market value, and neither the amount or the terms of the debt in any manner, directly or indirectly, constitutes a form of compensating such physician for the source of his business;

(5) When such physician’s employer is a health maintenance organization as defined in subdivision (6) of section 376.960 and such health maintenance organization owns or controls other organizations which furnish physical therapy services so long as the referral is to such owned or controlled organization and the physician does not also have a direct or indirect ownership or investment interest in such organization, physical therapy services or the health maintenance organization and the referring physician does not receive any remuneration as the result of the referral;

(6) When such physician’s employer is a hospital defined in section 197.020 and such hospital owns or controls other organizations which furnish physical therapy services so long as the referral is to such owned or controlled organization and the physician does not also have a direct or indirect ownership or investment interest in such organization, physical therapy service, or the hospital and the referring physician does not receive any remuneration as the result of the referral;

**(7) When such physician has a direct or indirect minority ownership or investment interest of not more than five percent in a hospital, as defined in section 197.020, whether through equity, debt, or other means and physical therapy is offered as a service of the hospital.**

3. The provisions of sections 334.252 and 334.253 shall become effective January 1, 1995.”; and”; and  
Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO  
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 6, Lines 14-21 by removing all of said Lines from the amendment; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 2, Section 8.003, Lines 20-21, by deleting all of said lines and inserting in lieu thereof the following:

“[three] **the first** public [members term] **member appointed after the effective date of this act** shall be for two years, thereafter the [terms] **term of all subsequently appointed public members**”; and

Further amend said bill, Page 5, Section 8.007, Line 61, by inserting immediately after said line the following:

“8.010. 1. The governor, attorney general and lieutenant governor constitute the board of public buildings. The governor is chairman and the lieutenant governor, secretary. The speaker of the house of representatives and the president pro tempore of the senate shall serve as ex officio members of the board but shall not have the power to vote. The board shall constitute a body corporate and politic. **Except as provided under section 8.007**, the board has general supervision and charge of the public property of the state at the seat of government, including the building located at 105 West Capitol Avenue in Jefferson City, and other duties imposed on it by law.

2. The commissioner of administration shall provide staff support to the board.”; and

Further amend said bill and page, Section 29.415, Lines 1-5, by deleting said lines and section from the bill; and

Further amend said bill, Pages 9-17, Section 105.955, Lines 1-272, by removing said section and lines and inserting in lieu thereof the following:

“109.221. 1. The state shall establish and administer a “State Historical Records Advisory Board”. The state historical records advisory board shall consist of [twelve] **seven** members appointed by the governor, with the advice and consent of the senate. Each member shall serve for a term of three years, except for the first members appointed, which shall have four members that serve one year, four members that serve two years and four members that serve three years. Thereafter, each member shall serve three years. The secretary of state **or his or her designee** shall serve as chairman of the board and as the state historical records coordinator and his vote shall break any tie vote of the board. The executive director of the state historical society of Missouri shall serve as an ex officio member of the board. The board shall meet when called by the chairman, but shall meet at least annually. The board shall adopt written procedures to govern its activities. The board shall report annually to the general assembly on its activities.

2. The state historical records advisory board is assigned to the office of the secretary of state. Members of the board shall receive no compensation for their service, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

3. The board shall be the central advisory body for historical records planning and for projects relating to historic records developed and carried out within the state of Missouri. The board may perform duties such as sponsoring and publishing surveys of the conditions and needs of historical records in the state; soliciting or developing proposals for projects to be carried out in the state with the National Historical Publications and Records Commission, hereafter called "commission", financing; reviewing records proposals by institutions in the state and making recommendations from these to the commission; developing, revising, and submitting to the commission state priorities for historical records projects following guidelines developed by the commission; and reviewing, through reports and otherwise, the operation and progress of records projects in the state.

4. The board may seek funds available through the National Historical Publications and Records Commission for the subvention of all or part of the costs of printing and manufacturing volumes that have been formally endorsed by the commission.

5. The board may seek funds from the National Historical Publications and Records Commission for sponsoring and publishing surveys of the conditions and needs of historical records in the state; for soliciting or developing proposals for projects to be carried out in the state for preservation of historical records and publications; for reviewing records proposals by institutions in the state and making recommendations from these to the commission; and for developing, revising, and submitting to the commission state priorities for historical records projects following guidelines developed by the commission. The board may further carry out those necessary duties to fulfill its purpose of helping in the collection and preservation of Missouri's historical records and such other duties as may be prescribed by law.

6. The secretary of state, as state historical records coordinator, may fund and administer[, with the advice of the state historical records advisory board], grant requests for preservation of local records. In carrying out this subsection the secretary of state shall have the power to promulgate necessary rules and regulations. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024. Funds retained by the recorder of a county or a city not within a county and deposited in a recorder's fund for records preservation purposes pursuant to subsection 1 of section 59.319 may be used by a recorder of a county or a city not within a county toward any local matching funds requirement for funding pursuant to the grant program authorized by this subsection. A recorder's application for grant funding pursuant to this subsection shall not be penalized in any way because local funds collected pursuant to subsection 1 of section 59.319 are to be used to fund any local matching funds requirement.

109.225. 1. There is hereby established the "Missouri Board on Geographic Names". The board shall be assigned for administrative purposes to the office of the secretary of state.

2. The board shall consist of nineteen members as follows:

(1) The secretary of state, who shall serve as chair of the board;

(2) [Nine] **Eight** citizens of Missouri appointed by the secretary of state;

(3) The director or the director's designee of the department of transportation;

(4) The director or the director's designee of the department of conservation;

(5) The director or the director's designee of the department of natural resources;

**(6) The director or the director's designee of the department of agriculture;**

(7) The commissioner or the commissioner's designee of the office of administration;

[(7)] **(8)** The director or the director's designee of the state archives;

[(8)] **(9)** The executive director or the executive director's designee of the state historical society of Missouri;

[(9)] **(10)** The director or the director's designee of the United States Geological Survey;

[(10)] **(11)** The director or the director's designee of the United States Forest Service; and

[(11)] **(12)** The director or the director's designee of the United States Corps of Engineers.

3. Appointed members of the board shall serve three-year terms and shall serve until their successors are appointed. Vacancies on the board shall be filled in the same manner as the original appointment and such member appointed shall serve the remainder of the unexpired term.

4. The board shall meet annually and as otherwise required by the secretary of state.

5. The board shall designate from its members a vice chair and shall adopt written guidelines to govern the management of the board.

6. Each member of the board shall serve without compensation, but may be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the board.

7. The secretary of state shall designate an employee of the secretary of state's office as executive secretary for the board, who shall serve as a nonvoting member and shall maintain the records of the board's activities and decisions and shall be responsible for correspondence between the board and the United States Board on Geographic Names and other agencies.

8. The board shall:

(1) Receive and evaluate all proposals for changes in or additions to names of geographic features and places in the state of Missouri to determine the most appropriate and acceptable names for use in maps and official documents of all levels of government;

(2) Make official recommendations to the United States Board on Geographic Names on behalf of the state of Missouri with respect to each proposal;

(3) Assist and cooperate with the United States Board on Geographic Names in matters relating to names of geographic features and places in Missouri;

(4) Assist in the maintenance of a Missouri geographic names database as part of the national database;

(5) Maintain a list of advisors who have special interest and knowledge in Missouri history, geography, or culture and consult with such advisors on a regular basis in the course of the board's deliberations;

(6) Develop and revise state priorities for geographic records projects following guidelines of the United States Board on Geographic Names; and

(7) Submit a report on its activities annually to the general assembly.

9. The board may apply for moneys through federal and state grant programs to sponsor and publish surveys of the condition and needs of geographic records in the state of Missouri and to solicit or develop proposals for projects to be carried out in the state for preservation of geographic records and publications.

109.255. 1. The secretary of state, **or his or her designee**, is hereby authorized to appoint and serve as chairman of a local records board to advise, counsel, and judge what local records shall be retained, copied, preserved, or disposed of and in what manner these functions shall be carried out by the director. This board shall represent a wide area of public interest in local records and shall consist of at least twelve members one of whom shall represent school boards, one constitutional charter city, one third class city, one fourth class city, [one village, one township, one for each class of county of the first and second class, one third or fourth class county, one higher education,] one historical society, **two of whom shall represent counties of the first or second classification, two of whom shall represent counties of the third or fourth classification**, and such other members as the secretary of state shall direct.

2. The members of the board of record control shall serve staggered terms and may be removed at the pleasure of the secretary of state.

3. The members of the board of control shall receive no salary but may be compensated for travel expenses if the budget of the secretary of state permits.

4. The board shall meet at such times as the chairman may call them.

5. The director with advice of the board of record control shall issue directives to guide local officials on the destruction of local records and nonrecord materials.”; and

Further amend said bill, Page 18, Section 143.1015, Line 32, by inserting after all of said section and line the following:

“181.022. 1. The secretary of state shall create the “Secretary’s Council on Library Development” to advise the secretary of state and the state library on matters that relate to the state’s libraries and library service to Missouri citizens, to recommend to the secretary of state and the state library policies and programs relating to libraries in the state, and to communicate the value of libraries.

2. Members of the secretary’s council on library development shall serve three-year terms, to be served on a rotating basis as shall be established by the secretary of state.

3. The members of the secretary’s council on library development shall be appointed by the secretary of state, to include [members of the house of representatives, members of the senate,] representatives of the public and of libraries, trustees of Missouri libraries, and users of the state libraries **,as well as members of the house of representatives, members of the senate, and the state librarian, who shall serve as ex-officio members of the council.**”; and

Further amend said bill, Page 27, Section 194.408, Line 34, by inserting immediately after said line the following:

“195.070. 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his

or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug, **except as provided in section 195.265.**

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

**195.265. 1. Unused controlled substances may be accepted from ultimate users, from hospice or home health care providers on behalf of ultimate users to the extent federal law allows, or from any person lawfully entitled to dispose of a decedent's property if the decedent was an ultimate user who died while in lawful possession of a controlled substance, through:**

**(1) Collection receptacles, drug disposal boxes, mail back packages, and other means by a Drug Enforcement Agency-authorized collector in accordance with federal regulations, even if the authorized collector did not originally dispense the drug; or**

**(2) Drug take back programs conducted by federal, state, tribal, or local law enforcement agencies in partnership with any person or entity.**

**This subsection shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state, regarding the disposal of unused controlled substances. For the purposes of this section, the term "ultimate user" shall mean a person who has lawfully obtained and possesses a controlled substance for his or her own use or for the use of a member of his or her household or for an animal owned by him or her or a member of his or her household.**

**2. By August 28, 2019, the department of health and senior services shall develop an education and awareness program regarding drug disposal, including controlled substances. The education and awareness program may include, but not be limited to:**

**(1) A web-based resource that:**

**(a) Describes available drug disposal options, including take back, take back events, mail back packages, in-home disposal options that render a product safe from misuse, or any other methods that comply with state and federal laws and regulations, may reduce the availability of unused controlled substances, and may minimize the potential environmental impact of drug disposal;**

**(b) Provides a list of drug disposal take back sites, which may be sorted and searched by name or location and is updated every six months by the department;**

**(c) Provides a list of take back events and mail back events in the state, including the date, time, and location information for each event and is updated every six months by the department; and**

**(d) Provides information for authorized collectors regarding state and federal requirements to comply with the provisions of subsection 1 of this section; and**

**(2) Promotional activities designed to ensure consumer awareness of proper storage and disposal of prescription drugs, including controlled substances.”; and**

Further amend said bill, Page 45, Section 324.478, Line 49, by inserting immediately after said line the following:

“327.313. Applications for enrollment as a land surveyor-in-training shall be typewritten on prescribed forms furnished to the applicant. The application shall contain applicant’s statements showing the applicant’s education, experience, and such other pertinent information as the board may require[, including but not limited to three letters of reference, one of which shall be from a professional land surveyor who has personal knowledge of the applicant’s land surveying education or experience]. Each application shall contain a statement that it is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.

327.321. Applications for licensure as a professional land surveyor shall be typewritten on prescribed forms furnished to the applicant. The application shall contain the applicant’s statements showing the applicant’s education, experience, results of prior land surveying examinations, if any, and such other pertinent information as the board may require[, including but not limited to three letters of reference from professional land surveyors with personal knowledge of the experience of the applicant’s land surveying education or experience]. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration and shall be accompanied by the required fee.”; and

Further amend said bill, Pages 58-59, Section 105.959, Lines 1-57, by removing said lines from the bill; and

Further amend said bill, Page 68, Section B, Line 6, by inserting immediately after said line the following:

“Section C. Because immediate action is necessary to allow for the safe disposal of unused pharmaceuticals, the enactment of section 195.265 and the repeal and reenactment of section 195.070 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,

and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 195.265 and the repeal and reenactment of section 195.070 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 22, Section 191.980, Line 51, by inserting immediately after said line the following:

“191.1145. 1. As used in sections 191.1145 and 191.1146, the following terms shall mean:

(1) “Asynchronous store-and-forward transfer”, the collection of a patient’s relevant health information and the subsequent transmission of that information from an originating site to a health care provider at a distant site without the patient being present;

(2) “Clinical staff”, any health care provider licensed in this state;

(3) “Distant site”, a site at which a health care provider is located while providing health care services by means of telemedicine;

(4) “Health care provider”, as that term is defined in section 376.1350;

(5) “Originating site”, a site at which a patient is located at the time health care services are provided to him or her by means of telemedicine. For the purposes of asynchronous store-and-forward transfer, originating site shall also mean the location at which the health care provider transfers information to the distant site;

(6) “Telehealth” or “telemedicine”, the delivery of health care services by means of information and communication technologies which facilitate the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient’s health care while such patient is at the originating site and the health care provider is at the distant site. Telehealth or telemedicine shall also include the use of asynchronous store-and-forward technology.

2. Any licensed health care provider shall be authorized to provide telehealth services if such services are within the scope of practice for which the health care provider is licensed and are provided with the same standard of care as services provided in person. **This section shall not be construed to prohibit a health carrier, as defined in section 376.1350, from reimbursing non-clinical staff for services otherwise allowed by law.**

3. In order to treat patients in this state through the use of telemedicine or telehealth, health care providers shall be fully licensed to practice in this state and shall be subject to regulation by their respective professional boards.

4. Nothing in subsection 3 of this section shall apply to:

(1) Informal consultation performed by a health care provider licensed in another state, outside of the context of a contractual relationship, and on an irregular or infrequent basis without the expectation or exchange of direct or indirect compensation;

(2) Furnishing of health care services by a health care provider licensed and located in another state in



case of an emergency or disaster; provided that, no charge is made for the medical assistance; or

(3) Episodic consultation by a health care provider licensed and located in another state who provides such consultation services on request to a physician in this state.

5. Nothing in this section shall be construed to alter the scope of practice of any health care provider or to authorize the delivery of health care services in a setting or in a manner not otherwise authorized by the laws of this state.

6. No originating site for services or activities provided under this section shall be required to maintain immediate availability of on-site clinical staff during the telehealth services, except as necessary to meet the standard of care for the treatment of the patient's medical condition if such condition is being treated by an eligible health care provider who is not at the originating site, has not previously seen the patient in person in a clinical setting, and is not providing coverage for a health care provider who has an established relationship with the patient.

7. Nothing in this section shall be construed to alter any collaborative practice requirement as provided in chapters 334 and 335.”; and

Further amend said bill, Page 27, Section 194.408, Line 34, by inserting immediately after said line the following:

“208.670. 1. As used in this section, these terms shall have the following meaning:

(1) **“Consultation”, a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association;**

(2) **“Distant site”, the same meaning as such term is defined in section 191.1145;**

(3) **“Originating site”, the same meaning as such term is defined in section 191.1145;**

(4) **“Provider”, [any provider of medical services and mental health services, including all other medical disciplines] the same meaning as the term “health care provider” is defined in section 191.1145, and such provider meets all other MO HealthNet eligibility requirements;**

[ (2) ] (5) **“Telehealth”, the same meaning as such term is defined in section 191.1145.**

2. [Reimbursement for the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program shall be allowed for orthopedics, dermatology, ophthalmology and optometry, in cases of diabetic retinopathy, burn and wound care, dental services which require a diagnosis, and maternal-fetal medicine ultrasounds.

3. The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the practice of telehealth in the MO HealthNet program. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth, certification of agencies offering telehealth, and payment for services by providers. Telehealth providers shall be required to obtain participant consent before telehealth services are initiated and to ensure confidentiality of medical information.

4. Telehealth may be utilized to service individuals who are qualified as MO HealthNet participants

under Missouri law. Reimbursement for such services shall be made in the same way as reimbursement for in-person contacts.

5. The provisions of section 208.671 shall apply to the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program] **The department of social services shall reimburse providers for services provided through telehealth if such providers can ensure services are rendered meeting the standard of care that would otherwise be expected should such services be provided in person. The department shall not restrict the originating site through rule or payment so long as the provider can ensure services are rendered meeting the standard of care that would otherwise be expected should such services be provided in person. Payment for services rendered via telehealth shall not depend on any minimum distance requirement between the originating and distant site. Reimbursement for telehealth services shall be made in the same way as reimbursement for in-person contact; however, consideration shall also be made for reimbursement to the originating site. Reimbursement for asynchronous store-and-forward may be capped at the reimbursement rate had the service been provided in person.**

208.677. [1. For purposes of the provision of telehealth services in the MO HealthNet program, the term “originating site” shall mean a telehealth site where the MO HealthNet participant receiving the telehealth service is located for the encounter. The standard of care in the practice of telehealth shall be the same as the standard of care for services provided in person. An originating site shall be one of the following locations:

- (1) An office of a physician or health care provider;
- (2) A hospital;
- (3) A critical access hospital;
- (4) A rural health clinic;
- (5) A federally qualified health center;
- (6) A long-term care facility licensed under chapter 198;
- (7) A dialysis center;
- (8) A Missouri state habilitation center or regional office;
- (9) A community mental health center;
- (10) A Missouri state mental health facility;
- (11) A Missouri state facility;

(12) A Missouri residential treatment facility licensed by and under contract with the children’s division. Facilities shall have multiple campuses and have the ability to adhere to technology requirements. Only Missouri licensed psychiatrists, licensed psychologists, or provisionally licensed psychologists, and advanced practice registered nurses who are MO HealthNet providers shall be consulting providers at these locations;

- (13) A comprehensive substance treatment and rehabilitation (CSTAR) program;

- (14) A school;
- (15) The MO HealthNet recipient's home;
- (16) A clinical designated area in a pharmacy; or
- (17) A child assessment center as described in section 210.001.

2. If the originating site is a school, the school shall obtain permission from the parent or guardian of any student receiving telehealth services prior to each provision of service.] **Prior to the provision of telehealth services in a school, the parent or guardian of the child shall provide authorization for the provision of such service. Such authorization shall include the ability for the parent or guardian to authorize services via telehealth in the school for the remainder of the school year.**"; and

Further amend said bill, Page 64, Section 208.197, Line 18, by inserting immediately after said line the following:

“[208.671. 1. As used in this section and section 208.673, the following terms shall mean:

(1) “Asynchronous store-and-forward”, the transfer of a participant’s clinically important digital samples, such as still images, videos, audio, text files, and relevant data from an originating site through the use of a camera or similar recording device that stores digital samples that are forwarded via telecommunication to a distant site for consultation by a consulting provider without requiring the simultaneous presence of the participant and the participant’s treating provider;

(2) “Asynchronous store-and-forward technology”, cameras or other recording devices that store images which may be forwarded via telecommunication devices at a later time;

(3) “Consultation”, a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association;

(4) “Consulting provider”, a provider who, upon referral by the treating provider, evaluates a participant and appropriate medical data or images delivered through asynchronous store-and-forward technology. If a consulting provider is unable to render an opinion due to insufficient information, the consulting provider may request additional information to facilitate the rendering of an opinion or decline to render an opinion;

(5) “Distant site”, the site where a consulting provider is located at the time the consultation service is provided;

(6) “Originating site”, the site where a MO HealthNet participant

receiving services and such participant's treating provider are both physically located;

(7) "Provider", any provider of medical, mental health, optometric, or dental health services, including all other medical disciplines, licensed and providing MO HealthNet services who has the authority to refer participants for medical, mental health, optometric, dental, or other health care services within the scope of practice and licensure of the provider;

(8) "Telehealth", as that term is defined in section 191.1145;

(9) "Treating provider", a provider who:

(a) Evaluates a participant;

(b) Determines the need for a consultation;

(c) Arranges the services of a consulting provider for the purpose of diagnosis and treatment; and

(d) Provides or supplements the participant's history and provides pertinent physical examination findings and medical information to the consulting provider.

2. The department of social services, in consultation with the departments of mental health and health and senior services, shall promulgate rules governing the use of asynchronous store-and-forward technology in the practice of telehealth in the MO HealthNet program. Such rules shall include, but not be limited to:

(1) Appropriate standards for the use of asynchronous store-and-forward technology in the practice of telehealth;

(2) Certification of agencies offering asynchronous store-and-forward technology in the practice of telehealth;

(3) Timelines for completion and communication of a consulting provider's consultation or opinion, or if the consulting provider is unable to render an opinion, timelines for communicating a request for additional information or that the consulting provider declines to render an opinion;

(4) Length of time digital files of such asynchronous store-and-forward services are to be maintained;

(5) Security and privacy of such digital files;

(6) Participant consent for asynchronous store-and-forward services; and

(7) Payment for services by providers; except that, consulting providers who decline to render an opinion shall not receive payment

under this section unless and until an opinion is rendered.

Telehealth providers using asynchronous store-and-forward technology shall be required to obtain participant consent before asynchronous store-and-forward services are initiated and to ensure confidentiality of medical information.

3. Asynchronous store-and-forward technology in the practice of telehealth may be utilized to service individuals who are qualified as MO HealthNet participants under Missouri law. The total payment for both the treating provider and the consulting provider shall not exceed the payment for a face-to-face consultation of the same level.

4. The standard of care for the use of asynchronous store-and-forward technology in the practice of telehealth shall be the same as the standard of care for services provided in person.]

[208.673. 1. There is hereby established the “Telehealth Services Advisory Committee” to advise the department of social services and propose rules regarding the coverage of telehealth services in the MO HealthNet program utilizing asynchronous store-and-forward technology.

2. The committee shall be comprised of the following members:

- (1) The director of the MO HealthNet division, or the director’s designee;
- (2) The medical director of the MO HealthNet division;
- (3) A representative from a Missouri institution of higher education with expertise in telehealth;
- (4) A representative from the Missouri office of primary care and rural health;
- (5) Two board-certified specialists licensed to practice medicine in this state;
- (6) A representative from a hospital located in this state that utilizes telehealth;
- (7) A primary care physician from a federally qualified health center (FQHC) or rural health clinic;
- (8) A primary care physician from a rural setting other than from an FQHC or rural health clinic;
- (9) A dentist licensed to practice in this state; and
- (10) A psychologist, or a physician who specializes in psychiatry, licensed to practice in this state.

3. Members of the committee listed in subdivisions (3) to (10) of subsection 2 of this section shall be appointed by the governor with the advice and consent of the senate. The first appointments to the

committee shall consist of three members to serve three-year terms, three members to serve two-year terms, and three members to serve a one-year term as designated by the governor. Each member of the committee shall serve for a term of three years thereafter.

4. Members of the committee shall not receive any compensation for their services but shall be reimbursed for any actual and necessary expenses incurred in the performance of their duties.

5. Any member appointed by the governor may be removed from office by the governor without cause. If there is a vacancy for any cause, the governor shall make an appointment to become effective immediately for the unexpired term.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.]

[208.675. For purposes of the provision of telehealth services in the MO HealthNet program, the following individuals, licensed in Missouri, shall be considered eligible health care providers:

- (1) Physicians, assistant physicians, and physician assistants;
- (2) Advanced practice registered nurses;
- (3) Dentists, oral surgeons, and dental hygienists under the supervision of a currently registered and licensed dentist;
- (4) Psychologists and provisional licensees;
- (5) Pharmacists;
- (6) Speech, occupational, or physical therapists;
- (7) Clinical social workers;
- (8) Podiatrists;
- (9) Optometrists;
- (10) Licensed professional counselors; and
- (11) Eligible health care providers under subdivisions (1) to (10) of this section practicing in a rural health clinic, federally qualified health center, or community mental health center.]"

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 46, Section 332.086, Line 37, by inserting immediately after said line the following:

“332.321. 1. The board may refuse to issue or renew a permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section or the board may, as a condition to issuing or renewing any such permit or license, require a person to submit himself or herself for identification, intervention, treatment or rehabilitation by the well-being committee as provided in section 332.327. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any permit or license required by this chapter or any person who has failed to renew or has surrendered his or her permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person’s ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; or increasing charges when a patient utilizes a third-party payment program; or for repeated irregularities in billing a third party for services rendered to a patient. For the purposes of this subdivision, irregularities in billing shall include:

(a) Reporting charges for the purpose of obtaining a total payment in excess of that usually received by the dentist for the services rendered;

(b) Reporting incorrect treatment dates for the purpose of obtaining payment;

(c) Reporting charges for services not rendered;

(d) Incorrectly reporting services rendered for the purpose of obtaining payment that is greater than that to which the person is entitled;

(e) Abrogating the co-payment or deductible provisions of a third-party payment contract. Provided, however, that this paragraph shall not prohibit a discount, credit or reduction of charges provided under an

agreement between the licensee and an insurance company, health service corporation or health maintenance organization licensed pursuant to the laws of this state; or governmental third-party payment program; or self-insurance program organized, managed or funded by a business entity for its own employees or labor organization for its members;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of, or relating to one's ability to perform, the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a permit or license or allowing any person to use his or her permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter imposed by another state, province, territory, federal agency or country upon grounds for which discipline is authorized in this state;

(9) A person is finally adjudicated incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice, by lack of supervision or in any other manner, any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter;

(11) Issuance of a permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate, permit or license if so required by this chapter or by any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation that is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. **For the purposes of this section, "advertising" shall mean any communication specified in subdivision (9) of section 332.071.** False, misleading or deceptive advertisements or solicitations shall include, but not be limited to:

(a) Promises of cure, relief from pain or other physical or mental condition, or improved physical or mental health;

(b) Any misleading or deceptive statement offering or promising a free service. Nothing herein shall be construed to make it unlawful to offer a service for no charge if the offer is announced as part of a full disclosure of routine fees including consultation fees;

(c) Any misleading or deceptive claims of patient cure, relief or improved **health** condition; superiority in service, treatment or materials; new or improved service, treatment or material; or reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any such claim if it is readily verifiable by existing documentation, data or other substantial evidence. Any claim that exceeds or exaggerates the scope of its supporting documentation, data or evidence is misleading or deceptive;

(d) Any announced fee for a specified service where that fee does not include the charges for necessary



related or incidental services, or where the actual fee charged for that specified service may exceed the announced fee, but it shall not be unlawful to announce only the maximum fee that can be charged for the specified service, including all related or incidental services, modified by the term “up to” if desired;

(e) Any announcement in any form including the term “specialist” or the phrase “limited to the specialty of” unless each person named in conjunction with the term or phrase, or responsible for the announcement, holds a valid Missouri certificate and license evidencing that the person is a specialist in that area;

(f) Any announcement containing any of the terms denoting recognized specialties, or other descriptive terms carrying the same meaning, unless the announcement clearly designates by list each dentist not licensed as a specialist in Missouri who is sponsoring or named in the announcement, or employed by the entity sponsoring the announcement, after the following clearly legible, **with print equal to or larger than the announcement of services**, or audible, **with speech volume and pace equal to the announcement of services**, statement: “Notice: the following dentist(s) in this practice is (are) not licensed in Missouri as specialists in the advertised dental specialty(s) of”;

(g) Any announcement containing any terms denoting or implying specialty areas that are not recognized by the American Dental Association;

**(h) Any advertisement that does not contain the name of one or more of the duly registered and currently licensed dentists regularly employed in and responsible for the management, supervision, and operation of each office location listed in the advertisement; and**

**(i) Any advertisement denoting the use of sedation services permitted by the board under section 332.362 using any term other than deep sedation, general anesthesia, or moderate sedation. Such terms may only be used in the announcement or advertisement of sedation services if the advertising dentist is duly permitted to use deep sedation, general anesthesia, or moderate sedation under section 332.362;**

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(16) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof;

(17) Failing to maintain his or her office or offices, laboratory, equipment and instruments in a safe and sanitary condition;

(18) Accepting, tendering or paying “rebates” to or “splitting fees” with any other person; provided, however, that nothing herein shall be so construed as to make it unlawful for a dentist practicing in a partnership or as a corporation organized pursuant to the provisions of chapter 356 to distribute profits in accordance with his or her stated agreement;

(19) Administering, or causing or permitting to be administered, nitrous oxide gas in any amount to himself or herself, or to another unless as an adjunctive measure to patient management;

(20) Being unable to practice as a dentist, specialist or hygienist with reasonable skill and safety to patients by reasons of professional incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. In enforcing this subdivision the board shall, after a hearing before the board, upon a finding of probable cause, require the dentist or

specialist or hygienist to submit to a reexamination for the purpose of establishing his or her competency to practice as a dentist, specialist or hygienist, which reexamination shall be conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the dentist's, specialist's or hygienist's professional competence by at least three dentists or fellow specialists, or to submit to a mental or physical examination or combination thereof by at least three physicians. One examiner shall be selected by the dentist, specialist or hygienist compelled to take examination, one selected by the board, and one shall be selected by the two examiners so selected. Notice of the physical or mental examination shall be given by personal service or registered mail. Failure of the dentist, specialist or hygienist to submit to the examination when directed shall constitute an admission of the allegations against him or her, unless the failure was due to circumstances beyond his or her control. A dentist, specialist or hygienist whose right to practice has been affected pursuant to this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume competent practice with reasonable skill and safety to patients.

(a) In any proceeding pursuant to this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against a dentist, specialist or hygienist in any other proceeding. Proceedings pursuant to this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(b) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the following: denying his or her application for a license; permanently withholding issuance of a license; administering a public or private reprimand; placing on probation, suspending or limiting or restricting his or her license to practice as a dentist, specialist or hygienist for a period of not more than five years; revoking his or her license to practice as a dentist, specialist or hygienist; requiring him or her to submit to the care, counseling or treatment of physicians designated by the dentist, specialist or hygienist compelled to be treated; or requiring such person to submit to identification, intervention, treatment or rehabilitation by the well-being committee as provided in section 332.327. For the purpose of this subdivision, "license" includes the certificate of registration, or license, or both, issued by the board.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination:

(1) Censure or place the person or firm named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years; or

(2) Suspend the license, certificate or permit for a period not to exceed three years; or

(3) Revoke the license, certificate, or permit. In any order of revocation, the board may provide that the person shall not apply for licensure for a period of not less than one year following the date of the order of revocation; or

(4) Cause the person or firm named in the complaint to make restitution to any patient, or any insurer or third-party payer who shall have paid in whole or in part a claim or payment for which they should be reimbursed, where restitution would be an appropriate remedy, including the reasonable cost of follow-up care to correct or complete a procedure performed or one that was to be performed by the person or firm named in the complaint; or

(5) Request the attorney general to bring an action in the circuit court of competent jurisdiction to recover a civil penalty on behalf of the state in an amount to be assessed by the court.

4. If the board concludes that a dentist or dental hygienist has committed an act or is engaging in a course of conduct that would be grounds for disciplinary action and constitutes a clear and present danger to the public health and safety, the board may file a complaint before the administrative hearing commission requesting an expedited hearing and specifying the conduct that gives rise to the danger and the nature of the proposed restriction or suspension of the dentist's or dental hygienist's license. Within fifteen days after service of the complaint on the dentist or dental hygienist, the administrative hearing commission shall conduct a preliminary hearing to determine whether the alleged conduct of the dentist or dental hygienist appears to constitute a clear and present danger to the public health and safety that justifies that the dentist's or dental hygienist's license be immediately restricted or suspended. The burden of proving that a dentist or dental hygienist is a clear and present danger to the public health and safety shall be upon the Missouri dental board. The administrative hearing commission shall issue its decision immediately after the hearing and shall either grant to the board the authority to suspend or restrict the license or dismiss the action.

5. If the administrative hearing commission grants temporary authority to the board to restrict or suspend a dentist's or dental hygienist's license, the dentist or dental hygienist named in the complaint may request a full hearing before the administrative hearing commission. A request for a full hearing shall be made within thirty days after the administrative hearing commission issues a decision. The administrative hearing commission shall, if requested by a dentist or dental hygienist named in the complaint, set a date to hold a full hearing under chapter 621 regarding the activities alleged in the initial complaint filed by the board. The administrative hearing commission shall set the date for full hearing within ninety days from the date its decision was issued. Either party may request continuances, which shall be granted by the administrative hearing commission upon a showing of good cause by either party or consent of both parties. If a request for a full hearing is not made within thirty days, the authority to impose discipline becomes final and the board shall set the matter for hearing in accordance with section 621.110.

6. If the administrative hearing commission dismisses without prejudice the complaint filed by the board under subsection 4 of this section or dismisses the action based on a finding that the board did not meet its burden of proof establishing a clear and present danger, such dismissal shall not bar the board from initiating a subsequent action on the same grounds in accordance with this chapter and chapters 536 and 621.

7. Notwithstanding any other provisions of section 332.071 or of this section, a currently licensed dentist in Missouri may enter into an agreement with individuals and organizations to provide dental health care, provided such agreement does not permit or compel practices that violate any provision of this chapter.

8. At all proceedings for the enforcement of these or any other provisions of this chapter the board shall, as it deems necessary, select, in its discretion, either the attorney general or one of the attorney general's assistants designated by the attorney general or other legal counsel to appear and represent the board at each stage of such proceeding or trial until its conclusion.

9. If at any time when any discipline has been imposed pursuant to this section or pursuant to any provision of this chapter, the licensee removes himself or herself from the state of Missouri, ceases to be currently licensed pursuant to the provisions of this chapter, or fails to keep the Missouri dental board advised of his or her current place of business and residence, the time of his or her absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so

imposed.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 32, Section 209.307, Line 4, by inserting after all of said section and line the following:

“210.102. 1. [It shall be the duty of the Missouri children’s services commission to:

(1) Make recommendations which will encourage greater interagency coordination, cooperation, more effective utilization of existing resources and less duplication of effort in activities of state agencies which affect the legal rights and well-being of children in Missouri;

(2) Develop an integrated state plan for the care provided to children in this state through state programs;

(3) Develop a plan to improve the quality of children’s programs statewide. Such plan shall include, but not be limited to:

(a) Methods for promoting geographic availability and financial accessibility for all children and families in need of such services;

(b) Program recommendations for children’s services which include child development, education, supervision, health and social services;

(4) Design and implement evaluation of the activities of the commission in fulfilling the duties as set out in this section;

(5) Report annually to the governor with five copies each to the house of representatives and senate about its activities including, but not limited to the following:

(a) A general description of the activities pertaining to children of each state agency having a member on the commission;

(b) A general description of the plans and goals, as they affect children, of each state agency having a member on the commission;

(c) Recommendations for statutory and appropriation initiatives to implement the integrated state plan;

(d) A report from the commission regarding the state of children in Missouri.

2.] There is hereby established within the [children’s services commission] **department of social services** the “Coordinating Board for Early Childhood”, which shall constitute a body corporate and politic, and shall include but not be limited to the following members:

(1) A representative from the governor’s office;

(2) A representative from each of the following departments: health and senior services, mental health, social services, and elementary and secondary education;

(3) A representative of the judiciary;

(4) A representative of the family and community trust board (FACT);

(5) A representative from the head start program;

(6) Nine members appointed by the governor with the advice and consent of the senate who are representatives of the groups, such as business, philanthropy, civic groups, faith-based organizations, parent groups, advocacy organizations, early childhood service providers, and other stakeholders.

The coordinating board may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The coordinating board shall elect from amongst its members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems necessary. Members of the board shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the board.

[3.] **2.** The coordinating board for early childhood shall have the power to:

(1) Develop a comprehensive statewide long-range strategic plan for a cohesive early childhood system;

(2) Confer with public and private entities for the purpose of promoting and improving the development of children from birth through age five of this state;

(3) Identify legislative recommendations to improve services for children from birth through age five;

(4) Promote coordination of existing services and programs across public and private entities;

(5) Promote research-based approaches to services and ongoing program evaluation;

(6) Identify service gaps and advise public and private entities on methods to close such gaps;

(7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the coordinating board for early childhood fund from any source, public or private, and enter into contracts or other transactions with any federal or state agency, any private organizations, or any other source in furtherance of the purpose of [subsections 2 and 3] **subsection 1** of this section **and this subsection**, and take any and all actions necessary to avail itself of such aid and cooperation;

(8) Direct disbursements from the coordinating board for early childhood fund as provided in this section;

(9) Administer the coordinating board for early childhood fund and invest any portion of the moneys not required for immediate disbursement in obligations of the United States or any agency or instrumentality of the United States, in obligations of the state of Missouri and its political subdivisions, in certificates of deposit and time deposits, or other obligations of banks and savings and loan associations, or in such other obligations as may be prescribed by the board;

(10) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal with real or personal property or any interests therein, wherever situated;

(11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its property or any interest therein, wherever situated;

(12) Employ and fix the compensation of an executive director and such other agents or employees as it considers necessary;

(13) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the manner in which its business may be transacted;

(14) Adopt and use an official seal;

(15) Assess or charge fees as the board determines to be reasonable to carry out its purposes;

(16) Make all expenditures which are incident and necessary to carry out its purposes;

(17) Sue and be sued in its official name;

(18) Take such action, enter into such agreements, and exercise all functions necessary or appropriate to carry out the duties and purposes set forth in this section.

[4.] **3.** There is hereby created the “Coordinating Board for Early Childhood Fund” which shall consist of the following:

(1) Any moneys appropriated by the general assembly for use by the board in carrying out the powers set out in subsections [2 and 3] **1 and 2** of this section;

(2) Any moneys received from grants or which are given, donated, or contributed to the fund from any source;

(3) Any moneys received as fees authorized under subsections [2 and 3] **1 and 2** of this section;

(4) Any moneys received as interest on deposits or as income on approved investments of the fund;

(5) Any moneys obtained from any other available source.

Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the coordinating board for early childhood fund at the end of the biennium shall not revert to the credit of the general revenue fund.”; and

Further amend said bill, Page 64, Section 208.197, Line 17, by inserting after all of said section and line the following:

“[210.101. 1. There is hereby established the “Missouri Children’s Services Commission”, which shall be composed of the following members:

(1) The director or the director’s designee of the following departments: corrections, elementary and secondary education, higher education, health and senior services, labor and industrial relations, mental health, public safety, and social services;

(2) One judge of a family or juvenile court, who shall be appointed by the chief justice of the supreme court;

(3) Two members, one from each political party, of the house of representatives, who shall be appointed by the speaker of the house of representatives;

(4) Two members, one from each political party, of the senate, who

shall be appointed by the president pro tempore of the senate;

All members shall serve for as long as they hold the position which made them eligible for appointment to the Missouri children's services commission under this subsection. All members shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

2. All meetings of the Missouri children's services commission shall be open to the public and shall, for all purposes, be deemed open public meetings under the provisions of sections 610.010 to 610.030. The Missouri children's services commission shall meet no less than once every two months. Notice of all meetings of the commission shall be given to the general assembly in the same manner required for notifying the general public of meetings of the general assembly.

3. The Missouri children's services commission may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.

4. The commission shall elect from amongst its members a chairman, vice chairman, a secretary-reporter, and such other officers as it deems necessary.

5. The services of the personnel of any agency from which the director or deputy director is a member of the commission shall be made available to the commission at the discretion of such director or deputy director. All meetings of the commission shall be held in the state of Missouri.

6. The officers of the commission may hire an executive director. Funding for the executive director may be provided from the Missouri children's services commission fund or other sources provided by law.

7. The commission, by majority vote, may invite individuals representing local and federal agencies or private organizations and the general public to serve as ex officio members of the commission. Such individuals shall not have a vote in commission business and shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.]

[210.103. 1. There is established in the state treasury a special fund, to be known as the "Missouri Children's Services Commission Fund". The state treasurer shall credit to and deposit in the Missouri children's services commission fund all amounts which may be

received from general revenue, grants, gifts, bequests, the federal government, or other sources granted or given for the purposes of sections 210.101 and 210.102.

2. The state treasurer shall invest moneys in the Missouri children's services commission fund in the same manner as surplus state funds are invested pursuant to section 30.260. All earnings resulting from the investment of moneys in the Missouri children's services commission fund shall be credited to the Missouri children's services commission fund.

3. The administration of the Missouri children's services commission fund, including, but not limited to, the disbursement of funds therefrom, shall be as prescribed by the Missouri children's services commission in its bylaws.

4. The provisions of section 33.080, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue of this state at the end of each biennium, shall not apply to the Missouri children's services commission fund.

5. Amounts received in the fund shall only be used by the commission for purposes authorized under sections 210.101 and 210.102.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 50, Section 335.021, Line 36, by inserting after all of said line the following:

"338.315. 1. Except as otherwise provided by the board by rule, it shall be unlawful for any pharmacist, pharmacy owner or person employed by a pharmacy to knowingly purchase or receive any legend drugs under 21 U.S.C. Section 353 from other than a licensed or registered drug distributor, **drug outsourcer, third-party logistics provider**, or licensed pharmacy. Any person who violates the provisions of this section shall, upon conviction, be adjudged guilty of a class A misdemeanor. Any subsequent conviction shall constitute a class E felony.

2. Notwithstanding any other provision of law to the contrary, the sale, purchase, or trade of a prescription drug by a pharmacy to other pharmacies is permissible if the total dollar volume of such sales, purchases, or trades are in compliance with the rules of the board and do not exceed five percent of the pharmacy's total annual prescription drug sales.

3. Pharmacies shall establish and maintain inventories and records of all transactions regarding the receipt and distribution or other disposition of legend drugs. Such records shall be maintained for two years and be readily available upon request by the board or its representatives.

4. The board shall promulgate rules to implement the provisions of this section. Any rule or portion of



a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

338.330. As used in sections 338.300 to 338.370, the following terms mean:

(1) **“Drug outsourcer”, an outsourcing facility as defined by 21 U.S.C. Section 353b of the federal Drug Quality and Security Act;**

(2) **“Legend drug”:**

(a) Any drug or biological product:

a. Subject to Section 503(b) of the Federal Food, Drug and Cosmetic Act, including finished dosage forms and active ingredients subject to such Section 503(b); or

b. Required under federal law to be labeled with one of the following statements prior to being dispensed or delivered:

(i) “Caution: Federal law prohibits dispensing without prescription”;

(ii) “Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian”; or

(iii) “Rx Only”; or

c. Required by any applicable federal or state law or regulation to be dispensed by prescription only or that is restricted to use or dispensed by practitioners only; and

(b) The term “drug”, “prescription drug”, or “legend drug” shall not include:

a. An investigational new drug, as defined by 21 CFR 312.3(b), that is being utilized for the purposes of conducting a clinical trial or investigation of such drug or product that is governed by, and being conducted under and pursuant to, 21 CFR 312, et. seq.;

b. Any drug product being utilized for the purposes of conducting a clinical trial or investigation that is governed by, and being conducted under and pursuant to, 21 CFR 312, et. seq.; or

c. Any drug product being utilized for the purposes of conducting a clinical trial or investigation that is governed or approved by an institutional review board subject to 21 CFR Part 56 or 45 CFR Part 46;

[2] (3) **“Out-of-state wholesale drug distributor”, a wholesale drug distributor with no physical facilities located in the state;**

[3] (4) **“Pharmacy distributor”, any licensed pharmacy, as defined in section 338.210, engaged in the delivery or distribution of legend drugs to any other licensed pharmacy where such delivery or distribution constitutes at least five percent of the total gross sales of such pharmacy;**

[4] (5) **“Third-party logistics provider”, an entity that provides or coordinates warehousing or other logistics services of a product on behalf of a drug manufacturer, wholesale distributor, or dispenser of a legend drug, but does not take ownership of the product, nor have responsibility to**

**direct the sale or disposition of the product;**

(6) “Wholesale drug distributor”, anyone engaged in the delivery or distribution of legend drugs from any location and who is involved in the actual, constructive or attempted transfer of a drug or drug-related device in this state, other than to the ultimate consumer. This shall include, but not be limited to, drug wholesalers, repackagers and manufacturers which are engaged in the delivery or distribution of drugs in this state, with facilities located in this state or in any other state or jurisdiction. A wholesale drug distributor shall not include any common carrier or individual hired solely to transport legend drugs. Any locations where drugs are delivered on a consignment basis, as defined by the board, shall be exempt from licensure as a drug distributor, and those standards of practice required of a drug distributor but shall be open for inspection by board of pharmacy representatives as provided for in section 338.360.

338.333. 1. Except as otherwise provided by the board of pharmacy by rule in the event of an emergency or to alleviate a supply shortage, no person or distribution outlet shall act as a wholesale drug distributor, **drug outsourcer, third-party logistics provider**, or pharmacy distributor without first obtaining license to do so from the Missouri board of pharmacy and paying the required fee. The board may grant temporary licenses when the wholesale drug distributor, **drug outsourcer, third-party logistics provider**, or pharmacy distributor first applies for a license to operate within the state. Temporary licenses shall remain valid until such time as the board shall find that the applicant meets or fails to meet the requirements for regular licensure. No license shall be issued or renewed for a wholesale drug distributor, **drug outsourcer, third-party logistics provider**, or pharmacy distributor to operate unless the same shall be operated in a manner prescribed by law and according to the rules and regulations promulgated by the board of pharmacy with respect thereto. Separate licenses shall be required for each distribution, **drug outsourcer or third-party logistics** site owned or operated by a wholesale drug distributor, **drug outsourcer, third-party logistics provider**, or pharmacy distributor, unless such drug distributor, **drug outsourcer, third-party logistics provider**, or pharmacy distributor meets the requirements of section 338.335.

2. An agent or employee of any licensed or registered wholesale drug distributor, **drug outsourcer, third-party logistics provider**, or pharmacy distributor need not seek licensure under this section and may lawfully possess pharmaceutical drugs, if [he] **the agent or employee** is acting in the usual course of his **or her** business or employment.

3. The board may permit out-of-state wholesale drug distributors, **drug outsourcers, third-party logistics providers**, or out-of-state pharmacy distributors to be licensed as required by sections 338.210 to 338.370 on the basis of reciprocity to the extent that [an out-of-state wholesale drug distributor or out-of-state pharmacy distributor] **the entity** both:

(1) Possesses a valid license granted by another state pursuant to legal standards comparable to those which must be met by a wholesale drug distributor, **drug outsourcer, third-party logistics provider**, or pharmacy distributor of this state as prerequisites for obtaining a license under the laws of this state; and

(2) Distributes into Missouri from a state which would extend reciprocal treatment under its own laws to a wholesale drug distributor, **drug outsourcer, third-party logistics provider**, or pharmacy distributor of this state.

338.337. It shall be unlawful for any out-of-state wholesale drug distributor [or] , out-of-state pharmacy acting as a distributor, **drug outsourcer, or out-of-state third-party logistics provider** to do business in this state without first obtaining a license to do so from the board of pharmacy and paying the required fee,

except as otherwise provided by section 338.335 and this section. Application for an out-of-state wholesale drug distributor's, **drug outsourcer's, or out-of-state third-party logistics provider's** license under this section shall be made on a form furnished by the board. The issuance of a license under sections 338.330 to 338.370 shall not change or affect tax liability imposed by the Missouri department of revenue on any [out-of-state wholesale drug distributor or out-of-state pharmacy] **entity**. Any out-of-state wholesale drug distributor that is a drug manufacturer and which produces and distributes from a facility which has been inspected and approved by the Food and Drug Administration, maintains current approval by the federal Food and Drug Administration, and has provided a copy of the most recent Food and Drug Administration Establishment Inspection Report to the board, and which is licensed by the state in which the distribution facility is located, or, if located within a foreign jurisdiction, is authorized and in good standing to operate as a drug manufacturer within such jurisdiction, need not be licensed as provided in this section but such out-of-state distributor shall register its business name and address with the board of pharmacy and pay a filing fee in an amount established by the board.

338.340. No person acting as principal or agent for any out-of-state wholesale drug distributor [or] , out-of-state pharmacy distributor, **drug outsourcer, or out-of-state third-party logistics provider** shall sell or distribute drugs in this state unless the [wholesale drug distributor or pharmacy distributor] **entity** has obtained a license pursuant to the provisions of sections 338.330 to 338.370.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 9, Section 91.640, Line 67, by inserting immediately after all of said section and line the following:

“103.008. 1. The general administration and the responsibility for the proper operation of the plan is vested in a board of trustees of thirteen persons, as follows: the director of the department of health and senior services, the director of the department of insurance, financial institutions and professional registration, the commissioner of the state office of administration serving ex officio, one member of the senate from the majority party appointed by the president pro tem of the senate and one member of the senate from the minority party appointed by the president pro tem of the senate with the concurrence of the minority floor leader of the senate, one member of the house of representatives from the majority party appointed by the speaker of the house of representatives and one member of the house of representatives from the minority party appointed by the speaker of the house of representatives with the concurrence of the minority floor leader of the house of representatives, **two members of the system who are current employees elected by a plurality vote of members of the system who are also current employees for a term of four years, one member of the system who is a retiree elected by a plurality vote of retired members of the system for a term of four years,** and [six] **three** members appointed by the governor with the advice and consent of the senate. Of the [six] **three** members appointed by the governor, [three] **all** shall be citizens of the state of Missouri who are not members of the plan, but who are familiar with medical issues. [The remaining three members shall be members of the plan and may be selected from any state agency or any participating member agency.]

2. Except for the legislative members, the director of the department of health and senior services, the director of the department of insurance, financial institutions and professional registration, and the

commissioner of the office of administration, trustees shall be chosen for terms of four years from the first day of January next following their election or appointment. Any vacancies occurring in the office of trustee shall be filled in the same manner the office was filled previously.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 53, Section 620.1200, Line 29, by inserting after all of said section and line the following:

**“620.2200. 1. This act shall be known and may be cited as the “Missouri Route 66 Centennial Commission Act”.**

**2. The commission shall be composed of eighteen members who reflect the interests, history, and importance of the communities along Route 66 in Missouri. The members shall be appointed as follows:**

- (1) Two public members appointed by the speaker of the house of representatives;**
- (2) Two public members appointed by the minority leader of the house of representatives;**
- (3) Two public members appointed by the president pro tempore of the senate;**
- (4) Two public members appointed by the minority leader of the senate;**
- (5) Three public members appointed by the governor, one of whom shall serve as chairperson; and**
- (6) Seven ex officio members as follows:**
  - (a) The governor, or his or her designee;**
  - (b) The director of the department of transportation, or his or her designee;**
  - (c) The director of the department of natural resources, or his or her designee;**
  - (d) The director of the division of tourism, or his or her designee;**
  - (e) The director of the department of economic development, or his or her designee;**
  - (f) The secretary of state, or his or her designee; and**
  - (g) The president of the Route 66 Association of Missouri, or his or her designee.**

**3. An ex officio member of the commission vacates his or her position on the commission if he or she ceases to hold the position that qualifies the person for service on the commission.**

**4. (1) A public member of the commission is not entitled to compensation but is entitled to reimbursement for the travel expenses incurred by the member while transacting commission business.**

**(2) An ex officio member’s service on the commission is an additional duty of the underlying position that qualifies the member for service on the commission. The entitlement of an ex officio member to compensation or reimbursement for travel expenses incurred while transacting**

**commission business is governed by the law that applies to the member's service in that underlying position, and any payment to the member for either purpose shall be made from an appropriation that may be used for the purpose and is available to the state agency that the member serves in that underlying position.**

**5. (1) The commission shall meet at least quarterly at the times and places in this state that the commission designates.**

**(2) A majority of the members of the commission constitutes a quorum for transacting commission business.**

**6. The duties of the commission shall be to:**

**(1) Plan and sponsor official Route 66 centennial events, programs, and activities in the state;**

**(2) Encourage the development of programs designed to involve all citizens in activities that commemorate Route 66 centennial events in the state; and**

**(3) To the best of the commission's ability, make available to the public information on Route 66 centennial events happening throughout the state.**

**7. Subject to appropriation, the office of tourism shall provide administrative and other support to the commission.**

**8. (1) The commission may accept monetary gifts and grants from any public or private source, to be held in the Missouri Route 66 centennial commission fund. The Missouri Route 66 centennial commission fund is created as a nonappropriated trust fund to be held outside of the state treasury, with the state treasurer as custodian. The fund shall be expended solely for the use of the commission in performing the commission's powers and duties under this section.**

**(2) The commission may also accept in-kind gifts.**

**9. Before June 30, 2027, a final report on the commission's activities shall be delivered to the governor. The commission shall be dissolved on June 30, 2027, and any moneys remaining in the Missouri Route 66 centennial commission fund shall be deposited in the general revenue fund.**

**10. The provisions of this section terminate on December 1, 2027.”; and**

**Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.**

**HOUSE AMENDMENT NO. 8**

**Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 52, Section 453.600, Line 51, by inserting immediately after all of said section and line the following:**

**“610.031. 1. If the attorney general concludes that any person may have engaged in any act, conduct, or practice that violates any provision of chapter 109 or this chapter, the attorney general may apply for an order issued by a judge of the circuit court of Cole County to serve a civil investigative demand on any person who the attorney general believes may have information or evidence relevant to the suspected violation. A judge shall issue the order to serve the civil investigative demand if the judge finds that probable cause exists that a violation of chapter 109 or**

this chapter has occurred. Once a judge has issued an order to serve a civil investigative demand, the demand issued under this section may seek any information and documents that could be obtained by means of a subpoena duces tecum issued by a court of this state. A civil investigative demand issued under this section may also require answers to written interrogatories that would be permitted by the Missouri supreme court rules.

**2. A civil investigative demand issued under this section shall:**

- (1) State the statute or statutes that the attorney general believes may have been violated;**
- (2) Describe the class or classes of information and evidence to be produced with sufficient specificity so as to fairly indicate the material demanded;**
- (3) Prescribe a return date, which shall be at least thirty days, by which the information and evidence is to be produced;**
- (4) Identify the members of the attorney general's staff to whom the information and evidence requested is to be produced; and**
- (5) Provide notice to the recipient of the demand of the recipient's ability to file a petition in the circuit court of Cole County to extend the return date for good cause or to quash or modify any portion of the demand.**

**3. Service of a civil investigative demand issued under this section may be made by:**

- (1) Delivering a duly executed copy thereof to the person to be served, or to a partner or any officer or agent authorized by appointment or by law to receive service of process on behalf of such person;**
- (2) Delivering a duly executed copy thereof to the principal place of business or the residence in this state of the person to be served;**
- (3) Mailing by registered or certified mail a duly executed copy thereof addressed to the person to be served, at the person's principal place of business or residence in this state, or if such person has no place of business or residence in this state, to his or her principal office, place of business, or his or her residence; or**
- (4) Mailing by registered or certified mail a duly executed copy thereof, requesting a return receipt signed by the addressee only, to the last known place of business, residence, or abode within or without this state of such person.**

**4. At any time prior to the return date specified in a civil investigative demand issued under this section or within twenty days after the civil investigative demand is served, whichever is earlier, the recipient of the civil investigative demand may file a petition in the circuit court of Cole County seeking to extend the return date for good cause or to quash or modify any portion of the civil investigative demand. A civil investigative demand issued under this section shall only be quashed or modified on the same basis as a subpoena duces tecum issued by a court of this state.**

**5. If any person fails to comply with any portion of a civil investigative demand served under this section, the attorney general may file a petition for an order to enforce the civil investigative demand. The attorney general may file such petition in the circuit court of Cole County or in any circuit court**

where such person has his or her principal place of business or residence. Any person who refuses to comply with an order enforcing a civil investigative demand shall be found in contempt.

6. Any person who, with the intent to avoid, evade, or prevent compliance with a civil investigative demand issued under this section, removes, conceals, withholds, destroys, alters, or falsifies any information or evidence responsive to a civil investigative demand served under this section shall be guilty of a class A misdemeanor. The attorney general shall have concurrent jurisdiction to enforce the provisions of this subsection.

7. No information, documentary material, or physical evidence requested pursuant to a civil investigative demand issued under this section shall, unless otherwise ordered by a court for good cause shown, be produced for or the contents thereof be disclosed to, any person other than the authorized employee of the attorney general without the consent of the person who produced such information, documentary material or physical evidence; provided, that under such reasonable terms and conditions as the attorney general shall prescribe, such information, documentary material or physical evidence shall be made available for inspection and copying by the person who produced such information, documentary material or physical evidence, or any duly authorized representative of such person. The attorney general, or any attorney designated by him or her, may use the information, documentary material, or physical evidence in the enforcement of chapter 109 or this chapter, by presentation before any court or by disclosure to law enforcement agencies of this state.

610.033. There is created within the office of the attorney general a transparency division. No assistant attorney general while assigned to the transparency division shall participate in the prosecution or defense of any civil claim on behalf of the state, any agency of the state, or any officer of the state, except the prosecution of an action alleging a violation of any provision of chapter 109 or this chapter.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 37, Section 253.408, Line 57, by inserting after all of said section and line the following:

“324.018. 1. For purposes of this section, the following terms mean:

(1) “Licensing authority”, any agency, examining board, credentialing board, or other office with the authority to impose occupational fees or licensing requirements on any occupation or profession;

(2) “Licensing requirement”, any required training, education, or fee to work in a specific occupation or profession;

(3) “Lobbyist”, the same meaning given to the term in section 105.470;

(4) “Occupational fee”, a tax on or fee, including any application or renewal fee, for a professional license. “Occupational fee” shall not include a fee imposed by a political subdivision to obtain or renew a business license.

2. State licensing authorities shall not contract for pay, or otherwise compensate any lobbyist to lobby on their behalf; except this section shall not be construed to prohibit, limit, preclude, or deprive

**any officer or employee of a department or agency from exercising the department's or agency's individual right to communicate with members of the general assembly through proper official channels at the request of a member or to request legislative action or appropriations that are deemed necessary for the efficient conduct of public business or actually made in the proper performance of his or her official duties, including testifying before the general assembly or any committee thereof for information purposes.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 40, Section 324.409, Lines 19-21, by deleting all of said lines and inserting in lieu thereof the following:

“[2. Verification of experience required pursuant to this section shall be based on a minimum of two client references, business or employment verification and three industry references, submitted to the council.]”; and

Further amend said bill and section by renumbering subsequent subsections; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 11

Amend House Amendment No. 11 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 6, Line 1, by inserting immediately after said line the following:

**“13. Nothing in this section or section 334.036 shall be construed to limit the authority of hospitals or hospital medical staff to make employment or medical staff credentialing or privileging decisions.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 46, Section 332.086, Line 37, by inserting after all of said section and line the following:

“334.036. 1. For purposes of this section, the following terms shall mean:

(1) “Assistant physician”, any medical school graduate who:

(a) Is a resident and citizen of the United States or is a legal resident alien;

(b) Has successfully completed [Step 1 and] Step 2 of the United States Medical Licensing Examination or the equivalent of such [steps] **step** of any other board-approved medical licensing examination within the [two-year] **three-year** period immediately preceding application for licensure as an assistant physician, [but in no event more than] **or within** three years after graduation from a medical college or osteopathic medical college, **whichever is later**;



(c) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the immediately preceding [two-year] **three-year** period unless when such [two-year] **three-year** anniversary occurred he or she was serving as a resident physician in an accredited residency in the United States and continued to do so within thirty days prior to application for licensure as an assistant physician; and

(d) Has proficiency in the English language.

Any medical school graduate who could have applied for licensure and complied with the provisions of this subdivision at any time between August 28, 2014, and August 28, 2017, may apply for licensure and shall be deemed in compliance with the provisions of this subdivision;

(2) “Assistant physician collaborative practice arrangement”, an agreement between a physician and an assistant physician that meets the requirements of this section and section 334.037;

(3) “Medical school graduate”, any person who has graduated from a medical college or osteopathic medical college described in section 334.031.

2. (1) An assistant physician collaborative practice arrangement shall limit the assistant physician to providing only primary care services and only in medically underserved rural or urban areas of this state or in any pilot project areas established in which assistant physicians may practice.

(2) For a physician-assistant physician team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

(a) An assistant physician shall be considered a physician assistant for purposes of regulations of the Centers for Medicare and Medicaid Services (CMS); and

(b) No supervision requirements in addition to the minimum federal law shall be required.

3. (1) For purposes of this section, the licensure of assistant physicians shall take place within processes established by rules of the state board of registration for the healing arts. The board of healing arts is authorized to establish rules under chapter 536 establishing licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. **No licensure fee for an assistant physician shall exceed the amount of any licensure fee for a physician assistant.** An application for licensure may be denied or the licensure of an assistant physician may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule. **No rule or regulation shall require an assistant physician to complete more hours of continuing medical education than that of a licensed physician.**

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

**(3) Any rules or regulations regarding assistant physicians in effect as of the effective date of this**

**section that conflict with the provisions of this section and section 334.037 shall be null and void as of the effective date of this section.**

4. An assistant physician shall clearly identify himself or herself as an assistant physician and shall be permitted to use the terms “doctor”, “Dr.”, or “doc”. No assistant physician shall practice or attempt to practice without an assistant physician collaborative practice arrangement, except as otherwise provided in this section and in an emergency situation.

5. The collaborating physician is responsible at all times for the oversight of the activities of and accepts responsibility for primary care services rendered by the assistant physician.

6. The provisions of section 334.037 shall apply to all assistant physician collaborative practice arrangements. [To be eligible to practice as an assistant physician, a licensed assistant physician shall enter into an assistant physician collaborative practice arrangement within six months of his or her initial licensure and shall not have more than a six-month time period between collaborative practice arrangements during his or her licensure period.] Any renewal of licensure under this section shall include verification of actual practice under a collaborative practice arrangement in accordance with this subsection during the immediately preceding licensure period.

**7. Each health carrier or health benefit plan that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state shall reimburse an assistant physician for the diagnosis, consultation, or treatment of an insured or enrollee on the same basis that the health carrier or health benefit plan covers the service when it is delivered by another comparable mid-level health care provider including, but not limited to, a physician assistant.**

334.037. 1. A physician may enter into collaborative practice arrangements with assistant physicians. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to an assistant physician the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the assistant physician and is consistent with that assistant physician’s skill, training, and competence and the skill and training of the collaborating physician.

2. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the assistant physician;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the assistant physician to prescribe;

(3) A requirement that there shall be posted at every office where the assistant physician is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an assistant physician and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the assistant physician;

(5) The manner of collaboration between the collaborating physician and the assistant physician, including how the collaborating physician and the assistant physician shall:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity; except, the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by [P.L.] **Pub. L. 95-210 [.] (42 U.S.C. Section 1395x), as amended**, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. Such exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics if the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics if the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician shall maintain documentation related to such requirement and present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the assistant physician's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the assistant physician to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the assistant physician;

(8) The duration of the written practice agreement between the collaborating physician and the assistant physician;

(9) A description of the time and manner of the collaborating physician's review of the assistant physician's delivery of health care services. The description shall include provisions that the assistant physician shall submit a minimum of ten percent of the charts documenting the assistant physician's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the assistant physician prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

3. The state board of registration for the healing arts under section 334.125 shall promulgate rules regulating the use of collaborative practice arrangements for assistant physicians. Such rules shall specify:

(1) Geographic areas to be covered;

(2) The methods of treatment that may be covered by collaborative practice arrangements;

(3) In conjunction with deans of medical schools and primary care residency program directors in the state, the development and implementation of educational methods and programs undertaken during the collaborative practice service which shall facilitate the advancement of the assistant physician's medical knowledge and capabilities, and which may lead to credit toward a future residency program for programs that deem such documented educational achievements acceptable; and

(4) The requirements for review of services provided under collaborative practice arrangements, including delegating authority to prescribe controlled substances.

Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. The state board of registration for the healing arts shall promulgate rules applicable to assistant physicians that shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

4. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to an assistant physician provided the provisions of this section and the rules promulgated thereunder are satisfied.

5. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each assistant physician with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that arrangements are carried out for compliance under this chapter.

6. A collaborating physician **or supervising physician** shall not enter into a collaborative practice arrangement **or supervision agreement** with more than [three] **six** full-time equivalent assistant physicians, **full-time equivalent physician assistants, or full-time equivalent advance practice registered nurses, or any combination thereof.** Such limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, **or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.**

7. The collaborating physician shall determine and document the completion of at least a one-month period of time during which the assistant physician shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. **No rule or regulation shall require the collaborating physician to review more than ten percent of the assistant physician's patient charts or records during such one-month period.** Such limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

8. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

9. No contract or other agreement shall require a physician to act as a collaborating physician for an assistant physician against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular assistant physician. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any assistant physician, but such requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by a hospital's medical staff.

10. No contract or other agreement shall require any assistant physician to serve as a collaborating assistant physician for any collaborating physician against the assistant physician's will. An assistant physician shall have the right to refuse to collaborate, without penalty, with a particular physician.

11. All collaborating physicians and assistant physicians in collaborative practice arrangements shall wear identification badges while acting within the scope of their collaborative practice arrangement. The identification badges shall prominently display the licensure status of such collaborating physicians and assistant physicians.

12. (1) An assistant physician with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Prescriptions for Schedule II medications prescribed by an assistant physician who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. Such authority shall be filed with the state board of registration for the healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the assistant physician is permitted to prescribe. Any limitations shall be listed in the collaborative practice arrangement. Assistant physicians shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, **except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication assisted treatment for substance use disorders under the direction of the collaborating physician.** Assistant physicians who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the assistant physician during which the assistant physician shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to assistant physicians of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009, **or assistant physicians providing opioid addiction treatment.**

(3) An assistant physician shall receive a certificate of controlled substance prescriptive authority from the state board of registration for the healing arts upon verification of licensure under section 334.036.

334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon

protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services. **An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patient's receiving medication assisted treatment for substance use disorders under the direction of the collaborating physician.**

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except the collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210, as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical

access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician **or supervising physician** shall not enter into a collaborative practice arrangement **or supervision agreement** with more than [three] **six** full-time equivalent advanced practice registered nurses, **full-time equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any combination thereof.** This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, **or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of this section.**

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating



physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.”; and

Further amend said bill, Page 48, Section 334.625, Line 36, by inserting immediately after said section and line the following:

“334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) “Applicant”, any individual who seeks to become licensed as a physician assistant;
- (2) “Certification” or “registration”, a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) “Certifying entity”, the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) “Department”, the department of insurance, financial institutions and professional registration or a designated agency thereof;
- (5) “License”, a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;
- (6) “Physician assistant”, a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;
- (7) “Recognition”, the formal process of becoming a certifying entity as required by the provisions of

sections 334.735 to 334.749;

(8) “Supervision”, control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant’s delivery of care. The physician assistant shall only practice at a location where the physician routinely provides patient care, except existing patients of the supervising physician in the patient’s home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the physician assistant is providing patient care. Prior to commencing practice, the supervising physician and physician assistant shall attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant’s training and that the physician assistant shall not practice beyond the physician assistant’s training and experience. Appropriate supervision shall require the supervising physician to be working within the same facility as the physician assistant for at least four hours within one calendar day for every fourteen days on which the physician assistant provides patient care as described in subsection 3 of this section. Only days in which the physician assistant provides patient care as described in subsection 3 of this section shall be counted toward the fourteen-day period. The requirement of appropriate supervision shall be applied so that no more than thirteen calendar days in which a physician assistant provides patient care shall pass between the physician’s four hours working within the same facility. The board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.

2. (1) A supervision agreement shall limit the physician assistant to practice only at locations described in subdivision (8) of subsection 1 of this section, [where the supervising physician is no further than fifty miles by road using the most direct route available and where the location is not so situated as to create an impediment to effective intervention and supervision of patient care or adequate review of services] **within a geographic proximity to be determined by the board of registration for the healing arts.**

(2) For a physician-physician assistant team working in a **certified community behavioral health clinic as defined by P.L. 113-93 and a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended, or a federally qualified health center as defined in 42 U.S.C. Section 1395 of the Public Health Service Act, as amended,** no supervision requirements in addition to the minimum federal law shall be required.

3. The scope of practice of a physician assistant shall consist only of the following services and procedures:

(1) Taking patient histories;

(2) Performing physical examinations of a patient;

(3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;

(4) Performing routine therapeutic procedures;

(5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;

(6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;

(7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;

(8) Assisting in surgery;

(9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the physician's assistant has been trained and is proficient to perform; and

(10) Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe any drug, medicine, device or therapy unless pursuant to a physician supervision agreement in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;

(2) The types of drugs, medications, devices or therapies prescribed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;

(4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients; and

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with the department of social services as a MO HealthNet or Medicaid provider while acting under a supervision agreement between the physician and physician assistant.

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license

of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed-upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services. The agreement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, telephone numbers, and state license numbers of the supervising physician and the physician assistant;

(2) A list of all offices or locations where the physician routinely provides patient care, and in which of such offices or locations the supervising physician has authorized the physician assistant to practice;

(3) All specialty or board certifications of the supervising physician;

(4) The manner of supervision between the supervising physician and the physician assistant, including how the supervising physician and the physician assistant shall:

(a) Attest on a form provided by the board that the physician shall provide supervision appropriate to the physician assistant's training and experience and that the physician assistant shall not practice beyond the scope of the physician assistant's training and experience nor the supervising physician's capabilities and training; and

(b) Provide coverage during absence, incapacity, infirmity, or emergency by the supervising physician;

(5) The duration of the supervision agreement between the supervising physician and physician assistant; and

(6) A description of the time and manner of the supervising physician's review of the physician assistant's delivery of health care services. Such description shall include provisions that the supervising physician, or a designated supervising physician listed in the supervision agreement review a minimum of ten percent of the charts of the physician assistant's delivery of health care services every fourteen days.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

10. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.

11. No contract or other agreement shall require a physician to act as a supervising physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the supervising physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by the hospital's medical staff.

12. Physician assistants shall file with the board a copy of their supervising physician form.

13. No physician shall be designated to serve as supervising physician **or collaborating physician** for more than [three] **six** full-time equivalent licensed physician assistants, **full-time equivalent advanced practice registered nurses, or full-time equivalent assistant physicians, or any combination thereof.** This limitation shall not apply to physician assistant agreements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, **or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.**

334.747. 1. A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a supervision agreement. Such authority shall be listed on the supervision verification form on file with the state board of healing arts. The supervising physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the supervision form. Prescriptions for Schedule II medications prescribed by a physician assistant with authority to prescribe delegated in a supervision agreement are restricted to only those medications containing hydrocodone. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, **except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication assisted treatment for substance use disorders under the direction of the supervising physician.** Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

2. The supervising physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the supervising physician on-site prior to prescribing controlled substances when the supervising physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced

pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the supervising physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a supervising physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.”; and

Further amend said bill, Page 50, Section 335.021, Line 36, by inserting immediately after said section and line the following:

“337.025. 1. The provisions of this section shall govern the education and experience requirements for initial licensure as a psychologist for the following persons:

(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that the applicant has received a doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association [or] (APA), the Canadian Psychological Association, **or the Psychological Clinical Science Accreditation System (PCSAS) provided that such program include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;** or

(2) A program designated or approved, including provisional approval, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent organizational entity within the institution of higher education;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall be an integrated, organized, sequence of study;

(e) There shall be an identifiable psychology faculty and a psychologist responsible for the program;

(f) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

(h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year's residency at the educational institution granting the doctoral degree; and

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

a. The biological bases of behavior such as courses in: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;

c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;

d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;

e. The scientific methods and procedures of understanding, predicting and influencing human behavior such as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

4. Acceptable supervised professional experience may be accrued through preinternship, internship, predoctoral postinternship, or postdoctoral experiences. The academic training director or the postdoctoral training supervisor shall attest to the hours accrued to meet the requirements of this section. Such hours shall consist of:

(1) A minimum of fifteen hundred hours of experience in a successfully completed internship to be completed in not less than twelve nor more than twenty-four months; and

(2) A minimum of two thousand hours of experience consisting of any combination of the following:

(a) Preinternship and predoctoral postinternship professional experience that occurs following the completion of the first year of the doctoral program or at any time while in a doctoral program after

completion of a master's degree in psychology or equivalent as defined by rule by the committee;

(b) Up to seven hundred fifty hours obtained while on the internship under subdivision (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this subsection; or

(c) Postdoctoral professional experience obtained in no more than twenty-four consecutive calendar months. In no case shall this experience be accumulated at a rate of more than fifty hours per week. Postdoctoral supervised professional experience for prospective health service providers and other applicants shall involve and relate to the delivery of psychological services in accordance with professional requirements and relevant to the applicant's intended area of practice.

5. Experience for those applicants who intend to seek health service provider certification and who have completed a program in one or more of the American Psychological Association designated health service provider delivery areas shall be obtained under the primary supervision of a licensed psychologist who is also a health service provider or who otherwise meets the requirements for health service provider certification. Experience for those applicants who do not intend to seek health service provider certification shall be obtained under the primary supervision of a licensed psychologist or such other qualified mental health professional approved by the committee.

6. For postinternship and postdoctoral hours, the psychological activities of the applicant shall be performed pursuant to the primary supervisor's order, control, and full professional responsibility. The primary supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one hour per month in face-to-face individual supervision. Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisors who are qualified psychologists. The secondary supervisors shall retain order, control, and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable for supervised professional experience. The primary supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology. The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.

7. The committee by rule shall provide procedures for exceptions and variances from the requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and other good causes.

337.029. 1. A psychologist licensed in another jurisdiction who has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction may receive a license in Missouri, provided the psychologist passes a written examination on Missouri laws and regulations governing the practice of psychology and meets one of the following criteria:

(1) Is a diplomate of the American Board of Professional Psychology;

(2) Is a member of the National Register of Health Service Providers in Psychology;

(3) Is currently licensed or certified as a psychologist in another jurisdiction who is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;

(4) Is currently licensed or certified as a psychologist in another state, territory of the United States, or



the District of Columbia and:

(a) Has a doctoral degree in psychology from a program accredited, or provisionally accredited, by the American Psychological Association **or the Psychological Clinical Science Accreditation System**, or that meets the requirements as set forth in subdivision (3) of subsection 3 of section 337.025;

(b) Has been licensed for the preceding five years; and

(c) Has had no disciplinary action taken against the license for the preceding five years; or

(5) Holds a current certificate of professional qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

2. Notwithstanding the provisions of subsection 1 of this section, applicants may be required to pass an oral examination as adopted by the committee.

3. A psychologist who receives a license for the practice of psychology in the state of Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement of the score from the examination of professional practice in psychology score will also be eligible for and shall receive certification from the committee as a health service provider if the psychologist meets one or more of the following criteria:

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery;

(2) Is a member of the National Register of Health Service Providers in Psychology; or

(3) Has completed or obtained through education, training, or experience the requisite knowledge comparable to that which is required pursuant to section 337.033.

337.033. 1. A licensed psychologist shall limit his or her practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. A psychologist trained in one area shall not practice in another area without obtaining additional relevant professional education, training, and experience through an acceptable program of respecialization.

2. A psychologist may not represent or hold himself or herself out as a state certified or registered psychological health service provider unless the psychologist has first received the psychologist health service provider certification from the committee; provided, however, nothing in this section shall be construed to limit or prevent a licensed, whether temporary, provisional or permanent, psychologist who does not hold a health service provider certificate from providing psychological services so long as such services are consistent with subsection 1 of this section.

3. "Relevant professional education and training" for health service provider certification, except those entitled to certification pursuant to subsection 5 or 6 of this section, shall be defined as a licensed psychologist whose graduate psychology degree from a recognized educational institution is in an area designated by the American Psychological Association as pertaining to health service delivery or a psychologist who subsequent to receipt of his or her graduate degree in psychology has either completed a respecialization program from a recognized educational institution in one or more of the American Psychological Association recognized clinical health service provider areas and who in addition has completed at least one year of postdegree supervised experience in such clinical area or a psychologist who

has obtained comparable education and training acceptable to the committee through completion of postdoctoral fellowships or otherwise.

4. The degree or respecialization program certificate shall be obtained from a recognized program of graduate study in one or more of the health service delivery areas designated by the American Psychological Association as pertaining to health service delivery, which shall meet one of the criteria established by subdivisions (1) to (3) of this subsection:

(1) A doctoral degree or completion of a recognized respecialization program in one or more of the American Psychological Association designated health service provider delivery areas which is accredited, or provisionally accredited, **either** by the American Psychological Association **or the Psychological Clinical Science Accreditation System**; or

(2) A clinical or counseling psychology doctoral degree program or respecialization program designated, or provisionally approved, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A doctoral degree or completion of a respecialization program in one or more of the American Psychological Association designated health service provider delivery areas that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as being in one or more of the American Psychological Association designated health service provider delivery areas;

(b) Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists in one or more of the American Psychological Association designated health service provider delivery areas.

5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28, 1989, and who subsequently passes the examination shall be deemed to have met all requirements for health service provider certification; provided, however, that such person shall be governed by the provisions of subsection 1 of this section with respect to limitation of practice.

6. Any person who is lawfully licensed as a psychologist in this state and who meets one or more of the following criteria shall automatically, upon payment of the requisite fee, be entitled to receive a health service provider certification from the committee:

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery; or

(2) Is a member of the National Register of Health Service Providers in Psychology.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 5, Section 29.415, Line 5, by inserting after all of said section and line the following:

**“37.940. 1. There is hereby established within the office of administration the “Social Innovation Grant Program”. The governor shall designate an individual to serve as the executive director of the social innovation grant program, who shall establish and oversee the program. For purposes of this section, the following terms mean:**

**(1) “Critical state concern”, instances or circumstances in which the state of Missouri is currently, and will likely be in the future, responsible for the costs associated with a particular act of the state through annual appropriations. The programs for which the costs are associated may not be optimal for reducing the overall scope of the problem to the greatest extent while limiting the exposure of the state budget;**

**(2) “Demonstration project”, a project selected by the social innovation grant team in response to the grant team’s request for proposals process;**

**(3) “Social innovation grant”, a grant awarded to a nonprofit organization with experience in the area of critical state concern to design a short-term demonstration project based on evidence and best practices that can be replicated to optimize state funding and services for populations and programs identified as areas of critical state concern.**

**2. Areas of critical state concern include, but are not limited to:**

**(1) Families in generational child welfare;**

**(2) Opioid-addicted pregnant women; and**

**(3) Children in residential treatment with behavioral issues where the children were not removed from the family due to abuse or neglect.**

**The office of administration or the general assembly may identify additional critical state concerns that could potentially be addressed through the social innovation grant program.**

**3. For any critical state concern for which a social innovation grant is being utilized, the executive director shall establish a “Social Innovation Grant Team” to be comprised of:**

**(1) Individuals working in governmental agencies responsible for the oversight of programs related to the critical state concern;**

**(2) Persons working in the nonprofit sector with practical field experience related to the critical state concern; and**

**(3) Academic leaders in research and study related to the critical state concern.**

**4. The social innovation grant team shall be charged with:**

**(1) Formulating a request for proposals for social innovation grants;**

**(2) Evaluating responsive proposals and selecting those bids for demonstration projects that provide the greatest opportunity for addressing the critical state concern in a cost-effective and replicable way; and**

**(3) Monitoring demonstration projects and evaluating them based on the objectives outlined in the request for proposals, the program’s outline, the project’s impact on the critical state concern, and the project’s ability to be replicated on a cost-effective basis.**

**5. Demonstration projects shall be operated over a period of time sufficient to impact the population served by the project based on the parameters and objectives outlined in the request for proposals. Grantees, at a minimum, shall be nonprofit organizations with experience working with the population identified as a critical state concern.**

**6. Upon the conclusion of a demonstration project, the social innovation grant team shall compile all relevant data and submit a report to the general assembly:**

**(1) Evaluating the project's effectiveness in impacting the critical state concern;**

**(2) Assessing, based on the actual experience of the project, the likely ease of statewide deployment in a methodology consistent with the execution of the project and identifying possible barriers to deployment;**

**(3) Analyzing the likely cost of statewide deployment; and**

**(4) Identifying funding strategies for statewide deployment, which may include scaling based on savings reinvestment or outside capital investments.**

**7. The social innovation grant team shall identify methods to fund the social innovation grant program, including state partnerships with nonprofit organizations and foundations. The executive director of the social innovation grant program shall identify sustainability models for deploying successful demonstration projects.**

**8. All social innovation grants shall be subject to appropriation.**

**9. The office of administration may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

**10. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly;**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, Page 37, Section 253.408, Line 57, by inserting after all of said section and line the following:

**“324.015. 1. For purposes of this section, the following terms mean:**

**(1) “Licensing authority”, any agency, examining board, credentialing board, or other office with the authority to impose occupational fees or licensing requirements on any occupation or profession;**

**(2) “Licensing requirement”, any required training, education, or fee to work in a specific occupation or profession;**

**(3) “Low-income individual”, any individual:**

**(a) Whose household adjusted gross income is below one hundred thirty percent of the federal poverty line or a higher threshold to be set by the department of insurance, financial institutions and professional registration by rule; or**

**(b) Who is enrolled in a state or federal public assistance program including, but not limited to, Temporary Assistance for Needy Families, the MO HealthNet program, or the Supplemental Nutrition Assistance Program;**

**(4) “Military families”, any active duty service members and their spouses and honorably discharged veterans and their spouses. The term “military families” includes surviving spouses of deceased service members who have not remarried;**

**(5) “Occupational fee”, a fee or tax on professionals or businesses that is charged for the privilege of providing goods or services within a certain jurisdiction;**

**(6) “Political subdivision”, any city, town, village, or county.**

**2. All state and political subdivision licensing authorities shall waive all occupational fees and any other fees associated with licensing requirements for military families and low-income individuals for a period of two years beginning on the date an application is approved under subsection 3 of this section. Military families and low-income individuals whose applications are approved shall not be required to pay any occupational fees that become due during the two-year period.**

**3. Any individual seeking a waiver described under subsection 2 of this section shall apply to the appropriate licensing authority in a format prescribed by the licensing authority. The licensing authority shall approve or deny the application within thirty days of receipt.**

**4. An individual shall be eligible to receive only one waiver under this section from each licensing authority.**

**5. The waiver described under subsection 2 of this section shall not apply to fees required to obtain business licenses.**

**6. State licensing authorities and the department of insurance, financial institutions and professional registration shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after**

**August 28, 2018, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS for SB 951**, as amended. Representatives: Pfautsch, Ross, Walker (74), Kendrick.

### **RESOLUTIONS**

Senator Sifton offered Senate Resolution No. 2128, regarding Dr. Jim B. Simpson, Crestwood, which was adopted.

### **INTRODUCTION OF GUESTS**

Senator Wallingford introduced to the Senate, the Physician of the Day, Dr. Sharon Wallace, and her husband, Douglas, Cape Girardeau.

On motion of Senator Kehoe, the Senate adjourned under the rules.

### **SENATE CALENDAR**

---

SEVENTY-SECOND DAY—WEDNESDAY, MAY 16, 2018

---

### **FORMAL CALENDAR**

#### **HOUSE BILLS ON SECOND READING**

HB 2644-Rowland  
HCS for HJR 100

HJR 79-Brattin

#### **THIRD READING OF SENATE BILLS**

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

#### **SENATE BILLS FOR PERFECTION**

1. SJR 36-Schatz, with SCS  
2. SB 678-Eigel

3. SB 1102-Kehoe, with SCS  
4. SB 1015-Wieland, with SCS

- |                             |                               |
|-----------------------------|-------------------------------|
| 5. SB 709-Schatz, with SCS  | 11. SB 703-Hegeman            |
| 6. SB 640-Sater             | 12. SB 915-Crawford           |
| 7. SB 963-Wieland, with SCS | 13. SB 934-Hegeman            |
| 8. SB 952-Rowden            | 14. SB 988-Rowden, with SCS   |
| 9. SB 864-Hoskins           | 15. SB 790-Cierpiot, with SCS |
| 10. SB 998-Schatz, with SCS | 16. SB 734-Schatz, with SCS   |

## HOUSE BILLS ON THIRD READING

- |   |   |
|---|---|
| 1. HCS for HBs 2280, 2120, 1468 & 1616,<br>with SCS (Sater) | 8. HB 1675-Redmon (Emery)                         |
| 2. HB 1460-Evans (Rowden)                                   | 9. HBs 1421 & 1371-Pfautsch, with SCS<br>(Romine) |
| 3. HCS for HB 2140, with SCS (Nasheed)                      | 10. HB 1265-Schroer (Onder)                       |
| 4. HB 1517-McCann Beatty (Curls)                            | 11. HCS for HB 1300, with SCS (Schatz)            |
| 5. HB 1625-Morris (Curls)                                   | 12. HB 1349-Black (Hoskins)                       |
| 6. HB 2117-Pfautsch (Emery)                                 | 13. HB 1469-Davis (Wallingford)                   |
| 7. HB 1800-Miller, with SCS (Emery)                         |   |

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 & 667-Eigel  
(In Fiscal Oversight)

## SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SB 546-Munzlinger, with SS#4 (pending)   | SB 663-Schatz, with SCS, SS for SCS &<br>SA 1 (pending)             |
| SB 550-Wasson, with SCS  | SB 730-Wallingford, with SCS & SA 1<br>(pending)                    |
| SBs 555 & 609-Brown, with SCS  | SB 751-Schatz   |
| SB 556-Brown, with SA 1 (pending)  | SB 767-Hoskins, with SCS, SS for SCS &<br>SA 2 (pending)            |
| SB 561-Sater, with SA 1 (pending)  | SB 774-Munzlinger   |
| SB 567-Cunningham, with SCS, SS for SCS,<br>SA 1 & SA 1 to SA 1 (pending)                            | SB 813-Riddle, with SCS & SA 1 (pending)                            |
| SB 578-Romine  | SB 822-Hegeman, with SCS & SS for SCS<br>(pending)                  |
| SB 591-Hegeman, with SCS   | SB 832-Rowden, with SCS, SS#2 for SCS &<br>point of order (pending) |
| SB 596-Riddle, with SCS  | SB 837-Rowden   |
| SB 599-Schatz  | SB 848-Riddle   |
| SB 602-Onder, with SCS   |   |
| SB 612-Koenig, with SCS, SS#2 for SCS,<br>SA 2, SSA 1 for SA 2 & SA 1 to SSA 1<br>for SA 2 (pending) |   |

SB 849-Kehoe and Schupp, with SCS, SA 1  
& SA 1 to SA 1 (pending)  
SB 859-Koenig, with SCS & SS for SCS  
(pending)  
SB 860-Koenig, with SCS, SS for SCS &  
SA 1 (pending)  
SB 861-Hegeman, with SCS  
SB 865-Kehoe

SB 893-Sater, with SCS, SS for SCS &  
SA 1 (pending)  
SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)  
SB 920-Riddle, with SS & SA 2 (pending)  
SB 928-Onder, with SCS  
SB 1003-Wasson, with SS & SA 1 (pending)  
SB 1021-Dixon and Wallingford, with SCS

#### HOUSE BILLS ON THIRD READING

HB 1247-Pike (Onder)  
HB 1249-Plocher, with SCS (Dixon)  
HB 1250-Plocher, with SCS (Dixon)  
HCS for HB 1251, with SCS (Crawford)  
HCS for HB 1264 (Hegeman)  
HB 1267-Lichtenegger (Munzlinger)  
HB 1303-Alferman, with SCS (Rowden)  
HB 1329-Remole, with SCS, SS for SCS &  
SA 5 (pending) (Munzlinger)  
HCS for HB 1388, with SCS (Riddle)  
HB 1389-Fitzpatrick, with SCS (Schatz)  
HB 1409-Fitzpatrick (Kehoe)  
HB 1413-Taylor, with SCS, SS for SCS &  
SA 1 (pending) (Onder)  
HB 1442-Alferman, with SCS, SS for SCS &  
SA 1 (pending) (Schatz)  
HCS for HB 1443, with SCS (Sater)  
HB 1446-Eggleston, with SCS (Koenig)  
HCS for HB 1456, with SCS (Wallingford)  
HB 1578-Kolkmeier (Munzlinger)  
HCS for HB 1597, with SCS (Dixon)  
HCS for HB 1605, with SCS (Kehoe)  
HCS for HB 1611 (Riddle)  
HCS for HB 1614 (Hegeman)  
HCS for HB 1617, with SCS, SS#2 for SCS  
& SA 1 (pending) (Onder)  
HB 1630-Evans (Rowden)  
HCS for HB 1645 (Rowden)  
HCS for HB 1667, with SCS (Wallingford)  
HB 1691-Miller, with SCS & SS for SCS  
(pending) (Emery)  
HCS for HB 1710, with SCS (Eigel)  
HCS for HB 1713, with SCS (Sater)

HB 1719-Grier, with SCS, SS for SCS &  
SA 1 (pending) (Riddle)  
HCS for HBs 1729, 1621 & 1436 (Brown)  
HCS for HB 1796, with SS (pending)  
(Rowden)  
HB 1809-Tate (Schatz)  
HB 1831-Ruth, with SA 1 & SA 1 to SA 1  
(pending) (Wieland)  
HB 1832-Cornejo, with SCS (Riddle)  
HCS for HB 1868, with SCS (Riddle)  
HCS for HB 1872 (Hegeman)  
HB 1892-Wilson (Cierpiot)  
HB 1968-Grier (Schatz)  
HB 1998-Bondon, with SCS (Emery)  
HB 2026-Wilson, with SCS (Rowden)  
HCS for HB 2031 (Hoskins)  
HB 2039-Fraker (Cunningham)  
HCS for HB 2042, with SCS (Dixon)  
HB 2043-Tate (Wasson)  
HB 2044-Taylor, with SCS (pending)  
(Dixon)  
HCS for HB 2079, with SCS (Crawford)  
HCS for HB 2119 (Rowden)  
HB 2122-Engler, with SCS (Schatz)  
HB 2179-Richardson (Kehoe)  
HB 2208-Curtman, with SCS (Eigel)  
HCS for HB 2216, with SCS (Emery)  
HCS for HB 2249, with SCS (Riddle)  
HCS for HBs 2277 & 1983, with SCS  
(Schatz)  
HCS for HBs 2337 & 2272, with SCS  
(Wieland)



## SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 549-Wasson, with HA 1,  
HA 3, HA 4, HA 5, as amended, HA 6,  
HA 7, HA 8, HA 9 & HA 10  
SS#2 for SCS for SB 590-Hegeman, with  
HA 1 & point of order (pending)  
SS for SB 597-Riddle, with HCS, as amended

SB 757-Schatz, with HA 1, HA 3, HA 4,  
HA 5, HA 6, HA 8 & HA 9  
SS for SCS for SB 843-Riddle, with HCS,  
as amended  
SS for SCS for SB 966-Rowden, with HCS,  
as amended

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

## In Conference

SB 569-Cunningham, with HCS, as amended  
(Senate adopted CCR and passed CCS)  
SS for SCS for SBs 603, 576 & 898-Onder,  
with HCS, as amended  
SS for SB 608-Hoskins, with HCS  
SB 660-Riddle, with HCS, as amended  
(Senate adopted CCR and passed CCS)  
SB 687-Sater, with HCS, as amended  
(Senate adopted CCR and passed CCS)  
SCS for SB 718-Eigel, with HCS, as amended  
SB 743-Sater, with HCS, as amended  
(Senate adopted CCR and passed CCS)  
SS for SCS for SB 775-Brown, with HCS,  
as amended  
(Senate adopted CCR and passed CCS)

SB 806-Crawford, with HCS, as amended  
(Senate adopted CCR and passed CCS)  
SS for SCS for SB 826-Sater, with HCS,  
as amended  
(Senate adopted CCR and passed CCS)  
SS for SB 870-Hegeman, with HCS,  
as amended  
(Senate adopted CCR and passed CCS)  
SB 951-Crawford, with HCS, as amended  
HB 1350-Smith (163), with SS for SCS,  
as amended (Rowden)  
HB 1633-Corlew, with SS for SCS,  
as amended (Dixon)

## Requests to Recede or Grant Conference

SCS for SBs 807 & 577-Wasson, with HCS,  
as amended  
(Senate requests House recede or grant  
conference)

SB 808-Brown, with HCS, as amended  
(Senate requests House recede or grant  
conference)

## RESOLUTIONS

SR 1137-Walsh, with SS (pending)  
SR 1487-Schaaf

SR 2020-Schaaf  
SR 2052-Schaaf

SR 2053-Schaaf  
SR 2054-Schaaf  
SR 2055-Schaaf  
SR 2056-Schaaf  
SR 2057-Schaaf  
SR 2058-Schaaf  
SR 2059-Schaaf

SR 2060-Schaaf  
SR 2061-Schaaf  
SR 2062-Schaaf  
SR 2063-Schaaf  
SR 2064-Schaaf  
SR 2065-Schaaf  
SR 2066-Schaaf

Reported from Committee

SCR 28-Schupp and Nasheed  
SCR 30-Wallingford, with SA 1 (pending)  
HCR 63-Haefner (Wieland)

HCR 69-Davis (Hoskins)  
HCR 96-Conway (Eigel)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SEVENTY-SECOND DAY—WEDNESDAY, MAY 16, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Know that I am with you and will keep you wherever you go...for I will not leave you until I have done what I have promised you.”  
(Genesis 28:15)

Lord God, we are halfway through this final week and we have much to do but we hear Your promise and trust that whatever is truly needed to be done You will make it happen. So hear our words and in Your steadfast love may we do that which is pleasing to You and reflects Your will for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kehoe announced photographers from KSPR News and KMIZ-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Riddle offered Senate Resolution No. 2129, regarding the 2017-2018 Class 2 State Champion Liberty Christian Academy girls soccer team, Wright City, which was adopted.

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2130  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 25 be amended to read as follows:

“Rule 25. The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, Food Production and Outdoor Resources, 8 members.
3. Committee on Appropriations, 11 members.
4. Committee on Commerce, Consumer Protection, Energy and the Environment, 11 members.
5. Committee on Economic Development, 11 members.
6. Committee on Education, 9 members.
7. Committee on Fiscal Oversight, 7 members.
8. Committee on General Laws, 7 members.
9. Committee on Government Reform, 7 members.
10. Committee on Gubernatorial Appointments, 11 members.
11. Committee on Health and Pensions, 7 members.
12. Committee on Insurance and Banking, 7 members.
13. Committee on the Judiciary and Civil and Criminal Jurisprudence, 7 members.
14. Committee on Local Government and Elections, 7 members.
15. Committee on Professional Registration, 7 members.
16. Committee on Progress and Development, 4 members.
17. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.
18. Committee on Seniors, Families and Children, 7 members.
19. Committee on Small Business and Industry, 8 members.
20. Committee on Transportation, Infrastructure and Public Safety, 7 members.
21. Committee on Veterans and Military Affairs, 7 members.
22. Committee on Ways and Means, 7 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

**It is expected that members of the General Assembly and statewide elected state officials will have the opportunity to address matters that come before any standing or interim committee of the Senate within their respective official capacities. Therefore, the chairs of any such committee shall prohibit members of the General Assembly and statewide elected state officials from offering testimony at any such committee other than the sponsor of legislation pending before the committee. At the discretion of the chair, if there is an excusable absence of the sponsor of a bill pending before a committee, one member of the same house of the General Assembly as the sponsor may serve as a substitute to present the bill to the committee.”**

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2131  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 50 be amended to read as follows:

“Rule 50. Referrals of bills and appointments to committee shall be made by the president pro tem; and no bill shall be considered for final passage unless it has been reported on by a committee and printed for the use of the senators. **When the senate proceeds to the order of business of Reports of Standing Committees, the presiding officer shall recognize chairmen seeking recognition in order of their seniority, except for the chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics and the chairman of the Committee on Fiscal Oversight, for the purpose of sending reports forward. Bills sent forward shall be placed on the appropriate calendar in the order in which such bills are received and in the order in which such bills are arranged by the chairman.** A report of all bills recommended “do pass” by a committee shall be submitted to the senate by the chairman and all committee amendments accompanying the report shall be printed in the Journal.

After a bill has been referred to a committee, one-third of the senators elected has the power to relieve a committee of further consideration of a bill and place it on the calendar for consideration. In any case where a committee has been relieved of further consideration of a bill as herein provided, a majority of the senators present but not less than one-third of the senators elected, may, at any time before final passage thereof, again refer the bill to the same or some other committee for consideration. No bill or resolution shall be reported adversely by any committee until the author of the bill or resolution has been given an opportunity to appear and be heard before the committee to which it is referred.

One-third of the senators elected may relieve a committee of an appointment and a motion to grant advice and consent of the Senate to that appointment is then in order upon a vote of the majority of the Senate.”

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2132  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that the Senate Rules be amended by adding Senate Rule 103 to read as follows:

**“Rule 103. All staff of a senator and senate staff shall disclose to the secretary of the senate any relationship, financial or otherwise, that such person has with an organization exempt from taxation under Section 501(c)(4) of the Internal Revenue Code. Such disclosure information shall be made available to all senators upon request.”**

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2133  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rules 3 and 4 be amended to read as follows:

“Rule 3. The business of the senate shall be [disposed of in the following order]:

1. Reading Journal.
2. Introduction of guests.
3. Petitions, memorials and remonstrances.
4. Resolutions.
5. Concurrent Resolutions.
6. Introduction of bills.
7. Report of standing committees.
8. Report of select committees.
9. Second reading of Senate bills.
10. Messages from House.
11. First reading of House bills.
12. House bills on second reading.

13. Third reading of Senate bills.
14. Bills, reports and other bills on the table, including bills for perfection.
15. House bills on third reading.
16. Order of the day.
17. Introduction of guests.
18. Announcement of committee meetings, etc.

Rule 4. The president shall, on each day, announce the business in order agreeable to the preceding rule and no business shall be taken up or considered until the [class] **order of business** to which it belongs is declared in order, but communications from the governor and reports from the Committee on Rules, Joint Rules, Resolutions, and Ethics may be received at any time. **The first six orders of business shall be called as numerically presented until completed. The subsequent orders of business shall be considered upon a motion approved by a majority of the members elected.**”

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2134  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rules 44 and 50 be amended to read as follows:

“Rule 44. Beginning on July first of each year, members and members-elect may deposit bills and joint resolutions for the next regular session with the secretary of the senate at any time. The secretary shall hold the bills and joint resolutions so deposited in the order filed. After the close of business on December first, the secretary shall assign numbers to bills and joint resolutions deposited in that office by seniority of the member first signing the measure, with a limit of [three bills or joint resolutions] **one bill or joint resolution** per rotation of the seniority list from the total number of measures deposited. All measures deposited through December first shall stand as pre-filed without further action by the member or member-elect. At the close of business on each day thereafter until the opening day of the session, bills and joint resolutions received during the day shall be assigned numbers in the order in which the bill or joint resolution is filed with the secretary.

Once filed, bills and joint resolutions shall not be changed except to correct patent typographical, clerical or drafting errors that do not involve changes of substance, nor shall substitutions be made therefor. Any bill may be withdrawn but the number shall not be reassigned once a number has been given.

Seniority for the purposes of this rule shall be determined as follows:

- (1) Continuous senate service;
- (2) In the case of equal continuous senate service, majority party members shall have seniority over minority party members;
- (3) In the case of equal continuous senate service by members of the same party, prior non-continuous senate service;
- (4) In the case of equal continuous and prior non-continuous senate service by members of the same party, prior house service;
- (5) In the case of equal continuous and equal prior non-continuous senate service and equal prior house service by members of the same party, seniority shall be determined by the caucus of that party.

Rule 50. Referrals of bills and appointments to committee shall be made by the president pro tem; and no bill shall be considered for final passage unless it has been reported on by a committee and printed for the use of the senators. **Any of the first three senate bills or joint resolutions pre-filed under Senate Rule 44 by a senator that are reported to the senate from committee shall be placed on the calendar under the order of business of “senate bills for perfection” in numerical order above all other bills on that order of business regardless of the day in which the bill was reported to the senate.** A report of all bills recommended “do pass” by a committee shall be submitted to the senate by the chairman and all committee amendments accompanying the report shall be printed in the Journal.

After a bill has been referred to a committee, one-third of the senators elected has the power to relieve a committee of further consideration of a bill and place it on the calendar for consideration. In any case where a committee has been relieved of further consideration of a bill as herein provided, a majority of the senators present but not less than one-third of the senators elected, may, at any time before final passage thereof, again refer the bill to the same or some other committee for consideration. No bill or resolution shall be reported adversely by any committee until the author of the bill or resolution has been given an opportunity to appear and be heard before the committee to which it is referred.

One-third of the senators elected may relieve a committee of an appointment and a motion to grant advice and consent of the Senate to that appointment is then in order upon a vote of the majority of the Senate.”

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2135  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 28 be amended to read as follows:

“Rule 28. The duties of the standing committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Agriculture, Food Production and Outdoor Resources shall consider and report upon bills and matters referred to it relating to animals, animal disease, pest control, agriculture, food production, the state park system, conservation of the state's natural resources, soil and water, wildlife and game refuges.

3. The Committee on Appropriations shall consider and report upon all bills and matters referred to it pertaining to general appropriations and disbursement of public money.

4. The Committee on Commerce, Consumer Protection, Energy and the Environment shall consider and report upon bills and matters referred to it relating to the development of state commerce, the commercial sector, consumer protection, telecommunications and cable issues, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental preservation.

5. The Committee on Economic Development shall consider and report upon bills and matters referred to it relating to the promotion of economic development, creation and retention of jobs, tourism and the promotion of tourism as a state industry, and community and business development.

6. The Committee on Education shall consider and report upon bills and matters referred to it relating to education in the state, including the public schools, libraries, programs and institutions of higher learning.

7. The Committee on Fiscal Oversight shall consider and report upon all bills, except regular appropriation bills, that require new appropriations or expenditures of appropriated funds in excess of \$100,000, or that reduce such funds by that amount during any of the first three years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on Fiscal Oversight for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on Fiscal Oversight for its consideration prior to it being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during any of the first three years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on Fiscal Oversight.

**The Senator handling any such house bill that was re-referred to the Committee on Fiscal Oversight prior to third reading shall, prior to third reading, briefly describe the subject matter of the bill.** The author or first named sponsor of a bill referred to the Committee on Fiscal Oversight shall be entitled to a hearing on his/her bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on Fiscal Oversight may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted, the bill shall again be referred to the Committee on Fiscal Oversight.

8. The Committee on General Laws shall consider and report upon bills and matters referred to it relating to general topics.

9. The Committee on Government Reform shall review, study, and investigate all matters referred to it relating to the application, administration, execution, and effectiveness of all state laws and programs, the organization and operation of state agencies and other entities

having responsibility for the administration and execution of state laws and programs, and any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation to improve the efficiency of any state law or program. Any findings of the committee may be reported to the senate and the Committee on Appropriations. The committee shall also consider and report upon bills and matters referred to it relating to improving governmental efficiency and management. The committee shall also consider and report upon bills and matters referred to it relating to improving governmental efficiency and management.

10. The Committee on Gubernatorial Appointments shall consider and report upon gubernatorial appointments referred to it.

11. The Committee on Health and Pensions shall consider and report upon bills and matters referred to it relating to health, MO HealthNet, alternative health care delivery system proposals, public health, disease control, hospital operations, mental health, developmental disabilities, and substance abuse and addiction. The committee shall also consider and report upon bills and matters referred to it concerning retirement and pensions and pension plans.

12. The Committee on Insurance and Banking shall consider and report upon bills and matters referred to it relating to the ownership and operation of insurance and banking; and life, accident, indemnity and other forms of insurance. The committee shall also take into consideration and report on bills and matters referred to it relating to banks and banking, savings and loan associations, and other financial institutions in the state.

13. The Committee on the Judiciary and Civil and Criminal Jurisprudence shall consider and report upon bills and matters relating to the judicial department of the state including the practice of the courts of this state, civil procedure and criminal laws, criminal costs and all related matters. The Committee shall also consider and report upon bills and matters referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

14. The Committee on Local Government and Elections shall consider and report upon bills and matters referred to it relating to the county government, township organizations, and political subdivisions. The committee shall consider and report upon bills and matters referred to it relating to election law.

15. The Committee on Professional Registration shall consider and report upon bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency.

16. The Committee on Progress and Development shall consider and report upon bills and matters referred to it concerning the changing or maintenance of issues relating to human welfare.

17. The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon bills and matters referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report. The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

18. The Committee on Seniors, Families and Children shall consider and report upon bills and matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, and family and children's issues. It shall also consider and report upon bills and matters referred to it concerning income maintenance, social services, and child support enforcement.

19. The Committee on Small Business and Industry shall consider and report upon bills and matters referred to it relating to the ownership and operation of small businesses. The committee shall also take into consideration and report on bills relating to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine bills referred to it relating to industrial development.

20. The Committee on Transportation, Infrastructure and Public Safety shall consider and report upon bills and matters referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles, motor vehicle registration and drivers' licenses and matters relating to the safety of the general public.

21. The Committee on Veterans and Military Affairs shall consider and report upon bills and matters concerning veterans' and military affairs.

22. The Committee on Ways and Means shall consider and report upon bills and matters referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.”.



Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2136  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rules 84 and 85 be amended to read as follows:

“Rule 84. The previous question shall be in this form: “Shall the main question be now put?”. It shall only be admitted on written demand of five senators, and sustained by a vote of [a majority] **at least three-fifths** of the senators elected, and in effect shall be put without debate, and bring the senate to direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments, and then upon the main question. On demand for the previous question, a call of the senate shall be in order, but after a majority of the senators elected have sustained such a motion, no call shall be in order prior to the decision on the main question.

Rule 85. On motion of the previous question, no debate shall be allowed and all incidental questions of order arising after the motion is made for the previous question, and pending such motion, shall be decided on appeal or otherwise without debate; if, on a vote for the previous question, the motion is not sustained by [a majority] **at least three-fifths** of the senators elected, then the further consideration of the subject matter shall be in order.”.

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2137  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rules 84 and 85 be amended to read as follows:

“Rule 84. The previous question shall be in this form: “Shall the main question be now put?”. It shall only be admitted on written demand of five senators, and sustained by a vote of [a majority] **at least two-thirds** of the senators elected, and in effect shall be put without debate, and bring the senate to direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments, and then upon the main question. On demand for the previous question, a call of the senate shall be in order, but after a majority of the senators elected have sustained such a motion, no call shall be in order prior to the decision on the main question.

Rule 85. On motion of the previous question, no debate shall be allowed and all incidental questions of order arising after the motion is made for the previous question, and pending such motion, shall be decided on appeal or otherwise without debate; if, on a vote for the previous question, the motion is not sustained by [a majority] **at least two-thirds** of the senators elected, then the further consideration of the subject matter shall be in order.”.

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2138  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 96 be amended to read as follows:

“Rule 96. 1. Laptop computers may be used by [the press at the press table and by the research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. Beginning March 29, 2016, laptop computers may be used by] **Senators at their desks**, Senators’ staff and senate staff at the staff table and by the research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, the Kirchoff Gallery, the Pershing Gallery, the Bingham Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.”.

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2139  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 86 be amended to read as follows:

“Rule 86. Every motion, except motion to recess or adjourn, shall be reduced to writing if two or more senators request it. **Every motion to bring a bill before the body shall be sustained by at least three-fifths of the senators elected.**”.

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2140  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 86 be amended to read as follows:

“Rule 86. Every motion, except motion to recess or adjourn, shall be reduced to writing if two or more senators request it. **Every motion to bring a bill before the body shall be sustained by at least two-thirds of the senators elected.**”.

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2141  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 77 be amended to read as follows:

“Rule 77. If two or more senators seek recognition in accordance with Rule 76 at once, the chair shall name the senator who is to speak first, the other seeking recognition having the preference next to speak, **provided that the chair shall first recognize the president pro tem of the senate, the majority leader of the senate, and the minority leader of the senate, in that order, before recognizing any other senator.** However, nothing in this rule shall be interpreted to prevent any senator not chosen to speak first from immediately making any motion that is in order under the rules.”.

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2142  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rules 73, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, and 102, be amended to read as follows:

“Rule 73. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, [for the previous question] to bring a close to the debate, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are arranged. Pending the motion to lay on the table, the merits of the question shall not be discussed, and no motion to postpone to a certain day, to commit or postpone indefinitely, being decided, shall again be allowed on the same day, at the same stage of the bill or proposition.

Rule 84. [The previous question shall be in this form: “Shall the main question be now put?”. It shall only be admitted on written demand of five senators, and sustained by a vote of a majority of the senators elected, and in effect shall be put without debate, and bring the senate to direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments, and then upon the main question. On demand for the previous question, a call of the senate shall be in order, but after a majority of the senators elected have sustained such a motion, no call shall be in order prior to the decision on the main question.

Rule 85. On motion of the previous question, no debate shall be allowed and all incidental questions of order arising after the motion is

made for the previous question, and pending such motion, shall be decided on appeal or otherwise without debate; if, on a vote for the previous question, the motion is not sustained by a majority of the senators elected, then the further consideration of the subject matter shall be in order.

**Rule 86.] At any time a motion to bring to a close the debate upon any measure, motion or other matter pending before the senate is made, the presiding officer shall at once state the motion to the senate. The motion shall only be made by the majority leader of the senate and shall state the amount of time that shall remain for debate upon the measure, motion or other matter pending before the senate, which shall be at least one hour. The presiding officer shall submit to the senate by a yea-and-nay vote the question: "Is it the sense of the senate that the debate shall be brought to a close?" And if that question shall be decided in the affirmative by twenty-one or more of the senators duly elected, then said measure, motion or other matter pending before the senate shall be debated to the exclusion of all other business until disposed of. The remaining time for debate shall be equally divided between and controlled by the majority and minority leaders or their designees.**

**Rule 85.** Every motion, except motion to recess or adjourn, shall be reduced to writing if two or more senators request it.

**Rule [87.] 86.** When a motion is made it shall be stated by the chair, or being in writing, it shall be handed to and read aloud by the secretary before debate.

**Rule [88.] 87** After a motion is stated by the chair, it is deemed to be in possession of the senate, but may be withdrawn at any time before a decision or amendment, but afterwards only with the consent of the senate.

**Rule [89.] 88.** All questions, whether in committee or senate, shall be first stated in the order in which they are moved, but voted upon in reverse order, except privileged questions, which shall be propounded as stated in Rule 73; and in filling up blanks, the largest sum and longest time shall be put first.

**Rule [90.] 89.** The yeas and nays shall not be ordered on any question after a vote has been taken thereon and declared by the chair.

**Rule [91.] 90.** Every senator who is within the bar of the senate when a question is put shall assume his or her seat, and shall vote when his or her name is called unless the senate, for special reasons, excuses him or her. All motions to excuse a senator from voting shall be made before the senate divides, or before the call for yeas and nays is commenced. In taking the yeas and nays, each senator shall declare distinctly his or her vote yea or nay. In the event a senator within the chamber refuses to cast his or her vote, then, at the direction of the president, he or she shall be removed from the chamber and such action noted in the Journal.

**Rule [92.] 91.** When a question has once been decided by a vote of the senate, any senator voting on that side which prevails may move for a reconsideration of the vote at any time within three legislative days, excluding legislative days wherein the roll is not called, after the day on which the vote was had, except votes ordering bills printed as perfected, which may be reconsidered at any time before third reading of such bills. When a motion is made to reconsider the vote by which a bill failed of perfection, the presiding officer shall briefly state the nature of the bill and, thereupon, the vote on the motion to reconsider shall be immediately taken without interrogation or debate. All motions to reconsider shall be decided by a majority vote of the senators elected. Only one motion to reconsider shall be allowed on any question.

**Rule [93.] 92.** Any senator voting in the minority on any subject, and protesting against the vote of the senate, may have his or her protest entered on the Journal, if the tenor and language of the protest would have been admissible in the discussion of the subject.

**Rule [94.] 93.** No person except members of the house of representatives, former members of the senate, the governor, the secretary of state, the state auditor, the state treasurer, judges of the supreme court, courts of appeals or circuit courts, attorney general and the congress, shall be admitted within the senate chamber during the sitting of the senate, unless invited by the senate; except that the seats at the north and south ends of the senate chamber may be reserved for spouses and families of members of the senate, and other persons may be admitted to the senate chamber on special request of any senator when the senate is in session. Access to the third floor rear gallery shall be limited to senators during the hours in which the senate is engaged in floor session. Any use of the gallery when the senate is not in session must be approved by the Chairman of the Committee on Administration.

**Rule [95.] 94.** No senator shall absent himself or herself from the session of the senate unless he or she has leave or is sick or unable to attend. A member who is absent from the chamber for attendance at a standing committee meeting, or a conference committee meeting shall be shown as absent with leave (committee). It shall be the responsibility of the member to advise the secretary of the senate of his or her attendance at such committee meeting.

**Rule [96.] 95.** 1. Laptop computers may be used by the press at the press table and by the research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. Beginning March 29, 2016, laptop computers may be used by Senators' staff and senate staff at the staff table and by the research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, the Kirchoff Gallery, the Pershing Gallery, the Bingham Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420,

RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.

Rule [97.] **96.** In cases not provided for in these rules, the senate shall be governed by the rules laid down in the practice and procedures adopted by the Senate of the United States and Jefferson's Manual, including the U.S. Senate practice that a substitute amendment to a first degree amendment is subject to a second degree perfecting amendment.

Rule [98.] **97.** No standing rule or order of the senate shall be rescinded or changed without one day's notice being given of the motion thereof, which notice shall be printed in the journal of the senate, and then only by a vote of at least a majority of the senators elected; except that any rule, including this rule, may be suspended for a special purpose, stated in the motion to suspend, by a vote of a two-thirds majority of the members elected to the senate, and such rule shall remain suspended only until the senate proceeds to the consideration of business other than that for which the rule was suspended. Upon one day's notice of the proposed rule change having been given, the senate resolution adopting such rule change shall not be assigned to a committee without consent of the sponsoring senator and shall be in order to be considered by the senate at any day or time thereafter upon motion of the sponsor during the order of business of Resolutions.

Rule [99.] **98.** No senator shall be permitted to interrupt a roll call and no senator shall be allowed to change his or her vote after a verification is requested by any senator, or after the final vote is announced. When verification is requested, any senator within the chamber who has not voted shall vote prior to the verification of the roll.

Rule [100.] **99.** A roll call vote of the senate shall be taken upon any question at the request of five senators.

Rule [101.] **100.** All senate committees shall meet on call of the chairman and the regular meetings of the committees shall be held at the times and places designated by the Committee on Administration.

Rule [102.] **101.** Public introduction of guests shall not be allowed in the Senate Chamber during the last ten calendar days of the session. At other times, the introduction of guests shall be the order of business at the beginning of each daily meeting of the Senate and immediately prior to daily adjournment.”.

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2143  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 29 be amended to read as follows:

“Rule 29. 1. Senate offices and seats in the senate chamber shall be assigned by the committee on administration [to the majority and minority caucuses. Each caucus shall make office and senate seat assignments] on the basis of seniority as defined in this rule[, unless otherwise determined within a caucus], except that Rooms 326 and 327 shall be known as the president pro tem's office and shall be occupied by the senate's president pro tem. Upon retirement from service as pro tem, that senator shall vacate the pro tem's office and shall have first choice of available vacant offices [of his caucus], regardless of his or her seniority status. Except for the outgoing president pro tem, who is required to vacate the designated pro tem's office, no senator shall be required to relinquish any office or seat once assigned to him **or her**.

2. Seniority shall be determined [by each caucus] on the basis of length of service. Length of service means:

- (a) Continuous senate service;
- (b) In the case of equal continuous senate service, prior non-continuous senate service;
- (c) In the case of equal continuous and prior non-continuous senate service, prior house service.

3. When two or more members of the same party have the same length of service, their respective seniority shall be determined by their party caucus.”.

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2144  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that the Senate Rules be amended by adding Senate Rule 103 to read as follows:

**“Rule 103. A member of the Senate shall not accept meals, food, beverage or other gifts from a legislative lobbyist, as defined in Section 105.470(5), RSMo, or the lobbyist's principal, as defined in Section 105.470(7), RSMo.**

**This rule shall not apply to:**

- (1) The participation of members in activities authorized in Section 105.473.3(2)(d), RSMo, regardless of the aggregate value;
  - (2) The participation in seminars or meetings of national or regional associations when such participation and activities have been requested in writing and approved in advance by the Committee on Administration or participation in seminars or meetings of a state association or receipt of educational materials from a state association;
  - (3) The acceptance of meals, food or beverage or other gifts to be used for charitable purposes, as defined by law, and which are not consumed or used for the personal benefit of the member; or
  - (4) A member is within the second degree of consanguinity or affinity of the lobbyist with regard to any gift provided to the member by such lobbyist.
- The provisions of this rule may be satisfied by reimbursing said lobbyist or lobbyist principal within thirty days of obtaining actual knowledge that reimbursement is necessary to meet the requirements of this rule.”.

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2145  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 66 be amended to read as follows:

“Rule 66. 1. To effect the passage of a bill on the final reading thereof, the vote shall be taken by yeas and nays, and the names of the senators voting for and against the same shall be entered and recorded in the Journal, and if a majority of the senators elected vote in favor thereof, the bill shall be declared passed. No senator shall be allowed to cast or change his or her vote after the senate’s action on said question is announced by the president. **No vote shall be taken on the final reading of a bill, except for any appropriation bill, until a fiscal note has been completed and distributed to all senators.**

2. Any member may offer an amendment or amendments for the portion of a joint resolution or bill to be submitted to the voters by the General Assembly that contains the proposed official summary statement and fiscal note summary. Such amendment may be further amended as provided by the rules of the Senate.”.

Senator Sifton offered the following resolution:

SENATE RESOLUTION NO. 2146  
NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 1st District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that Senate Rule 102, be amended to read as follows:

“[Rule 102. Public introduction of guests shall not be allowed in the Senate Chamber during the last ten calendar days of the session. At other times, the introduction of guests shall be the order of business at the beginning of each daily meeting of the Senate and immediately prior to daily adjournment.]”.

Senator Schaaf offered Senate Resolution No. 2147, regarding Sinead McGonagle, which was adopted.

## MESSAGES FROM THE HOUSE

The following corrected message was received from the House of Representatives through its Chief Clerk:

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 951**, as amended. Representatives: Bondon, Pfautsch, Ross, Walker (74), Kendrick.

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 882**.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 882, Page 1, Section A, Line 5, by inserting immediately after all of said section and line the following:

“166.400. Sections 166.400 to 166.455 shall be known and may be cited as the “Missouri [Higher] Education Savings Program”.

166.410. Definitions. As used in sections 166.400 to 166.455, except where the context clearly requires another interpretation, the following terms mean:

(1) “Beneficiary”, any individual designated by a participation agreement to benefit from payments for qualified [higher] education expenses at an eligible educational institution;

(2) “Benefits”, the payment of qualified [higher] education expenses on behalf of a beneficiary from a savings account during the beneficiary’s attendance at an eligible educational institution;

(3) “Board”, the Missouri [higher] education savings program board established in section 166.415;

(4) “Eligible educational institution”, an institution of postsecondary education as defined in Section 529(e)(5) of the Internal Revenue Code, **and institutions of elementary and secondary education as provided in Sections 529(c)(7) and 529(e)(3) of the Internal Revenue Code, as amended;**

(5) “Financial institution”, a bank, insurance company or registered investment company;

(6) “Internal Revenue Code”, the Internal Revenue Code of 1986, as amended;

(7) “Missouri [higher] education savings program” or “savings program”, the program created pursuant to sections 166.400 to 166.455;

(8) “Participant”, a person who has entered into a participation agreement pursuant to sections 166.400 to 166.455 for the advance payment of qualified [higher] education expenses on behalf of a beneficiary;

(9) “Participation agreement”, an agreement between a participant and the board pursuant to and conforming with the requirements of sections 166.400 to 166.455; and

(10) “Qualified higher education expenses” or **“qualified education expenses”**, the qualified costs of tuition and fees and other expenses for attendance at an eligible educational institution, as defined in Section 529(e)(3) of the Internal Revenue Code, as amended.

166.415. 1. There is hereby created the “Missouri [Higher] Education Savings Program”. The program shall be administered by the Missouri [higher] education savings program board which shall consist of the Missouri state treasurer who shall serve as chairman, the commissioner of the department of higher education, **the commissioner of education**, the commissioner of the office of administration, the director of the department of economic development, two persons having demonstrable experience and knowledge in the areas of finance or the investment and management of public funds, one of whom is selected by the president pro tem of the senate and one of whom is selected by the speaker of the house of representatives, and one person having demonstrable experience and knowledge in the area of banking or deposit rate determination and placement of depository certificates of deposit or other deposit investments. Such member shall be appointed by the governor with the advice and consent of the senate. The three appointed

members shall be appointed to serve for terms of four years from the date of appointment, or until their successors shall have been appointed and shall have qualified. The members of the board shall be subject to the conflict of interest provisions of section 105.452. Any member who violates the conflict of interest provisions shall be removed from the board. In order to establish and administer the savings program, the board, in addition to its other powers and authority, shall have the power and authority to:

(1) Develop and implement the Missouri [higher] education savings program and, notwithstanding any provision of sections 166.400 to 166.455 to the contrary, the savings programs and services consistent with the purposes and objectives of sections 166.400 to 166.455;

(2) Promulgate reasonable rules and regulations and establish policies and procedures to implement sections 166.400 to 166.455, to permit the savings program to qualify as a “qualified state tuition program” pursuant to Section 529 of the Internal Revenue Code and to ensure the savings program’s compliance with all applicable laws;

(3) Develop and implement educational programs and related informational materials for participants, either directly or through a contractual arrangement with a financial institution for investment services, and their families, including special programs and materials to inform families with young children regarding methods for financing education and training [beyond high school];

(4) Enter into agreements with any financial institution, the state or any federal or other agency or entity as required for the operation of the savings program pursuant to sections 166.400 to 166.455;

(5) Enter into participation agreements with participants;

(6) Accept any grants, gifts, legislative appropriations, and other moneys from the state, any unit of federal, state, or local government or any other person, firm, partnership, or corporation for deposit to the account of the savings program;

(7) Invest the funds received from participants in appropriate investment instruments to achieve long-term total return through a combination of capital appreciation and current income;

(8) Make appropriate payments and distributions on behalf of beneficiaries pursuant to participation agreements;

(9) Make refunds to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in sections 166.400 to 166.455 and the rules adopted by the board;

(10) Make provision for the payment of costs of administration and operation of the savings program;

(11) Effectuate and carry out all the powers granted by sections 166.400 to 166.455, and have all other powers necessary to carry out and effectuate the purposes, objectives and provisions of sections 166.400 to 166.455 pertaining to the savings program; and

(12) Procure insurance, guarantees or other protections against any loss in connection with the assets or activities of the savings program.

2. Any member of the board may designate a proxy for that member who will enjoy the full voting privileges of that member for the one meeting so specified by that member. No more than three proxies shall be considered members of the board for the purpose of establishing a quorum.

3. Four members of the board shall constitute a quorum. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board. No action shall be taken by the board except upon the affirmative vote of a majority of the members present.

4. The board shall meet within the state of Missouri at the time set at a previously scheduled meeting or by the request of any four members of the board. Notice of the meeting shall be delivered to all other trustees in person or by depositing notice in a United States post office in a properly stamped and addressed envelope not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.

5. The funds shall be invested only in those investments which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims, as provided in section 105.688. For new contracts entered into after August 28, 2012, board members shall study investment plans of other states and contract with or negotiate to provide benefit options the same as or similar to other states' qualified plans for the purpose of offering additional options for members of the plan. The board may delegate to duly appointed investment counselors authority to act in place of the board in the investment and reinvestment of all or part of the moneys and may also delegate to such counselors the authority to act in place of the board in the holding, purchasing, selling, assigning, transferring or disposing of any or all of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys. Such investment counselors shall be registered as investment advisors with the United States Securities and Exchange Commission. In exercising or delegating its investment powers and authority, members of the board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. No member of the board shall be liable for any action taken or omitted with respect to the exercise of, or delegation of, these powers and authority if such member shall have discharged the duties of his or her position in good faith and with that degree of diligence, care and skill which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

6. No investment transaction authorized by the board shall be handled by any company or firm in which a member of the board has a substantial interest, nor shall any member of the board profit directly or indirectly from any such investment.

7. No trustee or employee of the savings program shall receive any gain or profit from any funds or transaction of the savings program. Any trustee, employee or agent of the savings program accepting any gratuity or compensation for the purpose of influencing such trustee's, employee's or agent's action with respect to the investment or management of the funds of the savings program shall thereby forfeit the office and in addition thereto be subject to the penalties prescribed for bribery.

166.420. 1. The board may enter into savings program participation agreements with participants on behalf of beneficiaries pursuant to the provisions of sections 166.400 to 166.455, including the following terms and conditions:

(1) A participation agreement shall stipulate the terms and conditions of the savings program in which the participant makes contributions;

(2) A participation agreement shall specify the method for calculating the return on the contribution made by the participant;



(3) The execution of a participation agreement by the board shall not guarantee that the beneficiary named in any participation agreement will be admitted to an eligible educational institution, be allowed to continue to attend an eligible educational institution after having been admitted or will graduate from an eligible educational institution;

(4) A participation agreement shall clearly and prominently disclose to participants the risk associated with depositing moneys with the board;

(5) Participation agreements shall be organized and presented in a way and with language that is easily understandable by the general public; and

(6) A participation agreement shall clearly and prominently disclose to participants the existence of any load charge or similar charge assessed against the accounts of the participants for administration or services.

2. The board shall establish the maximum amount which may be contributed annually by a participant with respect to a beneficiary.

3. The board shall establish a total contribution limit for savings accounts established under the savings program with respect to a beneficiary to permit the savings program to qualify as a “qualified state tuition program” pursuant to Section 529 of the Internal Revenue Code. No contribution may be made to a savings account for a beneficiary if it would cause the balance of all savings accounts of the beneficiary to exceed the total contribution limit established by the board. The board may establish other requirements that it deems appropriate to provide adequate safeguards to prevent contributions on behalf of a beneficiary from exceeding what is necessary to provide for the qualified [higher] education expenses of the beneficiary.

4. The board shall establish the minimum length of time that contributions and earnings must be held by the savings program to qualify pursuant to section 166.435. Any contributions or earnings that are withdrawn or distributed from a savings account prior to the expiration of the minimum length of time, as established by the board, shall be subject to a penalty pursuant to section 166.430.

166.425. All money paid by a participant in connection with participation agreements shall be deposited as received and shall be promptly invested by the board. Contributions and earnings thereon accumulated on behalf of participants in the savings program may be used, as provided in the participation agreement, for qualified [higher] education expenses. Such contributions and earnings shall not be considered income for purposes of determining a participant’s eligibility for financial assistance under any state student aid program.

166.430. Any participant may cancel a participation agreement at will. The board shall impose a penalty equal to or greater than ten percent of the earnings of an account for any distribution that is not:

- (1) Used exclusively for qualified [higher] education expenses of the designated beneficiary;
- (2) Made because of death or disability of the designated beneficiary;
- (3) Made because of the receipt of scholarship by the designated beneficiary;
- (4) A rollover distribution, as defined in Section 529(c)(3)(C)(i) of the Internal Revenue Code; or
- (5) Held in the fund for the minimum length of time established by the board.”; and

Further amend said bill, Page 1, Section 166.435, Line 8, by deleting the word “higher” and inserting

in lieu thereof the word “[higher]”; and

Further amend said bill and section, Page 2, Line 28, by deleting the word “higher” and inserting in lieu thereof the word “[higher]”; and

Further amend said bill, Page 3, Section 166.435, Line 38, by inserting immediately after all of said section and line the following:

“166.456. All personally identifiable information concerning participants and beneficiaries of accounts established within the Missouri [higher] education savings program pursuant to sections 166.400 to 166.456 shall be confidential, and any disclosure of such information shall be restricted to purposes directly connected with the administration of the program.

166.501. Notwithstanding the provisions of sections 166.400 to 166.456 to the contrary, the higher education deposit program is established as a nonexclusive alternative to the Missouri [higher] education savings program, and any participant may elect to participate in both programs subject to aggregate Missouri program limitations.

166.502. As used in sections 166.500 to 166.529, except where the context clearly requires another interpretation, the following terms mean:

(1) “Beneficiary”, any individual designated by a participation agreement to benefit from payments for qualified higher education expenses at an eligible educational institution;

(2) “Benefits”, the payment of qualified higher education expenses on behalf of a beneficiary from a deposit account during the beneficiary’s attendance at an eligible educational institution;

(3) “Board”, the Missouri [higher] education savings program board established in section 166.415;

(4) “Eligible educational institution”, an institution of postsecondary education as defined in Section 529(e)(5) of the Internal Revenue Code;

(5) “Financial institution”, a depository institution and any intermediary that brokers certificates of deposits;

(6) “Internal Revenue Code”, the Internal Revenue Code of 1986, as amended;

(7) “Missouri higher education deposit program” or “deposit program”, the program created pursuant to sections 166.500 to 166.529;

(8) “Participant”, a person who has entered into a participation agreement pursuant to sections 166.500 to 166.529 for the advance payment of qualified higher education expenses on behalf of a beneficiary;

(9) “Participation agreement”, an agreement between a participant and the board pursuant to and conforming with the requirements of sections 166.500 to 166.529;

(10) “Qualified higher education expenses”, the qualified costs of tuition and fees and other expenses for attendance at an eligible educational institution, as defined in Section 529(e)(3) of the Internal Revenue Code of 1986, as amended.

166.505. 1. There is hereby created the “Missouri Higher Education Deposit Program”. The program shall be administered by the Missouri [higher] education savings program board.

2. In order to establish and administer the deposit program, the board, in addition to its other powers and authority, shall have the power and authority to:

(1) Develop and implement the Missouri higher education deposit program and, notwithstanding any provision of sections 166.500 to 166.529 to the contrary, the deposit programs and services consistent with the purposes and objectives of sections 166.500 to 166.529;

(2) Promulgate reasonable rules and regulations and establish policies and procedures to implement sections 166.500 to 166.529, to permit the deposit program to qualify as a qualified state tuition program pursuant to Section 529 of the Internal Revenue Code and to ensure the deposit program's compliance with all applicable laws;

(3) Develop and implement educational programs and related informational materials for participants, either directly or through a contractual arrangement with a financial institution or other entities for deposit educational services, and their families, including special programs and materials to inform families with children of various ages regarding methods for financing education and training beyond high school;

(4) Enter into an agreement with any financial institution, entity, or business clearinghouse for the operation of the deposit program pursuant to sections 166.500 to 166.529; providing however, that such institution, entity, or clearinghouse shall be a private for-profit or not-for-profit entity and not a government agency. No more than one board member may have a direct interest in such institution, entity, or clearinghouse. Such institution, entity, or clearinghouse shall implement the board's policies and administer the program for the board and with electing depository institutions and others;

(5) Enter into participation agreements with participants;

(6) Accept any grants, gifts, legislative appropriations, and other moneys from the state, any unit of federal, state, or local government or any other person, firm, partnership, or corporation for deposit to the account of the deposit program;

(7) Invest the funds received from participants in appropriate investment instruments to be held by depository institutions or directly deposit such funds in depository institutions as provided by the board and elected by the participants;

(8) Make appropriate payments and distributions on behalf of beneficiaries pursuant to participation agreements;

(9) Make refunds to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in sections 166.500 to 166.529 and the rules adopted by the board;

(10) Make provision for the payment of costs of administration and operation of the deposit program;

(11) Effectuate and carry out all the powers granted by sections 166.500 to 166.529, and have all other powers necessary to carry out and effectuate the purposes, objectives, and provisions of sections 166.500 to 166.529 pertaining to the deposit program;

(12) Procure insurance, guarantees, or other protections against any loss in connection with the assets or activities of the deposit program, as the members in their best judgment deem necessary;

(13) To both adopt and implement various methods of transferring money by electronic means to

efficiently transfer funds to depository institutions for deposit, and in addition or in the alternative, to allow funds to be transferred by agent agreements, assignment, or otherwise, provided such transfer occurs within two business days;

(14) To both adopt and implement methods and policies designed to obtain the maximum insurance of such funds for each participant permitted and provided for by the Federal Deposit Insurance Corporation, or any other federal agency insuring deposits, and taking into consideration the law and regulation promulgated by such federal agencies for deposit insurance.

3. The funds shall be invested only in those investments which a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims, as provided in section 105.688, as a means to hold funds until they are placed in a Missouri depository institution as a deposit. The board may delegate to duly appointed representatives of financial institutions authority to act in place of the board in the investment and reinvestment of all or part of the moneys and may also delegate to such representatives the authority to act in place of the board in the holding, purchasing, selling, assigning, transferring, or disposing of any or all of the investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys, however, such investments shall be limited to certificates of deposit and other deposits in federally insured depository institutions. Such representatives shall be registered as “qualified student deposit advisors on Section 529 plans” with the board and such board shall, by rule, develop and administer qualification tests from time to time to provide representatives the opportunity to qualify for this program. In exercising or delegating its investment powers and authority, members of the board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. No member of the board shall be liable for any action taken or omitted with respect to the exercise of, or delegation of, these powers and authority if such member shall have discharged the duties of his or her position in good faith and with that degree of diligence, care, and skill which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

4. No board member or employee of the deposit program shall personally receive any gain or profit from any funds or transaction of the deposit program as a result of his or her membership on the board. Any board member, employee, or agent of the deposit program accepting any gratuity or compensation for the purpose of influencing such board member’s, employee’s, or agent’s action with respect to choice of intermediary, including any financial institution, entity, or clearinghouse, for the funds of the deposit program shall thereby forfeit the office and in addition thereto be subject to the penalties prescribed for bribery. However, a board member who is regularly employed directly or indirectly by a financial institution may state that institution’s interest and absent himself or herself from voting.

5. Depository institutions originating the deposit program shall be the agent of the board and offer terms for certificates of deposit and other deposits in such program as permitted by the board, subject to a uniform interest rate disclosure as defined in federal regulations of the Board of Governors of the Federal Reserve System, specifically Federal Reserve Regulation DD, as amended from time to time. The board shall establish various deposit opportunities based on amounts deposited and length of time held that are uniformly available to all depository institutions that elect to participate in the program, and the various categories of fixed or variable rates shall be the only interest rates available under this program. A depository institution that originates the deposit as agent for the board and participates in the program shall receive back and continue to hold the certificate of deposit or other deposit, provided such depository institution continues to comply with requirements and regulations prescribed by the board. Such deposit and

certificate of deposit shall be titled in the name of the clearing entity for the benefit of the participant, and shall be insured as permitted by any agency of the federal government that insures deposits in depository institutions. Any depository institution or intermediary that fails to comply with these provisions shall forfeit its right to participate in this program; provided however, the board shall be the sole and exclusive judge of compliance except as otherwise provided by provisions in Section 529 of the Internal Revenue Code and the Internal Revenue Service enforcement of such section.

209.610. 1. The board may enter into ABLE program participation agreements with participants on behalf of designated beneficiaries pursuant to the provisions of sections 209.600 to 209.645, including the following terms and conditions:

(1) A participation agreement shall stipulate the terms and conditions of the ABLE program in which the participant makes contributions;

(2) A participation agreement shall specify the method for calculating the return on the contribution made by the participant;

(3) A participation agreement shall clearly and prominently disclose to participants the risk associated with depositing moneys with the board;

(4) Participation agreements shall be organized and presented in a way and with language that is easily understandable by the general public; and

(5) A participation agreement shall clearly and prominently disclose to participants the existence of any load charge or similar charge assessed against the accounts of the participants for administration or services.

2. The board shall establish the maximum amount of contributions which may be made annually to an ABLE account, which shall be the same as the amount allowed by 26 U.S.C. Section 529A of the Internal Revenue Code of 1986, as amended.

3. The board shall establish a total contribution limit for savings accounts established under the ABLE program with respect to a designated beneficiary which shall in no event be less than the amount established as the contribution limit by the Missouri [higher] education savings program board for qualified tuition savings programs established under sections 166.400 to 166.450. No contribution shall be made to an ABLE account for a designated beneficiary if it would cause the balance of the ABLE account of the designated beneficiary to exceed the total contribution limit established by the board. The board may establish other requirements that it deems appropriate to provide adequate safeguards to prevent contributions on behalf of a designated beneficiary from exceeding what is necessary to provide for the qualified disability expenses of the designated beneficiary.

4. The board shall establish the minimum length of time that contributions and earnings must be held by the ABLE program to qualify as tax exempt pursuant to section 209.625. Any contributions or earnings that are withdrawn or distributed from an ABLE account prior to the expiration of the minimum length of time, as established by the board, shall be subject to a penalty pursuant to section 209.620.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 808**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SBs 807 & 577**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 807 & 577**, as amended. Representatives: Lichtenegger, Andrews, Dohrman, Bangert, Razer.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HB 1633**, as amended. Representatives: Corlew, Austin, Engler, Franks Jr., Washington.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 808**, as amended. Representatives: Bondon, Cornejo, Schroer, McCreery, Carpenter.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 40**.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 40, Page 1, Lines 23-25, by deleting all of said lines and inserting in lieu thereof the following:

“Be it Further Resolved that this application shall expire five (5) years after the passage of this resolution; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 819**.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 2 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment Nos 2 and 4.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to Senate Bill No. 819, Page 13, Lines 46 to 48, by deleting said lines and inserting in lieu thereof the following:

**“of representatives;**

**(5) Two members of the senate appointed by the president pro tempore of the senate and one member of the senate appointed by the minority leader of the senate; and**

**(6) The executive director, or his or her designee, of the Missouri Juvenile Justice Association.”;**  
and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO  
HOUSE AMENDMENT NO. 1

Amend House Amendment No.1 to Senate Bill No. 819, Page 21, Lines 3 to 4, by deleting said lines and inserting in lieu thereof the following:

**“If their attorney appears in person, out-of-state adoptive petitioners may appear by video conference.**  
During such hearing, the court shall ascertain whether:”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 819, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“191.737. 1. Notwithstanding the physician-patient privilege, any physician or health care provider may refer to the [department of health and senior services] **children’s division** families in which children may have been exposed to a controlled substance listed in section 195.017, schedules I, II and III, or alcohol as evidenced by:

(1) Medical documentation of signs and symptoms consistent with controlled substances or alcohol exposure in the child at birth; or

(2) Results of a confirmed toxicology test for controlled substances performed at birth on the mother or the child; and

(3) A written assessment made or approved by a physician, health care provider, or by the children’s division which documents the child as being at risk of abuse or neglect.

2. Nothing in this section shall preclude a physician or other mandated reporter from reporting abuse or neglect of a child as required pursuant to the provisions of section 210.115.

3. [Upon notification pursuant to subsection 1 of this section, the department of health and senior services shall offer service coordination services to the family. The department of health and senior services shall coordinate social services, health care, mental health services, and needed education and rehabilitation services. Service coordination services shall be initiated within seventy-two hours of notification. The

department of health and senior services shall notify the department of social services and the department of mental health within seventy-two hours of initial notification.

4.] Any physician or health care provider complying with the provisions of this section, in good faith, shall have immunity from any civil liability that might otherwise result by reason of such actions.

[5.] 4. Referral and associated documentation provided for in this section shall be confidential and shall not be used in any criminal prosecution.

191.739. 1. The department of social services shall provide protective services for children that meet the criteria established in section 191.737. In addition the department of social services may provide preventive services for children that meet the criteria established in section 191.737.

2. No department shall cease providing services for any child exposed to substances as set forth in section 191.737 wherein a physician or health care provider has made or approved a written assessment which documents the child as being at risk of abuse or neglect until [such] a physician or health care provider[, or his designee,] authorizes such file to be closed.

193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. **No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of age who has come under the jurisdiction of the juvenile court under section 211.031.** All fees shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public services health fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to automate and improve the state vital records system, and develop and maintain an electronic birth and death registration system. For any search of the files and records, when no record is found, the state shall be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by the applicant. For the processing of each legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect any claim of any person on relief, or any dependent of any person who was on relief for any claim upon the government of the state or United States, the state registrar shall, upon request, furnish a certified copy or so many certified copies as are necessary, without any fee or compensation



therefor.

2. For the issuance of a certification of a death record by the local registrar, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar over and above any fees required by law when a certification or copy of any marriage license or birth certificate is provided, with such donations collected to be forwarded monthly by the local registrar to the county treasurer of such county and the donations so forwarded to be deposited by the county treasurer into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in such county. The local registrar shall include a check-off box on the application form for such copies. All fees, other than the donations collected in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official city or county health agency. A certified copy of a death record by the local registrar can only be issued within twenty-four hours of receipt of the record by the local registrar. Computer-generated certifications of death records may be issued by the local registrar after twenty-four hours of receipt of the records. The fees paid to the official county health agency shall be retained by the local agency for local public health purposes.

210.003. 1. No child shall be permitted to enroll in or attend any public, private or parochial day care center, preschool or nursery school caring for ten or more children unless such child has been adequately immunized against vaccine-preventable childhood illnesses specified by the department of health and senior services in accordance with recommendations of the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices (ACIP). The parent or guardian of such child shall provide satisfactory evidence of the required immunizations.

2. A child who has not completed all immunizations appropriate for his age may enroll, if:

(1) Satisfactory evidence is produced that such child has begun the process of immunization. The child may continue to attend as long as the immunization process is being accomplished according to the ACIP/Missouri department of health and senior services recommended schedule; [or]

(2) The parent or guardian has signed and placed on file with the day care administrator a statement of exemption which may be either of the following:

(a) A medical exemption, by which a child shall be exempted from the requirements of this section upon certification by a licensed physician that such immunization would seriously endanger the child's health or life; or

(b) A parent or guardian exemption, by which a child shall be exempted from the requirements of this section if one parent or guardian files a written objection to immunization with the day care administrator;  
**or**

**(3) The child is homeless or in the custody of the children's division and cannot provide satisfactory evidence of the required immunizations. Satisfactory evidence shall be presented within thirty days of enrollment and shall confirm either that the child has completed all immunizations**

**appropriate for his or her age or has begun the process of immunization. If the child has begun the process of immunization, he or she may continue to attend as long as the process is being accomplished according to the schedule recommended by the department of health and senior services.**

Exemptions shall be accepted by the day care administrator when the necessary information as determined by the department of health and senior services is filed with the day care administrator by the parent or guardian. Exemption forms shall be provided by the department of health and senior services.

3. In the event of an outbreak or suspected outbreak of a vaccine-preventable disease within a particular facility, the administrator of the facility shall follow the control measures instituted by the local health authority or the department of health and senior services or both the local health authority and the department of health and senior services, as established in Rule 19 CSR 20-20.040, “Measures for the Control of Communicable, **Environmental and Occupational** Diseases”.

4. The administrator of each public, private or parochial day care center, preschool or nursery school shall cause to be prepared a record of immunization of every child enrolled in or attending a facility under his jurisdiction. An annual summary report shall be made by January fifteenth showing the immunization status of each child enrolled, using forms provided for this purpose by the department of health and senior services. The immunization records shall be available for review by department of health and senior services personnel upon request.

5. For purposes of this section, satisfactory evidence of immunization means a statement, certificate or record from a physician or other recognized health facility or personnel, stating that the required immunizations have been given to the child and verifying the type of vaccine and the month, day and year of administration.

6. Nothing in this section shall preclude any political subdivision from adopting more stringent rules regarding the immunization of preschool children.

7. All public, private, and parochial day care centers, preschools, and nursery schools shall notify the parent or guardian of each child at the time of initial enrollment in or attendance at the facility that the parent or guardian may request notice of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed. Beginning December 1, 2015, all public, private, and parochial day care centers, preschools, and nursery schools shall notify the parent or guardian of each child currently enrolled in or attending the facility that the parent or guardian may request notice of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed. Any public, private, or parochial day care center, preschool, or nursery school shall notify the parent or guardian of a child enrolled in or attending the facility, upon request, of whether there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed.

210.102. 1. [It shall be the duty of the Missouri children’s services commission to:

(1) Make recommendations which will encourage greater interagency coordination, cooperation, more effective utilization of existing resources and less duplication of effort in activities of state agencies which affect the legal rights and well-being of children in Missouri;

(2) Develop an integrated state plan for the care provided to children in this state through state programs;

(3) Develop a plan to improve the quality of children's programs statewide. Such plan shall include, but not be limited to:

(a) Methods for promoting geographic availability and financial accessibility for all children and families in need of such services;

(b) Program recommendations for children's services which include child development, education, supervision, health and social services;

(4) Design and implement evaluation of the activities of the commission in fulfilling the duties as set out in this section;

(5) Report annually to the governor with five copies each to the house of representatives and senate about its activities including, but not limited to the following:

(a) A general description of the activities pertaining to children of each state agency having a member on the commission;

(b) A general description of the plans and goals, as they affect children, of each state agency having a member on the commission;

(c) Recommendations for statutory and appropriation initiatives to implement the integrated state plan;

(d) A report from the commission regarding the state of children in Missouri.

2.] There is hereby established within the [children's services commission] **department of social services** the "Coordinating Board for Early Childhood", which shall constitute a body corporate and politic, and shall include but not be limited to the following members:

(1) A representative from the governor's office;

(2) A representative from each of the following departments: health and senior services, mental health, social services, and elementary and secondary education;

(3) A representative of the judiciary;

(4) A representative of the family and community trust board (FACT);

(5) A representative from the head start program;

(6) Nine members appointed by the governor with the advice and consent of the senate who are representatives of the groups, such as business, philanthropy, civic groups, faith-based organizations, parent groups, advocacy organizations, early childhood service providers, and other stakeholders.

The coordinating board may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The coordinating board shall elect from amongst its members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems necessary. Members of the board shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the board.

[3.] **2.** The coordinating board for early childhood shall have the power to:

(1) Develop a comprehensive statewide long-range strategic plan for a cohesive early childhood system;

(2) Confer with public and private entities for the purpose of promoting and improving the development of children from birth through age five of this state;

(3) Identify legislative recommendations to improve services for children from birth through age five;

(4) Promote coordination of existing services and programs across public and private entities;

(5) Promote research-based approaches to services and ongoing program evaluation;

(6) Identify service gaps and advise public and private entities on methods to close such gaps;

(7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the coordinating board for early childhood fund from any source, public or private, and enter into contracts or other transactions with any federal or state agency, any private organizations, or any other source in furtherance of the purpose of [subsections 2 and 3] **subsection 1** of this section **and this subsection**, and take any and all actions necessary to avail itself of such aid and cooperation;

(8) Direct disbursements from the coordinating board for early childhood fund as provided in this section;

(9) Administer the coordinating board for early childhood fund and invest any portion of the moneys not required for immediate disbursement in obligations of the United States or any agency or instrumentality of the United States, in obligations of the state of Missouri and its political subdivisions, in certificates of deposit and time deposits, or other obligations of banks and savings and loan associations, or in such other obligations as may be prescribed by the board;

(10) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal with real or personal property or any interests therein, wherever situated;

(11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its property or any interest therein, wherever situated;

(12) Employ and fix the compensation of an executive director and such other agents or employees as it considers necessary;

(13) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the manner in which its business may be transacted;

(14) Adopt and use an official seal;

(15) Assess or charge fees as the board determines to be reasonable to carry out its purposes;

(16) Make all expenditures which are incident and necessary to carry out its purposes;

(17) Sue and be sued in its official name;

(18) Take such action, enter into such agreements, and exercise all functions necessary or appropriate to carry out the duties and purposes set forth in this section.

[4.] **3.** There is hereby created the “Coordinating Board for Early Childhood Fund” which shall consist of the following:

(1) Any moneys appropriated by the general assembly for use by the board in carrying out the powers

set out in subsections [2 and 3] **1 and 2** of this section;

(2) Any moneys received from grants or which are given, donated, or contributed to the fund from any source;

(3) Any moneys received as fees authorized under subsections [2 and 3] **1 and 2** of this section;

(4) Any moneys received as interest on deposits or as income on approved investments of the fund;

(5) Any moneys obtained from any other available source.

Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the coordinating board for early childhood fund at the end of the biennium shall not revert to the credit of the general revenue fund

210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the following terms mean:

(1) “Abuse”, any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child’s care, custody, and control, except that discipline including spanking, administered in a reasonable manner, shall not be construed to be abuse. Victims of abuse shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);

(2) “Assessment and treatment services for children [under ten years old]”, an approach to be developed by the children’s division which will recognize and treat the specific needs of at-risk and abused or neglected children [under the age of ten]. The developmental and medical assessment may be a broad physical, developmental, and mental health screening to be completed within thirty days of a child’s entry into custody and [every six months] **in accordance with the periodicity schedule set forth by the American Academy of Pediatrics** thereafter as long as the child remains in care. Screenings may be offered at a centralized location and include, at a minimum, the following:

(a) Complete physical to be performed by a pediatrician familiar with the effects of abuse and neglect on young children;

(b) Developmental, behavioral, and emotional screening in addition to early periodic screening, diagnosis, and treatment services, including a core set of standardized and recognized instruments as well as interviews with the child and appropriate caregivers. The screening battery may be performed by a licensed mental health professional familiar with the effects of abuse and neglect on young children, who will then serve as the liaison between all service providers in ensuring that needed services are provided. Such treatment services may include in-home services, out-of-home placement, intensive twenty-four-hour treatment services, family counseling, parenting training and other best practices.

Children whose screenings indicate an area of concern may complete a comprehensive, in-depth health, psychodiagnostic, or developmental assessment within sixty days of entry into custody;

(3) “Central registry”, a registry of persons where the division has found probable cause to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, or a court has substantiated through court adjudication that the individual has committed child abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to section 565.020, 565.021, 565.023,

565.024, 565.050, 566.030, 566.060, or 567.050 if the victim is a child less than eighteen years of age, or any other crime pursuant to chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a crime under section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, 568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or 573.205, or an attempt to commit any such crimes. Any persons placed on the registry prior to August 28, 2004, shall remain on the registry for the duration of time required by section 210.152;

(4) “Child”, any person, regardless of physical or mental condition, under eighteen years of age;

(5) “Children’s services providers and agencies”, any public, quasi-public, or private entity with the appropriate and relevant training and expertise in delivering services to children and their families as determined by the children’s division, and capable of providing direct services and other family services for children in the custody of the children’s division or any such entities or agencies that are receiving state moneys for such services;

(6) “Director”, the director of the Missouri children’s division within the department of social services;

(7) “Division”, the Missouri children’s division within the department of social services;

(8) “Family assessment and services”, an approach to be developed by the children’s division which will provide for a prompt assessment of a child who has been reported to the division as a victim of abuse or neglect by a person responsible for that child’s care, custody or control and of that child’s family, including risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and support the family;

(9) “Family support team meeting” or “team meeting”, a meeting convened by the division or children’s services provider in behalf of the family and/or child for the purpose of determining service and treatment needs, determining the need for placement and developing a plan for reunification or other permanency options, determining the appropriate placement of the child, evaluating case progress, and establishing and revising the case plan;

(10) “Investigation”, the collection of physical and verbal evidence to determine if a child has been abused or neglected;

(11) “Jail or detention center personnel”, employees and volunteers working in any premises or institution where incarceration, evaluation, care, treatment or rehabilitation is provided to persons who are being held under custody of the law;

(12) “Neglect”, failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary for the child’s well-being. Victims of neglect shall also include any victims of sex trafficking or severe forms of trafficking as those terms are defined in 22 U.S.C. 78 Section 7102(9)-(10);

(13) “Preponderance of the evidence”, that degree of evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it or evidence which as a whole shows the fact to be proved to be more probable than not;

(14) “Probable cause”, available facts when viewed in the light of surrounding circumstances which would cause a reasonable person to believe a child was abused or neglected;

(15) “Report”, the communication of an allegation of child abuse or neglect to the division pursuant to

section 210.115;

(16) “Those responsible for the care, custody, and control of the child”, includes, but is not limited to:

(a) The parents or legal guardians of a child;

(b) Other members of the child’s household;

(c) Those exercising supervision over a child for any part of a twenty-four-hour day;

(d) Any person who has access to the child based on relationship to the parents of the child or members of the child’s household or the family; or

(e) Any person who takes control of the child by deception, force, or coercion.”; and

Further amend said bill, Page 3, Section 210.112, Line 80, by deleting the words “under ten years old” and inserting in lieu thereof the words “[under ten years old]”; and

Further amend said bill and section, Pages 4 and 5, Lines 120 to 129, by deleting said lines and inserting in lieu thereof the following:

“6. **By December 1, 2018**, the division shall convene a task force to review the recruitment, licensing and retention of foster and adoptive parents statewide. In addition to representatives of the division and department, the task force shall include representatives of the private sector and faith-based community which provide recruitment and licensure services. The purpose of the task force shall and will be to study the extent to which changes in the system of recruiting, licensing, and retaining foster and adoptive parents would enhance the effectiveness of the system statewide. The task force shall develop a report of its findings with recommendations by December 1, [2011] **2019**, and provide copies of the report to the general assembly, **to the joint committee on child abuse and neglect under section 21.771**, and to the governor.”; and

Further amend said bill and section, Page 6, Line 160, by inserting after all of said section and line the following:

“210.145. 1. The division shall develop protocols which give priority to:

(1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;

(2) Promoting the preservation and reunification of children and families consistent with state and federal law;

(3) Providing due process for those accused of child abuse or neglect; and

(4) Maintaining an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. The division shall utilize structured decision-making protocols for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four hours and shall be classified based upon the reported risk and injury to the child. The division shall promulgate

rules regarding the structured decision-making protocols to be utilized for all child abuse and neglect reports.

3. Upon receipt of a report, the division shall determine if the report merits investigation, including reports which if true would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The division shall immediately communicate all reports that merit investigation to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

**4. The division may accept a report for investigation or family assessment if either the child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident occurred in Missouri.**

**5. If the division receives a report in which neither the child nor the alleged perpetrator resides in Missouri or may be found in Missouri and the incident did not occur in Missouri, the division shall document the report and communicate it to the appropriate agency or agencies in the state where the child is believed to be located, along with any relevant information or records as may be contained in the division's information system.**

6. When the child abuse and neglect hotline receives three or more calls, within a seventy-two hour period, from one or more individuals concerning the same child, the division shall conduct a review to determine whether the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. In conducting the review, the division shall contact the hotline caller or callers in order to collect information to determine whether the calls meet the criteria for harassment.

[5.] 7. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

[6.] 8. The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger. If the parents of the



child are not the alleged perpetrators, a parent of the child must be notified prior to the child being interviewed by the division. No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:

- (1) (a) No person is present in the home at the time of the home visit; and
- (b) The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;
- (2) The alleged perpetrator will be alerted regarding the attempted visit; or
- (3) The family has a history of domestic violence or fleeing the community.

If the alleged perpetrator is present during a visit by the person responding to or investigating the report, such person shall provide written material to the alleged perpetrator informing him or her of his or her rights regarding such visit, including but not limited to the right to contact an attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written material or have such material read to him or her by the case worker before the visit commences, but in no event shall such time exceed five minutes; except that, such requirement to provide written material and reasonable time to read such material shall not apply in cases where the child faces an immediate threat or danger, or the person responding to or investigating the report is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in a school or child care facility the division shall not meet with the child in any school building or child-care facility building where abuse of such child is alleged to have occurred. When the child is reported absent from the residence, the location and the well-being of the child shall be verified. For purposes of this subsection, "child care facility" shall have the same meaning as such term is defined in section 210.201.

[7.] **9.** The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

[8.] **10.** The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

[9.] **11.** When a report has been made by a person required to report under section 210.115, the division

shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

[10.] **12.** Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

[11.] **13.** Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

[12.] **14.** For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

[13.] **15.** If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

[14.] **16.** If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of

services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

[15.] **17.** (1) Within forty-five days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within forty-five days, unless good cause for the failure to complete the investigation is specifically documented in the information system. Good cause for failure to complete an investigation shall include, but not be limited to:

(a) The necessity to obtain relevant reports of medical providers, medical examiners, psychological testing, law enforcement agencies, forensic testing, and analysis of relevant evidence by third parties which has not been completed and provided to the division;

(b) The attorney general or the prosecuting or circuit attorney of the city or county in which a criminal investigation is pending certifies in writing to the division that there is a pending criminal investigation of the incident under investigation by the division and the issuing of a decision by the division will adversely impact the progress of the investigation; or

(c) The child victim, the subject of the investigation or another witness with information relevant to the investigation is unable or temporarily unwilling to provide complete information within the specified time frames due to illness, injury, unavailability, mental capacity, age, developmental disability, or other cause.

The division shall document any such reasons for failure to complete the investigation.

(2) If a child fatality or near-fatality is involved in a report of abuse or neglect, the investigation shall remain open until the division's investigation surrounding such death or near-fatal injury is completed.

(3) If the investigation is not completed within forty-five days, the information system shall be updated at regular intervals and upon the completion of the investigation, which shall be completed no later than ninety days after receipt of a report of abuse or neglect, or one hundred twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

[16.] **18.** A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's

protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

[17.] **19.** The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

[18.] **20.** In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made.

If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

[19.] **21. Nothing in this chapter shall be construed to prohibit the children's division from coinvestigating a report of child abuse or neglect or sharing records and information with child welfare, law enforcement, or judicial officers of another state, territory, or nation if the children's division determines it is appropriate to do so under the standard set forth in subsection 4 of section 210.150 and if such receiving agency is exercising its authority under the law.**

**22.** In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

[20.] **23.** The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

[21.] **24.** Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

210.152. 1. All [identifying] information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division [and] **or** removed from the records of the division as follows:

(1) For investigation reports contained in the central registry, [identifying] **the report and all** information shall be retained by the division;

(2) (a) For investigation reports initiated against a person required to report pursuant to section 210.115,

where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment, or in retaliation for the filing of a report by a person required to report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(b) For investigation reports, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for purposes of harassment, or in retaliation for the filing of a report, identifying information shall be expunged by the division within forty-five days from the conclusion of the investigation;

(c) For investigation reports initiated by a person required to report under section 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for ~~[five]~~ **ten** years from the conclusion of the investigation. For all other investigation reports where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for ~~[two]~~ **five** years from the conclusion of the investigation. Such reports shall include any exculpatory evidence known by the division, including exculpatory evidence obtained after the closing of the case. At the end of such time period, the identifying information shall be removed from the records of the division and destroyed;

(d) For investigation reports where the identification of the specific perpetrator or perpetrators cannot be substantiated and the division has specific evidence to determine that a child was abused or neglected, the division shall retain the report and all ~~[identifying]~~ information but shall not place an unknown perpetrator on the central registry. The division shall retain all ~~[identifying]~~ information ~~[for the purpose of utilizing such information in subsequent investigations or family assessments of the same child, the child's family, or members of the child's household]~~. The division shall retain and disclose information and findings in the same manner as the division retains and discloses family assessments. If the division made a finding of abuse or neglect against an unknown perpetrator prior to August 28, 2017, the division shall remove the unknown perpetrator from the central registry but shall retain and utilize all ~~[identifying]~~ information as otherwise provided in this section;

(3) For reports where the division uses the family assessment and services approach, ~~[identifying]~~ information shall be retained by the division;

(4) For reports in which the division is unable to locate the child alleged to have been abused or neglected, ~~[identifying]~~ information shall be retained for ~~[ten]~~ **eighteen** years from the date of the report and then shall be removed from the records ~~[of]~~ **by** the division.

2. Within ninety days, or within one hundred twenty days in cases involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality, after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the division based on the investigation. The notice shall advise either:

(1) That the division has determined by a probable cause finding prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that the division shall retain all ~~[identifying]~~ information regarding the abuse or neglect; that such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from the date of receipt of the

notice to seek reversal of the division's determination through a review by the child abuse and neglect review board as provided in subsection 4 of this section;

(2) That the division has not made a probable cause finding or determined by a preponderance of the evidence that abuse or neglect exists; or

(3) The division has been unable to determine the identity of the perpetrator of the abuse or neglect. The notice shall also inform the child's parents and legal guardian that the division shall retain, utilize, and disclose all information and findings as provided in family assessment and services cases.

3. The children's division may reopen a case for review if new, specific, and credible evidence is obtained.

4. Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division as provided in this section may seek an administrative review by the child abuse and neglect review board pursuant to the provisions of section 210.153. Such request for review shall be made within sixty days of notification of the division's decision under this section. In those cases where criminal charges arising out of facts of the investigation are pending, the request for review shall be made within sixty days from the court's final disposition or dismissal of the charges.

5. In any such action for administrative review, the child abuse and neglect review board shall sustain the division's determination if such determination was supported by evidence of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys and those persons providing testimony on behalf of the parties.

6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the county in which the alleged perpetrator resides and in circuits with split venue, in the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County. The case may be assigned to the family court division where such a division has been established. The request for a judicial review shall be made within sixty days of notification of the decision of the child abuse and neglect review board decision. In reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the discretion to allow the parties to submit the case upon a stipulated record.

7. In any such action for administrative review, the child abuse and neglect review board shall notify the child or the parent, guardian or legal representative of the child that a review has been requested.”; and

Further amend said bill and page, Section 210.487, Line 9, by deleting the word “and” and inserting in lieu thereof the word “[and]”; and

Further amend said bill and section, Page 7, Line 59, by inserting after said section and line the following:

“210.498. 1. Any parent or legal guardian **of a child in foster care** may have access to investigation records kept by the division regarding [a decision for] the denial [of or the], suspension, or revocation of [a] **the** license [to a specific person to operate or maintain] **of** a foster home [if such specific person does

or may provide services or care to a child of the person requesting the information] **in which the child was placed.** The request for the release of such information shall be made to the division director or the director's designee, in writing, by the parent or legal guardian of the child and shall be accompanied [with] **by** a signed and notarized release form from the person who does or may provide care or services to the child. The notarized release form shall include the full name, date of birth and Social Security number of the person who does or may provide care or services to a child. The response shall include only information pertaining to the nature and disposition of any denial, suspension, or revocation of a license to operate a foster home. This response shall not include any identifying information regarding any person other than the person to whom a foster home license was denied, suspended, or revoked. **The response shall not include financial, medical, or other personal information relating to the foster home provider or the foster home provider's family unless the division determines that the information is directly relevant to the disposition of the investigation and report.** The response shall be given within ten working days of the time it was received by the division.

**2. The division may disclose or utilize information and records relating to foster homes in its discretion and as needed for the administration of the foster care program including, but not limited to, the licensure of foster homes and for the protection, care, and safety of children who are or who may be placed in foster care.**

**3. Upon written request, the director of the department of social services shall authorize the disclosure of information and findings pertaining to foster homes in cases of child fatalities or near-fatalities to courts, juvenile officers, law enforcement agencies, and prosecuting and circuit attorneys that have a need for the information to conduct their duties under law. Nothing in this subsection shall otherwise preclude the disclosure of such information as provided for under subsection 5 of section 210.150.**

**4. The division may disclose information and records pertaining to foster homes to juvenile officers, courts, the office of child advocate, guardians ad litem, law enforcement agencies, child welfare agencies, child placement agencies, prosecuting attorneys, and other local, state, and federal government agencies that have a need for the information to conduct their duties under law.**

**5. Information and records pertaining to the licensure of foster homes and the care and treatment of children in foster homes shall be considered closed records under chapter 610 and may only be disclosed and utilized under this section.**

**210.1030. 1. There is hereby created the "Trauma-Informed Care for Children and Families Task Force". The mission of the task force shall be to promote the healthy development of children and their families living in Missouri communities by promoting comprehensive trauma-informed children and family support systems and interagency cooperation.**

**2. The task force shall consist of the following members:**

**(1) The directors, or their designees, of the departments of elementary and secondary education, health and senior services, mental health, social services, public safety, and corrections;**

**(2) The director, or his or her designee, of the office of child advocate;**

**(3) Six members from the private sector with knowledge of trauma-informed care methods, two of whom shall be appointed by the speaker of the house of representatives, one of whom shall be**

appointed by the minority leader of the house of representatives, two of whom shall be appointed by the president pro tempore of the senate, and one of whom shall be appointed by the minority leader of the senate;

(4) Two members of the house of representatives appointed by the speaker of the house of representatives and one member of the house of representatives appointed by the minority leader of the house of representatives; and

(5) Two members of the senate appointed by the president pro tempore of the senate and one member of the senate appointed by the minority leader of the senate.

3. The task force shall incorporate evidence-based and evidence-informed best practices including, but not limited to, the Missouri Model: A Developmental Framework for Trauma-Informed, with respect to:

(1) Early identification of children and youth and their families, as appropriate, who have experienced or are at risk of experiencing trauma;

(2) The expeditious referral of such children and youth and their families, as appropriate, who require specialized services to the appropriate trauma-informed support services, including treatment, in accordance with applicable privacy laws; and

(3) The implementation of trauma-informed approaches and interventions in child and youth-serving schools, organizations, homes, and other settings to foster safe, stable, and nurturing environments and relationships that prevent and mitigate the effects of trauma.

4. The staff of senate research, house research, and the joint committee on legislative research shall provide such legal, research, clerical, technical, and bill drafting services as the task force may require in the performance of its duties.

5. The task force, its members, and any staff assigned to the task force shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the task force or any subcommittee thereof.

6. The task force shall meet within two months of the effective date of this section.

7. The task force shall report a summary of its activities and any recommendations for legislation to the general assembly and to the joint committee on child abuse and neglect under section 21.771 by January 1, 2019.

8. The task force shall terminate on January 1, 2019.

211.093. 1. Any order or judgment entered by the court under authority of this chapter or chapter 210 shall, so long as [such order or judgment remains in effect] **the juvenile court exercises continuing jurisdiction**, take precedence over any order or judgment concerning the status or custody of a child under [age] twenty-one years of age entered by a court under authority of chapter 452, 453, 454 or 455, **or orders of guardianship under chapter 475**, but only to the extent inconsistent therewith.

2. In addition to all other powers conveyed upon the court by this chapter and chapter 210, any court exercising jurisdiction over a child under subdivision (1) of subsection 1 of section 211.031 shall have authority to enter an order regarding custody of the child under chapter 452, enter a child



support order computed under the guidelines set forth in section 452.340, and establish rights of visitation for the parents of the child. In every case in which the juvenile or family court exercises authority over a child under subdivision (1) or (2) of subsection 1 of section 211.031, the court shall have concurrent authority and jurisdiction with the circuit court to enter a final order and judgment establishing the paternity of the child under the uniform parentage act under sections 210.817 to 210.852, unless the child has a legal father already established under sections 210.817 to 210.852 by affidavit or court order.

3. Any custody, support, or visitation order entered by the court under subsection 2 of this section shall remain in full force and effect after the termination of juvenile court proceedings unless the court's order specifically states otherwise. Any custody, child support, or visitation order shall take precedence over and shall automatically stay any prior orders concerning custody, child support, guardianship, or visitation for the child under the juvenile court's jurisdiction. Orders entered under subsection 2 of this section shall remain in full force and effect until a subsequent order with respect to custody, child support, guardianship, or visitation of the child is entered by a court under the authority of this chapter or chapter 210, 452, 453, 454, or 455, or orders of guardianship under chapter 475. Any final judgment and order establishing paternity under this section shall be a final and binding judgment of the circuit court as in other civil judgments entered under the uniform parentage act under sections 210.817 to 210.852, and the court may enter the final paternity judgment and order under a different, nonjuvenile case number.

4. If the juvenile court terminates jurisdiction without entering a continuing custody, support, or visitation order under subsections 2 and 3 of this section, legal and physical custody of the child shall be returned to the custodian, parent, or legal guardian who exercised custody prior to the juvenile court assuming jurisdiction under subdivision (1) of subsection 1 of section 211.031, and any custody or visitation orders in effect at the time the juvenile court assumed jurisdiction shall be restored.

5. The juvenile court shall not have the authority to hear modification motions or other actions to rehear any orders entered under this section after the juvenile court terminates jurisdiction on the underlying case. A circuit court in the same county as the juvenile court shall have jurisdiction to hear any motions for rehearing or modifications of any orders entered under this section after the juvenile court terminates jurisdiction. Any future actions shall be conducted under sections 210.817 to 210.852, this chapter, or chapter 452, 453, 454, 455, or 475, as appropriate.

6. On entry of a child support order, the circuit clerk shall follow the procedures set forth in section 454.412 and upon request send a certified copy of the order to the family support division.

211.444. [1.] The juvenile court may, upon petition of the juvenile officer or a child-placing agency licensed under sections 210.481 to 210.536 in conjunction with a placement with such agency under subsection 6 of section 453.010, or [the court before which] **a private attorney filing** a petition for adoption [has been filed pursuant to] **under** the provisions of chapter 453, terminate the rights of a parent **or receive the consent to adoption or waiver of consent to adoption executed by a parent or a named father** to a child, **including a child who is a ward of the court**, if the court finds that such termination **or consent to adoption or waiver of consent to adoption** is in the best interests of the child and the parent has, **in a properly executed writing under section 453.030 or 453.050**, consented [in writing] to the termination of his or her parental rights **or consented to an adoption or waived consent to adoption**.

[2. The written consent required by subsection 1 of this section may be executed before or after the

institution of the proceedings and shall be acknowledged before a notary public. In lieu of such acknowledgment, the signature of the person giving the written consent shall be witnessed by at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective parents. The notary public or witnesses shall verify the identity of the party signing the consent.

3. The written consent required by subsection 1 of this section shall be valid and effective only after the child is at least forty-eight hours old and if it complies with the other requirements of section 453.030.]

211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it appears that the information could justify the filing of a petition, the juvenile officer may take further action, including filing a petition. If it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

(c) The parent has voluntarily relinquished a child under section 210.950; or

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent; or

**(4) The parent has been found guilty of or pled guilty to a felony violation of chapters 566 or 573 when the child or any child in the family was a victim, or a violation of sections 568.020 or 568.065**

**when the child or any child in the family was a victim. As used in this subdivision, a “child” means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent.**

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a “child” means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that

the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development.

Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) [The parent has been found guilty or pled guilty to a felony violation of chapter 566 when the child or any child in the family was a victim, or a violation of section 568.020 when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5)] The child was conceived and born as a result of an act of forcible rape or rape in the first degree. When the biological father has pled guilty to, or is convicted of, the forcible rape or rape in the first degree of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

[(6)] (5) (a) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse including, but not limited to, specific conditions directly relating to the parent and child relationship which are determined by the court to be of a duration or nature that renders the parent unable for the reasonably foreseeable future to care appropriately for the ongoing physical, mental, or emotional needs of the child.

(b) It is presumed that a parent is unfit to be a party to the parent and child relationship upon a showing

that:

a. Within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivision (1), (2), **or** (3)[, or (4)] of this subsection or similar laws of other states;

b. If the parent is the birth mother and within eight hours after the child's birth, the child's birth mother tested positive and over .08 blood alcohol content pursuant to testing under section 577.020 for alcohol, or tested positive for cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case;

c. If the parent is the birth mother and at the time of the child's birth or within eight hours after a child's birth the child tested positive for alcohol, cocaine, heroin, methamphetamine, a controlled substance as defined in section 195.010, or a prescription drug as defined in section 196.973, excepting those controlled substances or prescription drugs present in the mother's body as a result of medical treatment administered to the mother, and the birth mother is the biological mother of at least one other child who was adjudicated an abused or neglected minor by the mother or the mother has previously failed to complete recommended treatment services by the children's division through a family-centered services case; or

d. Within a three-year period immediately prior to the termination adjudication, the parent has pled guilty to or has been convicted of a felony involving the possession, distribution, or manufacture of cocaine, heroin, or methamphetamine, and the parent is the biological parent of at least one other child who was adjudicated an abused or neglected minor by such parent or such parent has previously failed to complete recommended treatment services by the children's division through a family-centered services case.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), **or** (3) [or (4)] of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

431.056. 1. A minor shall be qualified and competent to contract for housing, employment, purchase of an automobile, receipt of a student loan, admission to high school or postsecondary school, obtaining medical care, establishing a bank account, admission to a shelter for victims of domestic violence, as [defined in section] **that phrase is used in sections 455.200 to 455.220, a rape crisis center, as defined in section 455.003,** or a homeless shelter, and receipt of services as a victim of domestic violence or sexual [abuse] **assault, as such terms are defined in section 455.010,** including but not limited to counseling, court advocacy, financial assistance, and other advocacy services, if:

(1) The minor is sixteen or seventeen years of age; and

(2) The minor is homeless, as defined in subsection 1 of section 167.020, or a victim of domestic violence, as defined in section [455.200] **455.010,** unless the child is under the supervision of the children's division or the jurisdiction of the juvenile court; and

(3) The minor is self-supporting, such that the minor is without the physical or financial support of a parent or legal guardian; and

(4) The minor's parent or legal guardian has consented to the minor living independent of the parents' or guardians' control. Consent may be expressed or implied, such that:

(a) Expressed consent is any verbal or written statement made by the parents or guardian of the minor displaying approval or agreement that the minor may live independently of the parent's or guardian's control;

(b) Implied consent is any action made by the parent or guardian of the minor that indicates the parent or guardian is unwilling or unable to adequately care for the minor. Such actions may include, but are not limited to:

a. Barring the minor from the home or otherwise indicating that the minor is not welcome to stay;

b. Refusing to provide any or all financial support for the minor; or

c. Abusing or neglecting the minor, as defined in section 210.110 or committing an act or acts of domestic violence against the minor, as defined in section 455.010.

2. A minor who is sixteen years of age or older and who is in the legal custody of the children's division pursuant to an order of a court of competent jurisdiction shall be qualified and competent to contract for the purchase of automobile insurance with the consent of the children's division or the juvenile court. The minor shall be responsible for paying the costs of the insurance premiums and shall be liable for damages caused by his or her negligent operation of a motor vehicle. No state department, foster parent, or entity providing case management of children on behalf of a department shall be responsible for paying any insurance premiums nor liable for any damages of any kind as a result of the operation of a motor vehicle by the minor.

**3. A minor who is sixteen years of age or older and who is in the legal custody of the children's division pursuant to an order of a court of competent jurisdiction shall be qualified and competent to contract for the opening of a checking or savings bank account with the consent of the children's division or the juvenile court. The minor shall be responsible for paying all banking related costs associated with the checking or savings account and shall be liable for any and all penalties should he or she violate a banking agreement. No state department, foster parent, or entity providing case management of children on behalf of a department shall be responsible for paying any bank fees nor liable for any and all penalties related to violation of a banking agreement.**

453.015. As used in sections 453.010 to 453.400, the following terms mean:

(1) "Minor" or "child", any person who has not attained the age of eighteen years or any person in the custody of the children's division who has not attained the age of twenty-one;

(2) "Parent", a birth parent or parents of a child, including the putative father of the child, as well as the husband of a birth mother at the time the child was conceived, or a parent or parents of a child by adoption. The putative father shall have no legal relationship unless he has acknowledged the child as his own by affirmatively asserting his paternity;

**(3) "Post adoption contact agreement", a voluntary written agreement executed by one or both of a child's birth parents and each adoptive parent describing future contact between the parties to the agreement and the child; provided, that such agreement shall be approved by the court under subsection 4 of section 453.080;**

**(4) "Putative father", the alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry established in section 192.016 and a person who has filed a voluntary acknowledgment of paternity pursuant to section 193.087;**

**[(4)] (5) "Stepparent", the spouse of a biological or adoptive parent. The term does not include the state if the child is a ward of the state. The term does not include a person whose parental rights have been terminated.**

453.030. 1. In all cases the approval of the court of the adoption shall be required and such approval shall be given or withheld as the welfare of the person sought to be adopted may, in the opinion of the court, demand.

2. The written consent of the person to be adopted shall be required in all cases where the person sought to be adopted is fourteen years of age or older, except where the court finds that such child has not sufficient

mental capacity to give the same. In a case involving a child under fourteen years of age, the guardian ad litem shall ascertain the child's wishes and feelings about his or her adoption by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered by the court as a factor in determining if the adoption is in the child's best interests.

3. With the exceptions specifically enumerated in section 453.040, when the person sought to be adopted is under the age of eighteen years, the written consent of the following persons shall be required and filed in and made a part of the files and record of the proceeding:

(1) The mother of the child; [and]

(2) [Only the] **Any** man who:

(a) Is presumed to be the father pursuant to [the] subdivision (1), (2), or (3) of subsection 1 of section 210.822; or

(b) Has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child and has served a copy of the petition on the mother in accordance with section 506.100; or

(c) Filed with the putative father registry pursuant to section 192.016 a notice of intent to claim paternity or an acknowledgment of paternity either prior to or within fifteen days after the child's birth, and has filed an action to establish his paternity in a court of competent jurisdiction no later than fifteen days after the birth of the child; [or] **and**

(3) The child's current adoptive parents or other legally recognized mother and father.

Upon request by the petitioner and within one business day of such request, the clerk of the local court shall verify whether such written consents have been filed with the court.

4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section may be executed before or after **the birth of the child or before or after** the commencement of the adoption proceedings, and shall be executed in front of a judge or acknowledged before a notary public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting birth parent of the consequences of the consent. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons whose signatures and addresses shall be plainly written thereon. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding **other than the attorney representing the party signing the consent**. The notary public or witnesses shall verify the identity of the party signing the consent. **Notwithstanding any other provision of law to the contrary, a properly executed written consent under this subsection shall be considered irrevocable.**

5. The written consent required in subdivision (1) of subsection 3 of this section by the birth [parent] **mother** shall not be executed anytime before the child is forty-eight hours old. Such written consent shall be executed in front of a judge or acknowledged before a notary public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting party of the consequences of the consent. In lieu of [such] acknowledgment **before a notary public**, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective adoptive parents



or any attorney representing a party to the adoption proceeding **other than the attorney representing the party signing the consent**. The notary public or witnesses shall verify the identity of the party signing the consent.

6. A consent is final when executed, unless the consenting party, prior to a final decree of adoption, alleges and proves by clear and convincing evidence that the consent was not freely and voluntarily given. The burden of proving the consent was not freely and voluntarily given shall rest with the consenting party. Consents in all cases shall have been executed not more than six months prior to the date the petition for adoption is filed.

7. A consent form shall be developed through rules and regulations promulgated by the department of social services. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. If a written consent is obtained after August 28, 1997, but prior to the development of a consent form by the department and the written consent complies with the provisions of subsection 8 of this section, such written consent shall be deemed valid.

8. However, the consent form must specify that:

(1) The birth parent understands the importance of identifying all possible fathers of the child and may provide the names of all such persons; and

(2) The birth parent understands that if he denies paternity, but consents to the adoption, he waives any future interest in the child.

9. The written consent to adoption required by subsection 3 and executed through procedures set forth in subsection 5 of this section shall be valid and effective even though the parent consenting was under eighteen years of age, if such parent was represented by a guardian ad litem, at the time of the execution thereof.

10. Where the person sought to be adopted is eighteen years of age or older, his or her written consent alone to his or her adoption shall be sufficient.

11. A birth parent, including a birth parent less than eighteen years of age, shall have the right to legal representation and payment of any reasonable legal fees incurred throughout the adoption process. In addition, the court may appoint an attorney to represent a birth parent if:

(1) A birth parent requests representation;

(2) The court finds that hiring an attorney to represent such birth parent would cause a financial hardship for the birth parent; and

(3) The birth parent is not already represented by counsel.

12. Except in cases where the court determines that the adoptive parents are unable to pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall order the costs of the attorney fees incurred pursuant to subsection 11 of this section to be paid by the prospective adoptive parents or the child-placing agency.

**13. The court shall receive and acknowledge a written consent to adoption properly executed by a birth parent under this section when such consent is in the best interests of the child.**

453.080. 1. The court shall conduct a hearing to determine whether the adoption shall be finalized. **Out-of-state adoptive petitioners may appear by their attorney or by video or telephone conference rather than in person.** During such hearing, the court shall ascertain whether:

(1) The person sought to be adopted, if a child, has been in the lawful and actual custody of the petitioner for a period of at least six months prior to entry of the adoption decree; except that the six-month period may be waived if the person sought to be adopted is a child who is under the prior and continuing jurisdiction of a court pursuant to chapter 211 and the person desiring to adopt the child is the child's current foster parent. Lawful and actual custody shall include a transfer of custody pursuant to the laws of this state, another state, a territory of the United States, or another country;

(2) The court has received and reviewed a postplacement assessment on the monthly contacts with the adoptive family pursuant to section 453.077, except for good cause shown in the case of a child adopted from a foreign country;

(3) The court has received and reviewed an updated financial affidavit;

(4) The court has received the recommendations of the guardian ad litem and has received and reviewed the recommendations of the person placing the child, the person making the assessment and the person making the postplacement assessment;

(5) [There is compliance with the uniform child custody jurisdiction act, sections 452.440 to 452.550;

(6)] There is compliance with the Indian Child Welfare Act, if applicable;

[(7)] **(6)** There is compliance with the Interstate Compact on the Placement of Children pursuant to section 210.620; and

[(8)] **(7)** It is fit and proper that such adoption should be made.

2. If a petition for adoption has been filed pursuant to section 453.010 and a transfer of custody has occurred pursuant to section 453.110, the court may authorize the filing for finalization in another state if the adoptive parents are domiciled in that state.

3. If the court determines the adoption should be finalized, a decree shall be issued setting forth the facts and ordering that from the date of the decree the adoptee shall be for all legal intents and purposes the child of the petitioner or petitioners. The court may decree that the name of the person sought to be adopted be changed, according to the prayer of the petition.

4. Before the completion of an adoption, the exchange of information among the parties shall be at the discretion of the parties. **Prospective adoptive parents and birth parents may enter into a written post adoption contact agreement to allow contact, communication, and the exchange of photographs after the adoption between the adoptive parents and the birth parents. The court shall not order any party to enter into a post adoption contact agreement. The agreement shall be filed with and approved by the court at or before the finalization of the adoption. The court shall approve an agreement only if the agreement is in the best interests of the child. The court may enforce or modify an agreement made under this subsection unless such enforcement or modification is not in the best interests of the child. The agreement shall include:**

**(1) An acknowledgment by the birth parents that the adoption is irrevocable, even if the adoptive parents do not abide by the post adoption contact agreement;**

**(2) An acknowledgment by the adoptive parents that the agreement grants the birth parents the right to seek to enforce the provisions of the post adoption contact agreement. Remedies for a breach of the agreement shall include specific performance of the terms of the agreement; provided, that nothing in the agreement shall preclude a party seeking to enforce the agreement from utilizing child welfare mediation before, or in addition to, the commencement of a civil action for specific enforcement;**

**(3) An acknowledgment that the post adoption contact agreement shall be filed with and approved by the court in order to be enforceable; and**

**(4) An acknowledgment that the birth parents' consent to the adoption was not conditioned on the post adoption contact agreement and that acceptance of the agreement is fully voluntary.**

Upon completion of an adoption, further contact among the parties shall be at the discretion of the adoptive parents **or in accordance with a post adoption contact agreement executed under this subsection.** The court shall not have jurisdiction to deny [continuing contact between the adopted person and the birth parent, or an adoptive parent and a birth parent. Additionally, the court shall not have jurisdiction to deny] an exchange of identifying information between an adoptive parent and a birth parent.

5. Before the completion of an adoption, the court shall make available to the birth parent or parents a contact preference form developed by the state registrar pursuant to section 193.128 and provided to the court by the department of health and senior services. If a birth parent chooses to complete the form, the clerk of the court shall send the form with the certificate of decree of adoption to the state registrar. Such form shall accompany the original birth certificate of the adopted person and may be updated by a birth parent at any time upon the request of the birth parent.

453.121. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) "Adopted adult", any adopted person who is eighteen years of age or over;

(2) "Adopted child", any adopted person who is less than eighteen years of age;

(3) "Adult sibling", any brother or sister of the whole or half blood who is eighteen years of age or over;

(4) "Biological parent", the natural and biological mother or father of the adopted child;

(5) "Identifying information", information which includes the name, date of birth, place of birth and last known address of the biological parent;

(6) "Lineal descendant", a legal descendant of a person as defined in section 472.010;

(7) "Nonidentifying information", information concerning the physical description, nationality, religious background and medical history of the biological parent or sibling.

2. All papers, records, and information pertaining to an adoption whether part of any permanent record or file may be disclosed only in accordance with this section.

3. Nonidentifying information, if known, concerning undisclosed biological parents or siblings shall be furnished by the child-placing agency or the juvenile court to the adoptive parents, legal guardians, adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased, upon written request therefor.

4. An adopted adult, or the adopted adult's lineal descendants if the adopted adult is deceased, may make a written request to the circuit court having original jurisdiction of such adoption to secure and disclose information identifying the adopted adult's biological parents. If the biological parents have consented to the release of identifying information under subsection 8 of this section, the court shall disclose such identifying information to the adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased. If the biological parents have not consented to the release of identifying information under subsection 8 of this section, the court shall, within ten days of receipt of the request, notify in writing the child-placing agency or juvenile court personnel having access to the information requested of the request by the adopted adult or the adopted adult's lineal descendants.

5. Within three months after receiving notice of the request of the adopted adult, or the adopted adult's lineal descendants, the child-placing agency or the juvenile court personnel shall make reasonable efforts to notify the biological parents of the request of the adopted adult or the adopted adult's lineal descendants. The child-placing agency or juvenile court personnel may charge actual costs to the adopted adult or the adopted adult's lineal descendants for the cost of making such search. All communications under this subsection are confidential. For purposes of this subsection, "notify" means a personal and confidential contact with the biological parent of the adopted adult, which initial contact shall be made by an employee of the child-placing agency which processed the adoption, juvenile court personnel or some other licensed child-placing agency designated by the child-placing agency or juvenile court. Nothing in this section shall be construed to permit the disclosure of communications privileged pursuant to section 491.060. At the end of three months, the child-placing agency or juvenile court personnel shall file a report with the court stating that each biological parent that was located was given the following information:

- (1) The nature of the identifying information to which the agency has access;
- (2) The nature of any nonidentifying information requested;
- (3) The date of the request of the adopted adult or the adopted adult's lineal descendants;
- (4) The right of the biological parent to file an affidavit with the court stating that the identifying information should be disclosed;
- (5) The effect of a failure of the biological parent to file an affidavit stating that the identifying information should be disclosed.

6. If the child-placing agency or juvenile court personnel reports to the court that it has been unable to notify the biological parent within three months, the identifying information shall not be disclosed to the adopted adult or the adopted adult's lineal descendants. Additional requests for the same or substantially the same information may not be made to the court within one year from the end of the three-month period during which the attempted notification was made, unless good cause is shown and leave of court is granted.

7. If, within three months, the child-placing agency or juvenile court personnel reports to the court that it has notified the biological parent pursuant to subsection 5 of this section, the court shall receive the identifying information from the child-placing agency. If an affidavit duly executed by a biological parent authorizing the release of information is filed with the court or if a biological parent is found to be deceased, the court shall disclose the identifying information as to that biological parent to the adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased, provided that the other biological parent either:

(1) Is unknown;

(2) Is known but cannot be found and notified pursuant to [section 5 of this act] **subsection 5 of this section;**

(3) Is deceased; or

(4) Has filed with the court an affidavit authorizing release of identifying information.

If the biological parent fails or refuses to file an affidavit with the court authorizing the release of identifying information, then the identifying information shall not be released to the adopted adult. No additional request for the same or substantially the same information may be made within three years of the time the biological parent fails or refuses to file an affidavit authorizing the release of identifying information.

8. Any adopted adult whose adoption was finalized in this state or whose biological parents had their parental rights terminated in this state may request the court to secure and disclose identifying information concerning an adult sibling. Identifying information pertaining exclusively to the adult sibling, whether part of the permanent record of a file in the court or in an agency, shall be released only upon consent of that adult sibling.

9. The central office of the children's division within the department of social services shall maintain a registry by which biological parents, adult siblings, and adoptive adults may indicate their desire to be contacted by each other. The division may request such identification for the registry as a party may possess to assure positive identifications. At the time of registry, a biological parent or adult sibling may consent in writing to the release of identifying information to an adopted adult. If such a consent has not been executed and the division believes that a match has occurred on the registry between biological parents or adult siblings and an adopted adult, an employee of the division shall make the confidential contact provided in subsection 5 of this section with the biological parents or adult siblings and with the adopted adult. If the division believes that a match has occurred on the registry between one biological parent or adult sibling and an adopted adult, an employee of the division shall make the confidential contact provided by subsection 5 of this section with the biological parent or adult sibling. The division shall then attempt to make such confidential contact with the other biological parent, and shall proceed thereafter to make such confidential contact with the adopted adult only if the division determines that the other biological parent meets one of the conditions specified in subsection 7 of this section. The biological parent, adult sibling, or adopted adult may refuse to go forward with any further contact between the parties when contacted by the division.

10. The provisions of this section, except as provided in subsection 5 of this section governing the release of identifying and nonidentifying adoptive information apply to adoptions completed before and after August 13, 1986.

**11. All papers, records, and information known to or in the possession of an adoptive parent or adoptive child that pertain to an adoption, regardless of whether part of any permanent record or file, may be disclosed by the adoptive parent or adoptive child. The provisions of this subsection shall not be construed to create a right to have access to information not otherwise allowed under this section.**

556.036. 1. A prosecution for murder, rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, attempted sodomy in the first

degree, attempted forcible sodomy, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

(1) For any felony, three years, except as provided in subdivision (4) of this subsection;

(2) For any misdemeanor, one year;

(3) For any infraction, six months;

(4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term “person who has a legal duty to represent an aggrieved party” shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections 407.511 to 407.556; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the person is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the person’s complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; [or]

(2) During any time when the accused is concealing himself **or herself** from justice either within or without this state; [or]

(3) During any time when a prosecution against the accused for the offense is pending in this state; [or]

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020; **or**

**(5) During any period of time after which a DNA profile is developed from evidence collected in relation to the commission of a crime and included in a published laboratory report until the date upon which the accused is identified by name based upon a match between that DNA evidence profile and the known DNA profile of the accused. For purposes of this section, the term “DNA profile” means the collective results of the DNA analysis of an evidence sample.**

556.037. 1. Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under [must be commenced within thirty years after the victim reaches the age of eighteen unless the prosecutions are for rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, kidnapping, kidnapping in the first degree, attempted sodomy in the first degree, or attempted forcible sodomy in which case such prosecutions] may be commenced at any time.

**2. For purposes of this section, “sexual offenses” include, but are not limited to, all offenses for which registration is required under sections 589.400 to 589.425.**

610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term “personal information” means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

- (5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;
- (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;
- (7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;
- (8) Welfare cases of identifiable individuals;
- (9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;
- (10) Software codes for electronic data processing and documentation thereof;
- (11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;
- (12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;
- (13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;
- (14) Records which are protected from disclosure by law;
- (15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;
- (16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;
- (17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;
- (18) Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public



interest in nondisclosure outweighs the public interest in disclosure of the records;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

(21) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

(22) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; [and]

(23) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business; **and**

**(24) Records relating to foster home or kinship placements of children in foster care under section 210.498.**

[210.101. 1. There is hereby established the "Missouri Children's Services Commission", which shall be composed of the following members:

- (1) The director or the director's designee of the following departments: corrections, elementary and secondary education, higher education, health and senior services, labor and industrial relations, mental health, public safety, and social services;
- (2) One judge of a family or juvenile court, who shall be appointed by the chief justice of the supreme court;
- (3) Two members, one from each political party, of the house of representatives, who shall be appointed by the speaker of the house of representatives;
- (4) Two members, one from each political party, of the senate, who shall be appointed by the president pro tempore of the senate;

All members shall serve for as long as they hold the position which made them eligible for appointment to the Missouri children's services commission under this subsection. All members shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

2. All meetings of the Missouri children's services commission shall be open to the public and shall, for all purposes, be deemed open public meetings under the provisions of sections 610.010 to 610.030. The Missouri children's services commission shall meet no less than once every two months. Notice of all meetings of the commission shall be given to the general assembly in the same manner required for notifying the general public of meetings of the general assembly.

3. The Missouri children's services commission may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.

4. The commission shall elect from amongst its members a chairman, vice chairman, a secretary-reporter, and such other officers as it deems necessary.

5. The services of the personnel of any agency from which the director or deputy director is a member of the commission shall be made available to the commission at the discretion of such director or deputy director. All meetings of the commission shall be held in the state of Missouri.

6. The officers of the commission may hire an executive director. Funding for the executive director may be provided from the Missouri children's services commission fund or other sources provided by law.

7. The commission, by majority vote, may invite individuals representing local and federal agencies or private organizations and the general public to serve as ex officio members of the commission. Such individuals shall not have a vote in commission business and shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.]

[210.103. 1. There is established in the state treasury a special fund, to be known as the “Missouri Children’s Services Commission Fund”. The state treasurer shall credit to and deposit in the Missouri children’s services commission fund all amounts which may be received from general revenue, grants, gifts, bequests, the federal government, or other sources granted or given for the purposes of sections 210.101 and 210.102.

2. The state treasurer shall invest moneys in the Missouri children’s services commission fund in the same manner as surplus state funds are invested pursuant to section 30.260. All earnings resulting from the investment of moneys in the Missouri children’s services commission fund shall be credited to the Missouri children’s services commission fund.

3. The administration of the Missouri children’s services commission fund, including, but not limited to, the disbursement of funds therefrom, shall be as prescribed by the Missouri children’s services commission in its bylaws.

4. The provisions of section 33.080, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue of this state at the end of each biennium, shall not apply to the Missouri children’s services commission fund.

5. Amounts received in the fund shall only be used by the commission for purposes authorized under sections 210.101 and 210.102.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 819, Page 6, Section 210.112, Line 160, by inserting immediately after said section and line the following:

“210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, peace officer or law enforcement official, **volunteer or personnel of a community service program that offers support services for families in crisis to assist in the delegation of any powers regarding the care and custody of a child by a properly executed power of attorney pursuant to sections 475.600 to 475.604**, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report to the division in accordance with the provisions of sections 210.109 to 210.183. No internal investigation shall be initiated until such a report has been made. As used in this section, the term “abuse” is not limited to abuse inflicted by a person responsible for the child’s care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. If two or more members of a medical institution who are required to report jointly have knowledge

of a known or suspected instance of child abuse or neglect, a single report may be made by a designated member of that medical team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter immediately make the report. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

3. The reporting requirements under this section are individual, and no supervisor or administrator may impede or inhibit any reporting under this section. No person making a report under this section shall be subject to any sanction, including any adverse employment action, for making such report. Every employer shall ensure that any employee required to report pursuant to subsection 1 of this section has immediate and unrestricted access to communications technology necessary to make an immediate report and is temporarily relieved of other work duties for such time as is required to make any report required under subsection 1 of this section.

4. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

5. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

6. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452 and shall report the findings to the child fatality review panel established pursuant to section 210.192.

7. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting to the division.

8. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri children's division, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the children's division.”;

and

Further amend said bill, Page 7, Section 210.487, Line 59, by inserting immediately after said section and line the following:

**“475.600. Sections 475.600, 475.602, and 475.604 shall be known and may be cited as the “Supporting and Strengthening Families Act”.**

**475.602. 1. A parent or legal custodian of a child may, by a properly executed power of attorney as provided under section 475.604, delegate to an attorney-in-fact for a period not to exceed one year, except as provided under subsection 7 of this section, any of the powers regarding the care and custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. A delegation of powers under this section shall not be construed to change or modify any parental or legal rights, obligations, or authority established by an existing court order or deprive the parent or legal custodian of any parental or legal rights, obligations, or authority regarding the custody, visitation, or support of the child.**

**2. The parent or legal custodian of the child shall have the authority to revoke or withdraw the power of attorney authorized in subsection 1 of this section at any time. Except as provided in subsection 7 of this section, if the delegation of authority lasts longer than one year, the parent or legal custodian of the child shall execute a new power of attorney for each additional year that the delegation exists. If a parent withdraws or revokes the power of attorney, the child shall be returned to the custody of the parents as soon as reasonably possible.**

**3. Unless the authority is revoked or withdrawn by the parent or legal custodian, the attorney-in-fact shall exercise parental or legal authority on a continuous basis without compensation for the duration of the power of attorney authorized by subsection 1 of this section and shall not be subject to any statutes dealing with the licensing or regulation of foster care homes.**

**4. Except as otherwise provided by law, if a parent or legal custodian uses a community service program that offers support services for families in crisis to assist in the delegation of any powers regarding the care and custody of a child by a properly executed power of attorney, then the execution of a power of attorney by such parent or legal custodian as authorized in subsection 1 of this section shall not constitute abandonment as provided in sections 568.030 and 568.032, or abuse or neglect as provided in sections 210.110 and 568.060, unless the parent or legal guardian fails to take custody of the child or execute a new power of attorney after the one-year time limit has elapsed. It shall be a violation of section 453.110 for any parent or legal custodian to execute a power of attorney with the intention of permanently avoiding or divesting himself or herself of parental or legal responsibility for the care of the child.**

**5. Under a delegation of powers as authorized by subsection 1 of this section, the child or children subject to the power of attorney shall not be considered placed in foster care as otherwise defined in law and the parties shall not be subject to any of the requirements or licensing regulations for foster care or other regulations relating to community care for children.**

**6. If a parent or legal custodian uses a community service program that offers support services for families in crisis to assist in the delegation of any powers regarding the care and custody of a child by a properly executed power of attorney, then the community service program shall ensure that a**

background check is completed for the attorney-in-fact and any adult members of his or her household prior to the placement of the child. A community service program shall not place a child or children with an attorney-in-fact when he or she or any adult member of his or her household is found to be on the sex offender registry as established pursuant to sections 589.400 to 589.425, or the child abuse and neglect registry, as established pursuant to section 210.109, or has pled guilty or nolo contendere to or is found guilty of a felony offense under federal or state law. If a community service program has reasonable cause to suspect that a parent or legal custodian is executing a power of attorney under this section with the intention of permanently avoiding or divesting himself or herself of parental or legal responsibility for the care of the child, the community service program shall notify the Missouri children's division within the department of social services, and the division shall conduct an investigation of the parent or legal guardian to determine if there is a violation of section 453.110. A background check performed under this section shall include:

- (1) A national and state fingerprint-based criminal history check;
- (2) A sex offender registry, as established pursuant to sections 589.400 to 589.425, check; and
- (3) A child abuse and neglect registry, as established pursuant to section 210.109, check.

7. A parent or legal custodian who is a member of the Armed Forces of the United States including any reserve component thereof, the commissioned corps of the National Oceanic and Atmospheric Administration, the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Armed Forces of the United States, or who is required to enter or serve in the active military service of the United States under a call or order of the President of the United States or to serve on state active duty may delegate the powers designated in subsection 1 of this section for a period longer than one year if on active duty service. The term of delegation shall not exceed the term of active duty service plus thirty days.

8. Nothing in this section shall conflict or set aside the preexisting residency requirements under section 167.020. An attorney-in-fact to whom powers are delegated under a power of attorney authorized by this section shall make arrangements to ensure that the child attends classes at an appropriate school. If enrollment is at a public school, attendance shall be based upon residency or waiver of such residency requirements by the school.

9. If enrolled at any school, as soon as reasonably possible upon execution of a power of attorney for the temporary care of a child as authorized under this section, the child's school shall be notified of the existence of the power of attorney and be provided a copy of the power of attorney as well as the contact information for the attorney-in-fact. While the power of attorney is in force, the school shall communicate with both the attorney-in-fact and any parent or legal custodian with parental or legal rights, obligations, or authority regarding the custody, visitation, or support of the child. The school shall also be notified of the expiration, termination, or revocation of the power of attorney as soon as reasonably possible following such expiration, termination, or revocation and shall no longer communicate with the attorney-in-fact regarding the child upon the receipt of such notice.

10. No delegation of powers under this section shall operate to modify a child's eligibility for benefits the child is receiving at the time of the execution of the power of attorney including, but not limited to, eligibility for free or reduced lunch, health care costs, or other social services, except as may be inconsistent with federal or state law governing the relevant program or benefit.

**475.604.** Any form for the delegation of powers authorized under section 475.602 shall be witnessed by a notary public and contain the following information:

- (1)** The full name of any child for whom parental and legal authority is being delegated;
- (2)** The date of birth of any child for whom parental and legal authority is being delegated;
- (3)** The full name and signature of the attorney-in-fact;
- (4)** The address and telephone number of the attorney-in-fact;
- (5)** The full name and signature of the parent or legal guardian;
- (6)** One of the following statements:

**(a)** “I delegate to the attorney-in-fact all of my power and authority regarding the care, custody, and property of each minor child named above including, but not limited to, the right to enroll the child in school, inspect and obtain copies of education and other records concerning the child, the right to give or withhold any consent or waiver with respect to school activities, medical and dental treatment, and any other activity, function, or treatment that may concern the child. This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child.”; or

**(b)** “I delegate to the attorney-in-fact the following specific powers and responsibilities (insert list). This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child.”; and

**(7)** A description of the time for which the delegation is being made and an acknowledgment that the delegation may be revoked at any time.

[475.024. A parent of a minor, by a properly executed power of attorney, may delegate to another individual, for a period not exceeding one year, any of his or her powers regarding care or custody of the minor child, except his or her power to consent to marriage or adoption of the minor child.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 819, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

**“37.940. 1.** There is hereby established within the office of administration the “Social Innovation Grant Program”. The governor shall designate an individual to serve as the executive director of the social innovation grant program, who shall establish and oversee the program. For purposes of this section, the following terms mean:

**(1)** “Critical state concern”, instances or circumstances in which the state of Missouri is currently, and will likely be in the future, responsible for the costs associated with a particular act of the state through annual appropriations. The programs for which the costs are associated may not be optimal

for reducing the overall scope of the problem to the greatest extent while limiting the exposure of the state budget;

(2) “Demonstration project”, a project selected by the social innovation grant team in response to the grant team’s request for proposals process;

(3) “Social innovation grant”, a grant awarded to a nonprofit organization with experience in the area of critical state concern to design a short-term demonstration project based on evidence and best practices that can be replicated to optimize state funding and services for populations and programs identified as areas of critical state concern.

2. Areas of critical state concern include, but are not limited to:

(1) Families in generational child welfare;

(2) Opioid-addicted pregnant women; and

(3) Children in residential treatment with behavioral issues where the children were not removed from the family due to abuse or neglect.

The office of administration or the general assembly may identify additional critical state concerns that could potentially be addressed through the social innovation grant program.

3. For any critical state concern for which a social innovation grant is being utilized, the executive director shall establish a “Social Innovation Grant Team” to be comprised of:

(1) Individuals working in governmental agencies responsible for the oversight of programs related to the critical state concern;

(2) Persons working in the nonprofit sector with practical field experience related to the critical state concern; and

(3) Academic leaders in research and study related to the critical state concern.

4. The social innovation grant team shall be charged with:

(1) Formulating a request for proposals for social innovation grants;

(2) Evaluating responsive proposals and selecting those bids for demonstration projects that provide the greatest opportunity for addressing the critical state concern in a cost-effective and replicable way; and

(3) Monitoring demonstration projects and evaluating them based on the objectives outlined in the request for proposals, the program’s outline, the project’s impact on the critical state concern, and the project’s ability to be replicated on a cost-effective basis.

5. Demonstration projects shall be operated over a period of time sufficient to impact the population served by the project based on the parameters and objectives outlined in the request for proposals. Grantees, at a minimum, shall be nonprofit organizations with experience working with the population identified as a critical state concern.

6. Upon the conclusion of a demonstration project, the social innovation grant team shall compile all relevant data and submit a report to the general assembly:



**(1) Evaluating the project's effectiveness in impacting the critical state concern;**

**(2) Assessing, based on the actual experience of the project, the likely ease of statewide deployment in a methodology consistent with the execution of the project and identifying possible barriers to deployment;**

**(3) Analyzing the likely cost of statewide deployment; and**

**(4) Identifying funding strategies for statewide deployment, which may include scaling based on savings reinvestment or outside capital investments.**

**7. The social innovation grant team shall identify methods to fund the social innovation grant program, including state partnerships with nonprofit organizations and foundations. The executive director of the social innovation grant program shall identify sustainability models for deploying successful demonstration projects.**

**8. All social innovation grants shall be subject to appropriation.**

**9. The office of administration may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

**10. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly;**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **HCS** for **HB 1606** and has taken up and passed **SS** for **HCS** for **HB 1606**, as amended.

## **HOUSE BILLS ON SECOND READING**

The following Bill and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

**HB 2644**—Education.

**HCS** for **HJR 100**—Rules, Joint Rules, Resolutions and Ethics.

**HJR 79**—Rules, Joint Rules, Resolutions and Ethics.

### **REFERRALS**

President Pro Tem Richard referred **HCS** for **HB 1300**, with **SCS** to the Committee on Fiscal Oversight.

### **CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 951**, as amended: Senators Crawford, Sater, Wieland, Holsman and Schupp.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 807** and **577**, as amended: Senators Wasson, Cunningham, Eigel, Sifton and Holsman.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 1633**, as amended: Senators Dixon, Emery, Koenig, Sifton and Holsman.

### **HOUSE BILLS ON THIRD READING**

At the request of Senator Sater, **HCS** for **HBs 2280, 2120, 1468** and **1616**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Rowden, **HB 1460** was placed on the Informal Calendar.

**HCS** for **HB 2140**, with **SCS** was placed on the Informal Calendar.

**HB 1517** was placed on the Informal Calendar.

**HB 1625** was placed on the Informal Calendar.

At the request of Senator Emery, **HB 2117** was placed on the Informal Calendar.

At the request of Senator Emery, **HB 1800**, with **SCS** was placed on the Informal Calendar.

At the request of Senator Emery, **HB 1675** was placed on the Informal Calendar.

At the request of Senator Romine, **HB 1421** and **HB 1371**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Onder, **HB 1265** was placed on the Informal Calendar.

At the request of Senator Hoskins, **HB 1349** was placed on the Informal Calendar.

At the request of Senator Wallingford, **HB 1469** was placed on the Informal Calendar.

Senator Riddle moved that **HB 1719**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Riddle, **SA 1** was withdrawn.

Senator Riddle offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1719, Pages 100-103, Section 335.046, by striking all of said section from the bill; and

Further amend said bill, page 124, section 337.020, line 1 by striking the opening bracket “[”]; and further amend line 2 of said page, by striking the closing bracket “]”; and

Further amend said bill, page 202, section 632.005, lines 1-3 of said page, by striking all of said lines and inserting in lieu thereof the following: **“for physician assistants in psychiatry;”**.

Senator Riddle moved that the above amendment be adopted, which motion prevailed.

Senator Rowden assumed the Chair.

Senator Cierpiot offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1719, Page 56, Section 324.436, Line 9 of said page, by inserting after all of said line the following:

**“324.800. As used in sections 324.800 to 324.860, the following terms shall mean:**

**(1) “Department”, the department of insurance, financial institutions and professional registration;**

**(2) “Out-of-state applicant”, any applicant who has not established and maintained a place of business as a registered roofing contractor in this state within the preceding year or has not submitted an income tax return as a resident of this state within the preceding year;**

**(3) “Person”, any individual, firm, partnership, association, corporation, limited liability company, or other group or combination thereof acting as a unit;**

**(4) “Roofing contractor”, one who has the knowledge and skill to construct, reconstruct, alter, maintain, and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance, and repair of all kinds of roofing and waterproofing as related to roofing, all in such manner to comply with all plans, specifications, codes, laws, and regulations applicable thereto, persons subcontracted by a registered roofing contractor, or the owner of property acting as a home improvement contractor.**

**324.805. Beginning January 1, 2020, a person who practices or offers services as a roofing contractor in this state for compensation or uses any title, sign, abbreviation, card, or device to indicate that such person is a roofing contractor may register with the department according to the provisions of sections 324.800 to 324.860.**

**324.810. 1. There is hereby created in the state treasury the “Roofing Contractor Fund”, which shall consist of moneys collected under sections 324.800 to 324.860. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer shall approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the**

**fund shall be used solely for the administration of sections 324.800 to 324.860.**

**2. Notwithstanding the provisions of section 33.080 to the**

**contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.**

**3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

**324.815. The department is authorized to promulgate rules and regulations necessary for the administration of sections 324.800 to 324.860, including regulations regarding:**

**(1) The content of registration applications and the procedures for filing an application for an initial or renewal registration in this state;**

**(2) All applicable fees set at a level to produce revenue, which shall not exceed the cost and expense of administering the provisions of sections 324.800 to 324.860; and**

**(3) The hiring of employees, who administer and oversee the requirements of sections 324.800 to 324.860, and who may investigate any alleged misconduct under sections 324.800 to 324.860. Persons hired under this subdivision shall be paid out of the roofing contractor fund established under section 324.810.**

**324.820. 1. An applicant for registration as a roofing contractor shall submit to the department a completed application furnished by the department accompanied by the required nonrefundable fee of no more than thirty five dollars or a renewal fee to be determined by the department. Such application shall include the applicant's name, business name, evidence of insurance as required under subsection 3 of this section, a telephone number, a street address.**

**2. An applicant shall have ninety days from the day the application is submitted to complete the application process or else the application shall be automatically denied and any fees paid by the applicant forfeited. Such applicant shall then reapply in order to obtain a certificate of registration.**

**3. No certificate of registration shall be issued or renewed unless the applicant files with the department proof of motor vehicle insurance for all business vehicles, a current worker's compensation insurance policy, and liability insurance with a minimum level of coverage of not less than one million dollars and unless an applicant or out-of-state applicant has a no tax due statement from the department of revenue.**

**4. No certificate of registration shall be issued if an out-of-state applicant has had a license revoked or suspended in another state.**

**5. No political subdivision of this state shall require a roofing contractor to be registered under sections 324.800 to 324.860 in order to operate as a roofing contractor within the boundaries of such political subdivision.**

**6. No political subdivision of this state shall require the inspection of a roof more than one time if the cost to construct or repair such roof is less than ten thousand dollars. No political subdivision shall require the inspection of a roof more than two times if the cost to construct or repair such roof is ten thousand dollars or more.**

**(1) The cost for an inspection permit for roofs that cost less than ten thousand dollars shall not be more than one hundred dollars.**

**(2) The cost for an inspection permit for roofs that cost ten thousand dollars or more shall not cost more than one percent of the cost of the roof.**

**The provisions of this subsection shall not apply to construction that changes the roofline on a building.**

**324.825. An insurance company issuing a liability insurance policy to a roofing contractor pursuant to the provisions of section 324.820 shall notify the department in the event such liability insurance policy is canceled or lapses for any reason.**

**324.830. The department shall promulgate rules to implement the provisions of sections 324.800 to 324.860. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

**324.835. A registered roofing contractor shall affix the roofing contractor certificate of registration number and the registrant's name, as it appears on the certificate of registration, to all of his or her contracts and bids.**

**324.840. Any complaint received by the department concerning a person who is the holder of a certificate of registration issued under sections 324.800 to 324.860 or any complaint regarding the offering of roofing contractor services shall be recorded as received and the date received. The department shall investigate all complaints concerning alleged violations of the provisions of sections 324.800 to 324.860 or if there are grounds for the suspension, revocation, or refusal to issue any certificate of registration.**

**324.845. 1. The department may refuse to issue or renew, or may suspend or revoke a roofing contractor certificate of registration for failing to meet the requirements of section 324.820 or for one or any combination of causes stated in subsection 2 of this section. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621. Notification shall be deemed sufficient if mailed, first class, to the address listed on the application for registration or renewal by the applicant.**

**2. The department may file a complaint with the administrative hearing commission against any holder of a certificate of registration for any one or combination of the following causes:**

**(1) Impersonation of any person holding a roofing contractor certificate of registration or knowingly allowing any person to use his or her certificate of registration;**

**(2) Knowingly providing another person with a false registration number; or**

**(3) Abandoning a contract, without returning the deposit, by not completing the contracted scope**

of work.

**324.850. 1. The department shall maintain a list of roofing contractors with current certificates of registration on its website. The inclusion of a roofing contractor on such list does not constitute an endorsement by the department.**

**2. The department shall provide notice after a storm event occurs to inform members of the public that roofing contractors may register with the state. The notice shall be limited to the parts of the state where the storm event occurred. Such notice shall be posted on the department's website. In addition, such notice shall be given in a rapid response, cost effective manner, in a format to be determined at the discretion of the department, which may include the use of advertisements and public service announcements in print, radio, television, and online media. Expenses for the notice under this subsection shall be paid out of the roofing contractor fund established under section 324.810.**

**3. The department shall make available to the public on its website the requirements for obtaining a certificate of registration set forth in section 324.820.**

**324.855. Any person found in violation of sections 324.800 to 324.860 shall be found guilty of a class D misdemeanor. A second conviction for violating sections 324.800 to 324.860 within ten years after the first conviction shall be a class B misdemeanor.**

**324.860. The provisions of sections 324.800 to 324.860 shall expire on August 29, 2023.**

**324.865. No political subdivision shall charge more than one hundred dollars a year for a business license, contractor license, or equivalent license in order to work within the boundaries of the political subdivision as a roofing contractor.”; and**

Further amend said bill, Page 197, Section 374.784, Line 15 of said page, by inserting after all of said line the following:

“621.045. 1. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in those cases when, under the law, a license **or certificate of registration** issued by any of the following agencies may be revoked or suspended or when the licensee **or registrant** may be placed on probation or when an agency refuses to permit an applicant to be examined upon his or her qualifications or refuses to issue or renew a license **or certificate of registration** of an applicant who has passed an examination for licensure or who possesses the qualifications for licensure **or registration** without examination:

Missouri State Board of Accountancy

Missouri State Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Board of Barber Examiners

Board of Cosmetology

Board of Chiropody and Podiatry

Board of Chiropractic Examiners

Missouri Dental Board

Board of Embalmers and Funeral Directors

Board of Registration for the Healing Arts

Board of Nursing

Board of Optometry

Board of Pharmacy

Missouri Real Estate Commission

Missouri Veterinary Medical Board

Supervisor of Liquor Control

Department of Health and Senior Services

Department of Insurance, Financial Institutions and Professional Registration

Department of Mental Health

Board of Private Investigator Examiners.

2. If in the future there are created by law any new or additional administrative agencies which have the power to issue, revoke, suspend, or place on probation any license, then those agencies are under the provisions of this law.

3. The administrative hearing commission is authorized to conduct hearings and make findings of fact and conclusions of law in those cases brought by the Missouri state board for architects, professional engineers, professional land surveyors and landscape architects against unlicensed persons under section 327.076.

4. Notwithstanding any other provision of this section to the contrary, after August 28, 1995, in order to encourage settlement of disputes between any agency described in subsection 1 or 2 of this section and its licensees **or registrants**, any such agency shall:

(1) Provide the licensee **or registrant** with a written description of the specific conduct for which discipline is sought and a citation to the law and rules allegedly violated, together with copies of any documents which are the basis thereof and the agency's initial settlement offer, or file a contested case against the licensee **or registrant**;

(2) If no contested case has been filed against the licensee **or registrant**, allow the licensee **or registrant** at least sixty days, from the date of mailing, to consider the agency's initial settlement offer and to contact the agency to discuss the terms of such settlement offer;

(3) If no contested case has been filed against the licensee **or registrant**, advise the licensee **or registrant** that the licensee **or registrant** may, either at the time the settlement agreement is signed by all parties, or within fifteen days thereafter, submit the agreement to the administrative hearing commission for determination that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee **or the certificate of registration of the registrant**; and

(4) In any contact under this subsection by the agency or its counsel with a licensee **or registrant** who is not represented by counsel, advise the licensee **or registrant** that the licensee **or registrant** has the right to consult an attorney at the licensee's **or registrant's** own expense.

5. If the licensee **or registrant** desires review by the administrative hearing commission under subdivision (3) of subsection 4 of this section at any time prior to the settlement becoming final, the licensee may rescind and withdraw from the settlement and any admissions of fact or law in the agreement shall be deemed withdrawn and not admissible for any purposes under the law against the licensee. Any settlement submitted to the administrative hearing commission shall not be effective and final unless and until findings of fact and conclusions of law are entered by the administrative hearing commission that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee.

6. When a holder of a license, registration, permit, or certificate of authority issued by the division of professional registration or a board, commission, or committee of the division of professional registration against whom an affirmative decision is sought has failed to plead or otherwise respond in the contested case and adequate notice has been given under sections 536.067 and 621.100 upon a properly pled writing filed to initiate the contested case under this chapter or chapter 536, a default decision shall be entered against the licensee without further proceedings. The default decision shall grant such relief as requested by the division of professional registration, board, committee, commission, or office in the writing initiating the contested case as allowed by law. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process."; and

Further amend the title and enacting clause accordingly.

Senator Cierpiot moved that the above amendment be adopted.

President Parson assumed the Chair.

Senator Koenig offered SA 1 to SA 3, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Bill No. 1719, Page 6, Section 324.850, Lines 20-29, by striking all of said lines; and

Further amend said amendment and section, page 7, line 1, by striking all of said line; and further renumber the remaining subsection accordingly.

Senator Koenig moved that the above amendment be adopted, which motion prevailed.

Senator Wieland offered SA 2 to SA 3, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Bill No. 1719, Page 4, Section 324.825, Lines 22-25, by striking all of said section from the amendment.



Senator Wieland moved that the above amendment be adopted, which motion prevailed.

Senator Cierpiot moved that **SA 3**, as amended, be adopted, which motion prevailed.

Senator Wallingford offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1719, Page 95, Section 332.131, Line 1 of said page, by inserting after all of said line the following:

“332.321. 1. The board may refuse to issue or renew a permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section or the board may, as a condition to issuing or renewing any such permit or license, require a person to submit himself or herself for identification, intervention, treatment or rehabilitation by the well-being committee as provided in section 332.327. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any permit or license required by this chapter or any person who has failed to renew or has surrendered his or her permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person’s ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; or increasing charges when a patient utilizes a third-party payment program; or for repeated irregularities in billing a third party for services rendered to a patient. For the purposes of this subdivision, irregularities in billing shall include:

(a) Reporting charges for the purpose of obtaining a total payment in excess of that usually received by the dentist for the services rendered;

(b) Reporting incorrect treatment dates for the purpose of obtaining payment;

(c) Reporting charges for services not rendered;

(d) Incorrectly reporting services rendered for the purpose of obtaining payment that is greater than that

to which the person is entitled;

(e) Abrogating the co-payment or deductible provisions of a third-party payment contract. Provided, however, that this paragraph shall not prohibit a discount, credit or reduction of charges provided under an agreement between the licensee and an insurance company, health service corporation or health maintenance organization licensed pursuant to the laws of this state; or governmental third-party payment program; or self-insurance program organized, managed or funded by a business entity for its own employees or labor organization for its members;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of, or relating to one's ability to perform, the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a permit or license or allowing any person to use his or her permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter imposed by another state, province, territory, federal agency or country upon grounds for which discipline is authorized in this state;

(9) A person is finally adjudicated incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice, by lack of supervision or in any other manner, any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter;

(11) Issuance of a permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate, permit or license if so required by this chapter or by any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation that is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. **For purposes of this section, the term "advertisement" shall mean any announcement as described in subdivision (9) of section 332.071.** False, misleading or deceptive advertisements or solicitations shall include, but not be limited to:

(a) Promises of cure, relief from pain or other physical or mental condition, or improved physical or mental health;

(b) Any misleading or deceptive statement offering or promising a free service. Nothing herein shall be construed to make it unlawful to offer a service for no charge if the offer is announced as part of a full disclosure of routine fees including consultation fees;

(c) Any misleading or deceptive claims of patient cure, relief or improved **health** condition; superiority in service, treatment or materials; new or improved service, treatment or material; or reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any such claim if it is readily

verifiable by existing documentation, data or other substantial evidence. Any claim that exceeds or exaggerates the scope of its supporting documentation, data or evidence is misleading or deceptive;

(d) Any announced fee for a specified service where that fee does not include the charges for necessary related or incidental services, or where the actual fee charged for that specified service may exceed the announced fee, but it shall not be unlawful to announce only the maximum fee that can be charged for the specified service, including all related or incidental services, modified by the term “up to” if desired;

(e) Any announcement in any form including the term “specialist” or the phrase “limited to the specialty of” unless each person named in conjunction with the term or phrase, or responsible for the announcement, holds a valid Missouri certificate and license evidencing that the person is a specialist in that area;

(f) Any announcement containing any of the terms denoting recognized specialties, or other descriptive terms carrying the same meaning, unless the announcement clearly designates by list each dentist not licensed as a specialist in Missouri who is sponsoring or named in the announcement, or employed by the entity sponsoring the announcement, after the following clearly legible or audible statement: “Notice: the following dentist(s) in this practice is (are) not licensed in Missouri as specialists in the advertised dental specialty(s) of \_\_\_\_\_”. **For purposes of this paragraph, a statement that is “clearly legible” shall have print that is equal or larger in size than the announcement of services, and a statement that is “clearly audible” shall have speech volume and pace equal to the announcement of services;**

(g) Any announcement containing any terms denoting or implying specialty areas that are not recognized by the American Dental Association;

**(h) Any advertisement that does not contain the name of one or more of the duly registered and currently licensed dentists regularly employed in and responsible for the management, supervision, and operation of each office location listed in the advertisement; or**

**(i) Any advertisement denoting the use of sedation services permitted by the board in accordance with section 332.362 using any term other than deep sedation, general anesthesia, or moderate sedation. Such terms shall only be used in the announcement or advertisement of sedation services with the possession of a deep sedation, general anesthesia, or moderate sedation permit or license;**

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(16) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof;

(17) Failing to maintain his or her office or offices, laboratory, equipment and instruments in a safe and sanitary condition;

(18) Accepting, tendering or paying “rebates” to or “splitting fees” with any other person; provided, however, that nothing herein shall be so construed as to make it unlawful for a dentist practicing in a partnership or as a corporation organized pursuant to the provisions of chapter 356 to distribute profits in accordance with his or her stated agreement;

(19) Administering, or causing or permitting to be administered, nitrous oxide gas in any amount to himself or herself, or to another unless as an adjunctive measure to patient management;

(20) Being unable to practice as a dentist, specialist or hygienist with reasonable skill and safety to patients by reasons of professional incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. In enforcing this subdivision the board shall, after a hearing before the board, upon a finding of probable cause, require the dentist or specialist or hygienist to submit to a reexamination for the purpose of establishing his or her competency to practice as a dentist, specialist or hygienist, which reexamination shall be conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the dentist's, specialist's or hygienist's professional competence by at least three dentists or fellow specialists, or to submit to a mental or physical examination or combination thereof by at least three physicians. One examiner shall be selected by the dentist, specialist or hygienist compelled to take examination, one selected by the board, and one shall be selected by the two examiners so selected. Notice of the physical or mental examination shall be given by personal service or registered mail. Failure of the dentist, specialist or hygienist to submit to the examination when directed shall constitute an admission of the allegations against him or her, unless the failure was due to circumstances beyond his or her control. A dentist, specialist or hygienist whose right to practice has been affected pursuant to this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that he or she can resume competent practice with reasonable skill and safety to patients.

(a) In any proceeding pursuant to this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against a dentist, specialist or hygienist in any other proceeding. Proceedings pursuant to this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(b) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the following: denying his or her application for a license; permanently withholding issuance of a license; administering a public or private reprimand; placing on probation, suspending or limiting or restricting his or her license to practice as a dentist, specialist or hygienist for a period of not more than five years; revoking his or her license to practice as a dentist, specialist or hygienist; requiring him or her to submit to the care, counseling or treatment of physicians designated by the dentist, specialist or hygienist compelled to be treated; or requiring such person to submit to identification, intervention, treatment or rehabilitation by the well-being committee as provided in section 332.327. For the purpose of this subdivision, "license" includes the certificate of registration, or license, or both, issued by the board.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination:

(1) Censure or place the person or firm named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years; or

(2) Suspend the license, certificate or permit for a period not to exceed three years; or

(3) Revoke the license, certificate, or permit. In any order of revocation, the board may provide that the person shall not apply for licensure for a period of not less than one year following the date of the order of revocation; or

(4) Cause the person or firm named in the complaint to make restitution to any patient, or any insurer

or third-party payer who shall have paid in whole or in part a claim or payment for which they should be reimbursed, where restitution would be an appropriate remedy, including the reasonable cost of follow-up care to correct or complete a procedure performed or one that was to be performed by the person or firm named in the complaint; or

(5) Request the attorney general to bring an action in the circuit court of competent jurisdiction to recover a civil penalty on behalf of the state in an amount to be assessed by the court.

4. If the board concludes that a dentist or dental hygienist has committed an act or is engaging in a course of conduct that would be grounds for disciplinary action and constitutes a clear and present danger to the public health and safety, the board may file a complaint before the administrative hearing commission requesting an expedited hearing and specifying the conduct that gives rise to the danger and the nature of the proposed restriction or suspension of the dentist's or dental hygienist's license. Within fifteen days after service of the complaint on the dentist or dental hygienist, the administrative hearing commission shall conduct a preliminary hearing to determine whether the alleged conduct of the dentist or dental hygienist appears to constitute a clear and present danger to the public health and safety that justifies that the dentist's or dental hygienist's license be immediately restricted or suspended. The burden of proving that a dentist or dental hygienist is a clear and present danger to the public health and safety shall be upon the Missouri dental board. The administrative hearing commission shall issue its decision immediately after the hearing and shall either grant to the board the authority to suspend or restrict the license or dismiss the action.

5. If the administrative hearing commission grants temporary authority to the board to restrict or suspend a dentist's or dental hygienist's license, the dentist or dental hygienist named in the complaint may request a full hearing before the administrative hearing commission. A request for a full hearing shall be made within thirty days after the administrative hearing commission issues a decision. The administrative hearing commission shall, if requested by a dentist or dental hygienist named in the complaint, set a date to hold a full hearing under chapter 621 regarding the activities alleged in the initial complaint filed by the board. The administrative hearing commission shall set the date for full hearing within ninety days from the date its decision was issued. Either party may request continuances, which shall be granted by the administrative hearing commission upon a showing of good cause by either party or consent of both parties. If a request for a full hearing is not made within thirty days, the authority to impose discipline becomes final and the board shall set the matter for hearing in accordance with section 621.110.

6. If the administrative hearing commission dismisses without prejudice the complaint filed by the board under subsection 4 of this section or dismisses the action based on a finding that the board did not meet its burden of proof establishing a clear and present danger, such dismissal shall not bar the board from initiating a subsequent action on the same grounds in accordance with this chapter and chapters 536 and 621.

7. Notwithstanding any other provisions of section 332.071 or of this section, a currently licensed dentist in Missouri may enter into an agreement with individuals and organizations to provide dental health care, provided such agreement does not permit or compel practices that violate any provision of this chapter.

8. At all proceedings for the enforcement of these or any other provisions of this chapter the board shall, as it deems necessary, select, in its discretion, either the attorney general or one of the attorney general's assistants designated by the attorney general or other legal counsel to appear and represent the board at each stage of such proceeding or trial until its conclusion.

9. If at any time when any discipline has been imposed pursuant to this section or pursuant to any

provision of this chapter, the licensee removes himself or herself from the state of Missouri, ceases to be currently licensed pursuant to the provisions of this chapter, or fails to keep the Missouri dental board advised of his or her current place of business and residence, the time of his or her absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.”; and

Further amend the title and enacting clause accordingly.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator Rizzo offered SA 5:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1719, Page 191, Section 337.718, Line 27, by inserting after all of said line the following:

“338.315. 1. Except as otherwise provided by the board by rule, it shall be unlawful for any pharmacist, pharmacy owner or person employed by a pharmacy to knowingly purchase or receive any legend drugs under 21 U.S.C. Section 353 from other than a licensed or registered drug distributor, **drug outsourcer**, **third-party logistics provider**, or licensed pharmacy. Any person who violates the provisions of this section shall, upon conviction, be adjudged guilty of a class A misdemeanor. Any subsequent conviction shall constitute a class E felony.

2. Notwithstanding any other provision of law to the contrary, the sale, purchase, or trade of a prescription drug by a pharmacy to other pharmacies is permissible if the total dollar volume of such sales, purchases, or trades are in compliance with the rules of the board and do not exceed five percent of the pharmacy’s total annual prescription drug sales.

3. Pharmacies shall establish and maintain inventories and records of all transactions regarding the receipt and distribution or other disposition of legend drugs. Such records shall be maintained for two years and be readily available upon request by the board or its representatives.

4. The board shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

338.330. As used in sections 338.300 to 338.370, the following terms mean:

(1) “**Drug outsourcer**”, an outsourcing facility as defined by 21 U.S.C. Section 353b of the federal Drug Quality and Security Act;

(2) “Legend drug”:

(a) Any drug or biological product:

a. Subject to Section 503(b) of the Federal Food, Drug and Cosmetic Act, including finished dosage

forms and active ingredients subject to such Section 503(b); or

b. Required under federal law to be labeled with one of the following statements prior to being dispensed or delivered:

(i) “Caution: Federal law prohibits dispensing without prescription”;

(ii) “Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian”; or

(iii) “Rx Only”; or

c. Required by any applicable federal or state law or regulation to be dispensed by prescription only or that is restricted to use or dispensed by practitioners only; and

(b) The term “drug”, “prescription drug”, or “legend drug” shall not include:

a. An investigational new drug, as defined by 21 CFR 312.3(b), that is being utilized for the purposes of conducting a clinical trial or investigation of such drug or product that is governed by, and being conducted under and pursuant to, 21 CFR 312, et. seq.;

b. Any drug product being utilized for the purposes of conducting a clinical trial or investigation that is governed by, and being conducted under and pursuant to, 21 CFR 312, et. seq.; or

c. Any drug product being utilized for the purposes of conducting a clinical trial or investigation that is governed or approved by an institutional review board subject to 21 CFR Part 56 or 45 CFR Part 46;

[(2)] (3) “Out-of-state wholesale drug distributor”, a wholesale drug distributor with no physical facilities located in the state;

[(3)] (4) “Pharmacy distributor”, any licensed pharmacy, as defined in section 338.210, engaged in the delivery or distribution of legend drugs to any other licensed pharmacy where such delivery or distribution constitutes at least five percent of the total gross sales of such pharmacy;

[(4)] (5) **“Third-party logistics provider”, an entity that provides or coordinates warehousing or other logistics services of a product on behalf of a drug manufacturer, wholesale drug distributor, or dispenser of a legend drug, but does not take ownership of the product, nor has responsibility to direct the sale or disposition of the product;**

(6) “Wholesale drug distributor”, anyone engaged in the delivery or distribution of legend drugs from any location and who is involved in the actual, constructive or attempted transfer of a drug or drug-related device in this state, other than to the ultimate consumer. This shall include, but not be limited to, drug wholesalers, repackagers and manufacturers which are engaged in the delivery or distribution of drugs in this state, with facilities located in this state or in any other state or jurisdiction. A wholesale drug distributor shall not include any common carrier or individual hired solely to transport legend drugs. Any locations where drugs are delivered on a consignment basis, as defined by the board, shall be exempt from licensure as a drug distributor, and those standards of practice required of a drug distributor but shall be open for inspection by board of pharmacy representatives as provided for in section 338.360.

338.333. 1. Except as otherwise provided by the board of pharmacy by rule in the event of an emergency or to alleviate a supply shortage, no person or distribution outlet shall act as a wholesale drug distributor [or], pharmacy distributor, **drug outsourcer, or third-party logistics provider** without first obtaining

license to do so from the Missouri board of pharmacy and paying the required fee. The board may grant temporary licenses when the wholesale drug distributor [or], pharmacy distributor, **drug outsourcer, or third-party logistics provider** first applies for a license to operate within the state. Temporary licenses shall remain valid until such time as the board shall find that the applicant meets or fails to meet the requirements for regular licensure. No license shall be issued or renewed for a wholesale drug distributor [or], pharmacy distributor, **drug outsourcer, or third-party logistics provider** to operate unless the same shall be operated in a manner prescribed by law and according to the rules and regulations promulgated by the board of pharmacy with respect thereto. Separate licenses shall be required for each distribution site owned or operated by a wholesale drug distributor [or], pharmacy distributor, **drug outsourcer, or third-party logistics provider**, unless such drug distributor [or], pharmacy distributor, **drug outsourcer, or third-party logistics provider** meets the requirements of section 338.335.

2. An agent or employee of any licensed or registered wholesale drug distributor [or], pharmacy distributor, **drug outsourcer, or third-party logistics provider** need not seek licensure under this section and may lawfully possess pharmaceutical drugs, if [he] **the agent or employee** is acting in the usual course of his **or her** business or employment.

3. The board may permit out-of-state wholesale drug distributors, **drug outsourcers, third-party logistics provider**, or out-of-state pharmacy distributors to be licensed as required by sections 338.210 to 338.370 on the basis of reciprocity to the extent that [an out-of-state wholesale drug distributor or out-of-state pharmacy distributor] **the entity** both:

(1) Possesses a valid license granted by another state pursuant to legal standards comparable to those which must be met by a wholesale drug distributor [or], pharmacy distributor, **drug outsourcers, or third-party logistics provider** of this state as prerequisites for obtaining a license under the laws of this state; and

(2) Distributes into Missouri from a state which would extend reciprocal treatment under its own laws to a wholesale drug distributor [or], pharmacy distributor, **drug outsourcers, or third-party logistics provider** of this state.

338.337. It shall be unlawful for any out-of-state wholesale drug distributor [or], out-of-state pharmacy acting as a distributor, **drug outsourcers, or third-party logistics provider** to do business in this state without first obtaining a license to do so from the board of pharmacy and paying the required fee, except as otherwise provided by section 338.335 and this section. Application for an out-of-state wholesale drug distributor's, **drug outsourcer's, or out-of-state third-party logistics provider's** license under this section shall be made on a form furnished by the board. The issuance of a license under sections 338.330 to 338.370 shall not change or affect tax liability imposed by the Missouri department of revenue on any [out-of-state wholesale drug distributor or out-of-state pharmacy] **entity**. Any out-of-state wholesale drug distributor that is a drug manufacturer and which produces and distributes from a facility which has been inspected and approved by the Food and Drug Administration, maintains current approval by the federal Food and Drug Administration, and has provided a copy of the most recent Food and Drug Administration Establishment Inspection Report to the board, and which is licensed by the state in which the distribution facility is located, or, if located within a foreign jurisdiction, is authorized and in good standing to operate as a drug manufacturer within such jurisdiction, need not be licensed as provided in this section but such out-of-state distributor shall register its business name and address with the board of pharmacy and pay a filing fee in an amount established by the board.



338.340. No person acting as principal or agent for any out-of-state wholesale drug distributor [or], out-of-state pharmacy distributor, **drug outsourcer, or out-of-state third-party logistics provider** shall sell or distribute drugs in this state unless the [wholesale drug distributor or pharmacy distributor] **entity** has obtained a license pursuant to the provisions of sections 338.330 to 338.370.”; and

Further amend the title and enacting clause accordingly.

Senator Rizzo moved that the above amendment be adopted, which motion prevailed.

Senator Riddle moved that **SS for SCS for HB 1719**, as amended, be adopted, which motion prevailed.

On motion of Senator Riddle, **SS for SCS for HB 1719**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Koenig—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Onder moved that **HCS for HB 1617**, with **SCS, SS No. 2 for SCS and SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Onder, **SS No. 2 for SCS** was withdrawn, rendering **SA 1** moot.

Senator Onder offered **SS No. 3 for SCS for HCS for HB 1617**, entitled:

SENATE SUBSTITUTE NO. 3 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1617

An Act to repeal sections 191.1145, 208.670, 208.671, 208.673, 208.675, and 208.677, RSMo, and to enact in lieu thereof three new sections relating to telehealth.

Senator Onder moved that **SS No. 3** for **SCS** for **HCS** for **HB 1617** be adopted, which motion prevailed.

On motion of Senator Onder, **SS No. 3** for **SCS** for **HCS** for **HB 1617**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators

Koenig Walsh—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Onder, title to the bill was agreed to.

Senator Onder moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Hoskins, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 608** moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE BILL NO. 608

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 608 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 608;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 608;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 608, be Third Read and Finally Passed.

## FOR THE SENATE:

/s/ Denny Hoskins  
 /s/ Brian Munzlinger  
 /s/ Paul Wieland  
 /s/ Scott Sifton  
 /s/ John Rizzo

## FOR THE HOUSE:

/s/ Shawn Rhoads  
 Robert Cornejo  
 /s/ Dan Houx  
 /s/ Bruce Franks, Jr.  
 /s/ Mark Ellebracht

Senator Hoskins moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Eigel	Emery	Hegeman
Hoskins	Kehoe	Libla	Munzlinger	Nasheed	Onder	Richard
Riddle	Romine	Sater	Schaaf	Schatz	Wallingford	Wasson

Wieland—22

## NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Hummel	Rizzo	Schupp	Sifton
-----------------	-------	---------	--------	-------	--------	--------

Walsh—8

## Absent—Senators

Dixon	Koenig	Rowden—3
-------	--------	----------

## Absent with leave—Senators—None

## Vacancies—1

On motion of Senator Hoskins, **CCS** for **HCS** for **SS** for **SB 608**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 SENATE SUBSTITUTE FOR  
 SENATE BILL NO. 608

An Act to repeal section 537.349, RSMo, and to enact in lieu thereof three new sections relating to civil liability due to criminal conduct.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Libla	Munzlinger	Onder	Richard
Riddle	Romine	Sater	Schaaf	Schatz	Wallingford	Wasson

Wieland—22

## NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Hummel	Nasheed	Rizzo	Schupp
-----------------	-------	---------	--------	---------	-------	--------

Sifton  
Walsh—9

Absent—Senators

Koenig

Rowden—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Cunningham moved that the Senate refuse to concur in **HA 1**, as amended, **HA 2** and **HA 4** to **SB 819** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 773**, entitled:

An Act to repeal sections 67.3000, 67.3005, 143.183, and 143.451, RSMo, and to enact in lieu thereof four new sections relating to taxation.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendment Nos. 6, 7, 8, 9, 10, 11, 12 and 13.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 773, Page 16, Section 143.451, Line 244, by inserting after all of said section and line the following:

“253.545. As used in sections 253.545 to 253.559, the following terms mean, unless the context requires otherwise:

(1) “Certified historic structure”, a property located in Missouri and listed individually on the National Register of Historic Places;

(2) “Deed in lieu of foreclosure or voluntary conveyance”, a transfer of title from a borrower to the lender to satisfy the mortgage debt and avoid foreclosure;

(3) “Eligible property”, property located in Missouri and offered or used for residential or business purposes;

(4) “Leasehold interest”, a lease in an eligible property for a term of not less than thirty years;

(5) “Principal”, a managing partner, general partner, or president of a taxpayer;

(6) “Projected net fiscal benefit”, the total net fiscal benefit to the state or municipality, less any state or local benefits offered to the taxpayer for a project, as determined by the department of economic development;

(7) “Qualified census tract”, a census tract with a poverty rate of twenty percent or higher as determined by a map and listing of census tracts which shall be published by the department of economic development and updated on a five-year cycle, and which map and listing shall depict census tracts with twenty percent poverty rate or higher, grouped by census tracts with twenty percent to forty-two percent poverty, and forty-two percent to eighty-one percent poverty as determined by the most current five-year figures published by the American Community Survey conducted by the United States Census Bureau;

(8) “Structure in a certified historic district”, a structure located in Missouri which is certified by the department of natural resources as contributing to the historic significance of a certified historic district listed on the National Register of Historic Places, or a local district that has been certified by the United States Department of the Interior;

[(7)] (9) “Taxpayer”, any person, firm, partnership, trust, estate, limited liability company, or corporation.

253.550. 1. Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, may, subject to the provisions of this section and section 253.559, receive a credit against the taxes imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources.

2. (1) During the period beginning on January 1, 2010, but ending on or after June 30, 2010, the department of economic development shall not approve applications for tax credits under the provisions of subsections [3] 4 and [8] 9 of section 253.559 which, in the aggregate, exceed seventy million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010, **but ending before June 30, 2018**, the department of economic development shall not approve applications for tax credits under the provisions of subsections [3] 4 and [8] 9 of section 253.559 which, in the aggregate, exceed one hundred forty million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559. **For each fiscal year beginning on or after July 1, 2018, the department of economic development shall not approve applications for tax credits under the provisions of subsections 4 and 9 of section 253.559 which, in the aggregate, exceed ninety million dollars, increased by any amount of tax credits for which approval shall be rescinded under the provisions of section 253.559.** The limitations provided under this subsection shall not apply to applications approved under the provisions of subsection [3] 4 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in tax credits.

**(2) For each fiscal year beginning on or after July 1, 2018, the department shall authorize an amount up to, but not to exceed, an additional thirty million dollars in tax credits issued under subsections 4 and 9 of section 253.559, provided that such tax credits are authorized solely for projects located in a qualified census tract.**

**(3) For each fiscal year beginning on or after July 1, 2018, if the maximum amount of tax credits allowed in any fiscal year as provided under subdivisions (1) and (2) of this subsection is authorized, the maximum amount of tax credits allowed under subdivision (1) of this subsection shall be adjusted by the percentage increase in the Consumer Price Index for All Urban Consumers, or its successor index, as such index is defined and officially reported by the United States Department of Labor, or its successor agency. Only one such adjustment shall be made for each instance in which the provisions of this subdivision apply. The director of the department of economic development shall publish such adjusted amount.**

3. For all applications for tax credits approved on or after January 1, 2010, no more than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses incurred in the rehabilitation of an eligible property which is a nonincome producing single-family, owner-occupied residential property and is either a certified historic structure or a structure in a certified historic district.

4. The limitations on tax credit authorization provided under the provisions of subsections 2 and 3 of this section shall not apply to:

(1) Any application submitted by a taxpayer, which has received approval from the department prior to January 1, 2010; or

(2) Any taxpayer applying for tax credits, provided under this section, which, on or before January 1, 2010, has filed an application with the department evidencing that such taxpayer:

(a) Has incurred costs and expenses for an eligible property which exceed the lesser of five percent of the total project costs or one million dollars and received an approved Part I from the Secretary of the United States Department of Interior; or

(b) Has received certification, by the state historic preservation officer, that the rehabilitation plan meets the standards consistent with the standards of the Secretary of the United States Department of the Interior, and the rehabilitation costs and expenses associated with such rehabilitation shall exceed fifty percent of the total basis in the property.

253.559. 1. To obtain approval for tax credits allowed under sections 253.545 to 253.559, a taxpayer shall submit an application for tax credits to the department of economic development. Each application for approval, including any applications received for supplemental allocations of tax credits as provided under subsection 8 of this section, shall be prioritized for review and approval, in the order of the date on which the application was postmarked, with the oldest postmarked date receiving priority. Applications postmarked on the same day shall go through a lottery process to determine the order in which such applications shall be reviewed.

2. Each application shall be reviewed by the department of economic development for approval. In order to receive approval, an application, other than applications submitted under the provisions of subsection [8] 9 of this section, shall include:

(1) Proof of ownership or site control. Proof of ownership shall include evidence that the taxpayer is the fee simple owner of the eligible property, such as a warranty deed or a closing statement. Proof of site control may be evidenced by a leasehold interest or an option to acquire such an interest. If the taxpayer is in the process of acquiring fee simple ownership, proof of site control shall include an executed sales contract or an executed option to purchase the eligible property;

(2) Floor plans of the existing structure, architectural plans, and, where applicable, plans of the proposed alterations to the structure, as well as proposed additions;

(3) The estimated cost of rehabilitation, the anticipated total costs of the project, the actual basis of the property, as shown by proof of actual acquisition costs, the anticipated total labor costs, the estimated project start date, and the estimated project completion date;

(4) Proof that the property is an eligible property and a certified historic structure or a structure in a certified historic district; [and]

**(5) A copy of all land use and building approvals reasonably necessary for the commencement of the project; and**

**(6) Any other information which the department of economic development may reasonably require to review the project for approval.**

Only the property for which a property address is provided in the application shall be reviewed for approval. Once selected for review, a taxpayer shall not be permitted to request the review of another property for approval in the place of the property contained in such application. Any disapproved application shall be removed from the review process. If an application is removed from the review process, the department of economic development shall notify the taxpayer in writing of the decision to remove such application. Disapproved applications shall lose priority in the review process. A disapproved application, which is removed from the review process, may be resubmitted, but shall be deemed to be a new submission for purposes of the priority procedures described in this section.

**3. In evaluating an application for tax credits submitted under this section, the department of economic development shall also consider:**

**(1) The amount of projected net fiscal benefit of the project to the state and local municipality, and the period in which the state and municipality would realize such net fiscal benefit;**

**(2) The overall size and quality of the proposed project, including the estimated number of new jobs to be created by the project, the potential multiplier effect of the project, and similar factors;**

**(3) The level of economic distress in the area; and**

**(4) Input from the local elected officials in which the proposed project is located as to the importance of the proposed project. For any proposed project in any city not within a county, input from the local elected officials shall include, but not be limited to, the president of the board of alderman.**

**4. If the department of economic development deems the application sufficient, the taxpayer shall be notified in writing of the approval for an amount of tax credits equal to the amount provided under section 253.550 less any amount of tax credits previously approved. Such approvals shall be granted to applications**

in the order of priority established under this section and shall require full compliance thereafter with all other requirements of law as a condition to any claim for such credits. **If the department of economic development disapproves an application, the taxpayer shall be notified in writing of the reasons for such disapproval. A disapproved application may be resubmitted.**

[4.] **5.** Following approval of an application, the identity of the taxpayer contained in such application shall not be modified except:

(1) The taxpayer may add partners, members, or shareholders as part of the ownership structure, so long as the principal remains the same, provided however, that subsequent to the commencement of renovation and the expenditure of at least ten percent of the proposed rehabilitation budget, removal of the principal for failure to perform duties and the appointment of a new principal thereafter shall not constitute a change of the principal; or

(2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy.

[5.] **6.** In the event that the department of economic development grants approval for tax credits equal to the total amount available under subsection 2 of section 253.550, or sufficient that when totaled with all other approvals, the amount available under subsection 2 of section 253.550 is exhausted, all taxpayers with applications then awaiting approval or thereafter submitted for approval shall be notified by the department of economic development that no additional approvals shall be granted during the fiscal year and shall be notified of the priority given to such taxpayer's application then awaiting approval. Such applications shall be kept on file by the department of economic development and shall be considered for approval for tax credits in the order established in this section in the event that additional credits become available due to the rescission of approvals or when a new fiscal year's allocation of credits becomes available for approval.

**7. All taxpayers with applications receiving approval on or after July 1, 2019, shall submit within sixty days following the award of credits evidence of the capacity of the applicant to finance the costs and expenses for the rehabilitation of the eligible property in the form of a line of credit or letter of commitment subject to the lender's termination for a material adverse change impacting the extension of credit. If the department of economic development determines that a taxpayer has failed to comply with the requirements under this subsection, then the department shall notify the applicant of such failure and the applicant shall have a thirty day period from the date of such notice to submit additional evidence to remedy the failure.**

[6.] **8.** All taxpayers with applications receiving approval on or after the effective date of this act shall commence rehabilitation within [two years] **nine months** of the date of issuance of the letter from the department of economic development granting the approval for tax credits. "Commencement of rehabilitation" shall mean that as of the date in which actual physical work, contemplated by the architectural plans submitted with the application, has begun, the taxpayer has incurred no less than ten percent of the estimated costs of rehabilitation provided in the application. Taxpayers with approval of a project shall submit evidence of compliance with the provisions of this subsection. If the department of economic development determines that a taxpayer has failed to comply with the requirements provided under this section, the approval for the amount of tax credits for such taxpayer shall be rescinded and such amount of tax credits shall then be included in the total amount of tax credits, provided under subsection 2 of section 253.550, from which approvals may be granted. Any taxpayer whose approval shall be subject



to rescission shall be notified of such from the department of economic development and, upon receipt of such notice, may submit a new application for the project.

[7.] **9.** To claim the credit authorized under sections 253.550 to 253.559, a taxpayer with approval shall apply for final approval and issuance of tax credits from the department of economic development which, in consultation with the department of natural resources, shall determine the final amount of eligible rehabilitation costs and expenses and whether the completed rehabilitation meets the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources. For financial institutions credits authorized pursuant to sections 253.550 to 253.561 shall be deemed to be economic development credits for purposes of section 148.064. The approval of all applications and the issuing of certificates of eligible credits to taxpayers shall be performed by the department of economic development. The department of economic development shall inform a taxpayer of final approval by letter and shall issue, to the taxpayer, tax credit certificates. The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed.

[8.] **10.** Except as expressly provided in this subsection, tax credit certificates shall be issued in the final year that costs and expenses of rehabilitation of the project are incurred, or within the twelve-month period immediately following the conclusion of such rehabilitation. In the event the amount of eligible rehabilitation costs and expenses incurred by a taxpayer would result in the issuance of an amount of tax credits in excess of the amount provided under such taxpayer's approval granted under subsection [3] **4** of this section, such taxpayer may apply to the department for issuance of tax credits in an amount equal to such excess. Applications for issuance of tax credits in excess of the amount provided under a taxpayer's application shall be made on a form prescribed by the department. Such applications shall be subject to all provisions regarding priority provided under subsection 1 of this section.

[9.] **11.** The department of economic development shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property.

620.1900. 1. The department of economic development may charge a fee to the recipient of any tax credits issued by the department, in an amount up to two and one-half percent of the amount of tax credits issued, **or for tax credits issued under sections 253.545 to 253.559 in an amount equal to four percent of the amount of tax credits issued.** The fee shall be paid by the recipient upon the issuance of the tax credits. However, no fee shall be charged for the tax credits issued under section 135.460, or section 208.770, or under sections 32.100 to 32.125, if issued for community services, crime prevention, education, job training, or physical revitalization.

2. **(1)** All fees received by the department of economic development under this section shall be deposited solely to the credit of the economic development advancement fund, created under subsection 3 of this section.

**(2) Thirty-seven and one-half percent of the revenue derived from the four percent fee charged on tax credits issued under sections 253.545 to 253.559 shall be appropriated from the economic development advancement fund for business recruitment and marketing.**

3. There is hereby created in the state treasury the "Economic Development Advancement Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon

appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. Such fund shall consist of any fees charged under subsection 1 of this section, any gifts, contributions, grants, or bequests received from federal, private, or other sources, fees or administrative charges from private activity bond allocations, moneys transferred or paid to the department in return for goods or services provided by the department, and any appropriations to the fund.

5. At least fifty percent of the fees and other moneys deposited in the fund shall be appropriated for marketing, technical assistance, and training, contracts for specialized economic development services, and new initiatives and pilot programming to address economic trends. The remainder may be appropriated toward the costs of staffing and operating expenses for the program activities of the department of economic development, and for accountability functions.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 773, Page 2, Line 11, by inserting immediately after the number “**67.180.**” the number “**1.**”; and

Further amend said amendment and page, Line 13, by deleting said line and inserting in lieu thereof the following:

**“dwelling rental, as that term is defined under section 67.5110.**

**2. This section is intended to clarify that taxes previously enacted under this chapter that apply to the rental accommodations of transient guests at hotels and motels shall also apply to residential dwelling rentals.”; and**

Further amend said amendment, Page 9, Line 32, by inserting immediately after the number “**94.005.**” the number “**1.**”; and

Further amend said amendment and page, Line 34, by deleting said line and inserting in lieu thereof the following:

**“that term is defined under section 67.5110.**

**2. This section is intended to clarify that taxes previously enacted under this chapter that apply to the rental of accommodations of transient guests at hotels and motels shall also apply to residential dwelling rentals.”; and”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 773, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“66.390. 1. The governing body of any county of the first class having a charter form of government and having a population of over nine hundred thousand inhabitants may levy a tax not to exceed three percent on the amount of sales or charges for all rooms paid by the transient guests of hotels and motels situated within such county. Such tax should be known as a “Convention and Tourism Tax” and shall be deposited by the county treasurer in what shall be known as the “Convention and Tourism Fund”. As used herein, “transient guests” means person or persons who occupy room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

2. The person, firm or corporation, subject to the tax imposed by this section, shall collect the tax from the transient guests, and each such transient guest shall pay the amount of such tax to the person, firm or corporation directed to collect the tax imposed herein.

3. The tax imposed pursuant to the provisions of sections 66.390 to 66.398 shall be in addition to any and all other taxes and licenses.

4. The governing body may establish reasonable rules and regulations governing procedures for collecting and reporting of the tax.

5. The governing body may provide in the ordinance levying the tax that from every remittance of the tax made, the person required to so remit may deduct and retain an amount equal to two percent of the taxes collected.

6. The ordinance shall establish procedures for refunds and penalties on delinquent taxes.

**7. For purposes of this section, rooms paid by the transient guests shall include rooms in residential dwelling rentals, as that term is defined under section 67.5110.**

66.500. As used in sections 66.500 to 66.516, the following terms mean:

(1) “County”, a constitutional charter county containing the major portion of a city with a population of at least three hundred fifty thousand inhabitants;

(2) “Food”, all articles commonly used for food or drink, including alcoholic beverages, the provisions of chapter 311 notwithstanding;

(3) “Food establishment”, any cafe, cafeteria, lunchroom or restaurant which sells food at retail and has at least five hundred thousand dollars in annual sales;

(4) “Governing body”, the body charged with governing the county;

(5) “Gross receipts”, the gross receipts from retail sales of food prepared on the premises and delivered to the purchaser (excluding sales tax);

(6) “Hotel, motel or tourist court”, any structure or building, under one management, which contains rooms furnished for the accommodation or lodging of guests, with or without meals being so provided, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests and having more than eight bedrooms furnished for the accommodations of such guests. Sleeping accommodations consisting of one bedroom or more that rent for less than twenty dollars per day or less than eighty-five dollars per week and shelters for the homeless operated by not-for-profit organizations are not a “hotel, motel or tourist court” for the purposes of this act. **“Hotel, motel, or tourist court” shall include sleeping accommodations in**

**residential dwelling rentals, as that term is defined under section 67.5110;**

(7) “Person”, any individual, corporation, partnership or other entity;

(8) “Transient guest”, a person who occupies a room or rooms in a hotel, motel or tourist court for thirty-one days or less during any calendar quarter.”; and

**67.180. For purposes of this chapter, any sales tax authorized on the rental of accommodations of a hotel or motel shall be deemed to apply to accommodations of a residential dwelling rental, as that term is defined under section 67.5110.”; and**

67.662. Notwithstanding any other provisions of law to the contrary, any tax imposed or collected by any municipality, any county, or any local taxing entity on or related to any transient accommodations, whether imposed as a hotel tax, occupancy tax, or otherwise, shall apply solely to amounts actually received by the operator of a hotel, motel, tavern, inn, tourist cabin, tourist camp, **residential dwelling rental**, or other place in which rooms are furnished to the public. Under no circumstances shall a travel agent or intermediary be deemed an operator of a hotel, motel, tavern, inn, tourist cabin, tourist camp, **residential dwelling rental**, or other place in which rooms are furnished to the public unless such travel agent or intermediary actually operates such a facility. This section shall not apply if the purchaser of such rooms is an entity which is exempt from payment of such tax. This section is intended to clarify that taxes imposed as a hotel tax, occupancy tax, or otherwise shall apply solely to amounts received by operators, as enacted in the statutes authorizing such taxes.

67.1153. 1. The authority shall consist of five commissioners, who shall be qualified voters of the state of Missouri and residents of the county in which the authority is created. The commissioners shall be appointed by the governor with the advice and consent of the senate. No more than three of the commissioners appointed shall be of any one political party, and no elective [or appointed] official of any political subdivision of this state shall be a member of the authority.

2. The authority shall elect from its number a chairman, and may appoint such officers and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least three members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Of the commissioners initially appointed to the authority, one shall serve for two years, one shall serve for three years, one shall serve for four years, one shall serve for five years, and one shall serve for six years. Thereafter, successors shall hold office for terms of five years, or for the unexpired terms of their predecessors. Each commissioner shall hold office until his successor has been appointed and qualified.

4. The commissioners shall receive no salary for the performance of their duties, but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties, to be paid by the authority.

67.1158. 1. The governing body of a county which has established an authority under the provisions of sections 67.1150 to 67.1158 may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the county, which shall be more than two percent but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the county submits to the voters of the county at a state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax under the provisions of

this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law, and the proceeds of such tax shall be used by the authority solely for funding the construction and operation of convention, visitor and sports facilities, other incidental facilities, and operation of the authority consistent with the provisions of sections 67.1150 to 67.1158. Such tax shall be stated separately from all other charges and taxes.

2. The question shall be submitted in substantially the following form:

Shall the (County) levy a tax of percent on each sleeping room occupied and rented by transient guests of hotels and motels located in the county, the proceeds of which shall be expended for the funding of convention, visitor and sports facilities, other incidental facilities, and the county convention and sports facilities authority?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the governing body for the county shall have no power to impose the tax authorized by this section unless and until the governing body of the county resubmits the question and such question is approved by a majority of the qualified voters voting thereon.

3. After the effective date of any tax authorized under the provisions of this section, the county which levied the tax may adopt one of the [two] **three** following provisions for the collection and administration of the tax:

(1) The county which levied the tax may adopt rules and regulations for the internal collection of such tax by the county officers usually responsible for collection and administration of county taxes; [or]

(2) **The county which levied the tax may enter into an agreement with the authority for the authority to collect such tax and perform all functions incident to the administration, collection, enforcement, and operation of such tax. The tax authorized by this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the authority; or**

(3) The county may enter into an agreement with the director of revenue of the state of Missouri for the purpose of collecting the tax authorized in this section. In the event any county enters into an agreement with the director of revenue of the state of Missouri for the collection of the tax authorized in this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement and operation of such tax, and shall collect the additional tax authorized under the provisions of this section. The tax authorized by this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue, and the director of revenue shall retain not less than one percent nor more than three percent for cost of collection.

4. If a tax is imposed by a county under this section, **it is due on the first day of the next calendar quarter, and the [county may] authority shall** collect a penalty of one percent and **shall collect** interest [not to exceed] of two percent per month on [unpaid] taxes [which shall be considered delinquent] **that are not paid** thirty days after the last day of each quarter. **If interest and penalties are due, they shall be calculated beginning on the original due date and not beginning on the expiration of the thirty-day**

**grace period.**

5. If a tax is imposed by a county under this section, either the county or the authority shall have the power to audit the taxed facilities to ensure compliance with the tax by the facility. During such audit, the taxed facilities shall give access to examine necessary records to ensure compliance.

6. Suits to enforce the collection and payment of the tax against the taxed facilities [may] **shall only** be filed and prosecuted by the authority. If suit is filed, the authority may recover as damages a reasonable attorney's fee, **litigation expenses**, and costs of suit against the taxed facility.

7. As used in sections 67.1150 to 67.1159 or any other section relating to an authority established under the provisions of sections 67.1150 to 67.1158, the following terms shall mean:

(1) **"Hotel"**, one or more units offering temporary lodgings or living quarters and accommodations consisting of one or more rooms, which may include lounging, cooking, or dining areas, that are provided with furnishings. Such temporary living accommodations may be located within an apartment house, rooming house, tourist or trailer camp, mobile home park, recreational vehicle park, condominium, house, or other residential community if the actual occupant's stay is temporary and shall include bed and breakfasts, residential dwelling rental as that term is defined under section 67.5110, corporate housing, and temporary living accommodations in homes, whether a lease is entered into by the occupant;

(2) **"Motel"**, a location containing one or more units offering temporary lodgings or living quarters and accommodations consisting of one or more rooms, which may include lounging, cooking, or dining areas, that are provided with furnishings. Such temporary living accommodations may be located within an apartment house, rooming house, tourist or trailer camp, mobile home park, recreational vehicle park, condominium, house, or other residential community if the actual occupant's stay is temporary and shall include bed and breakfasts, residential dwelling rental as that term is defined under section 67.5110, corporate housing, and temporary living accommodations in homes, whether a lease is entered into by the occupant or there is direct access to parking from the accommodations;

(3) **"Sleeping rooms"**, a unit containing a room or series of rooms that include at least one room or area for overnight sleeping by the person occupying them and shall include any associated lounging, cooking, or dining areas or rooms;

(4) **"Taxed facility"** or **"taxed facilities"**, the owner or proprietor of the hotel or motel subject to the tax and the person or entity that operates it. The taxed facility shall collect the tax and transmit it to the collection agent;

(5) **"Temporary"**, occupancy of less than thirty-one consecutive days at a time at the same unit;

(6) **"Transient guest"**, any person who rents, hires, leases, or occupies the same sleeping room for less than thirty-one consecutive days at a time at the same unit.

67.1360. 1. The governing body of the following cities and counties may impose a tax as provided in this section:

(1) A city with a population of more than seven thousand and less than seven thousand five hundred;

(2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;

(3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;

(4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;

(5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

(8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;

(9) Any county of the second classification without a township form of government and a population of less than thirty thousand;

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than

fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants;

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants;

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

(27) Any city of the fourth classification with more than five thousand four hundred but fewer than five thousand five hundred inhabitants and located in more than one county;



(28) Any city of the fourth classification with more than six thousand three hundred but fewer than six thousand five hundred inhabitants and located in more than one county through the creation of a tourism district which may include, in addition to the geographic area of such city, the area encompassed by the portion of the school district, located within a county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, having an average daily attendance for school year 2005-06 between one thousand eight hundred and one thousand nine hundred;

(29) Any city of the fourth classification with more than seven thousand seven hundred but less than seven thousand eight hundred inhabitants located in a county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants;

(30) Any city of the fourth classification with more than two thousand nine hundred but less than three thousand inhabitants located in a county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants;

(31) Any city of the third classification with more than nine thousand three hundred but less than nine thousand four hundred inhabitants;

(32) Any city of the fourth classification with more than three thousand eight hundred but fewer than three thousand nine hundred inhabitants and located in any county of the first classification with more than thirty-nine thousand seven hundred but fewer than thirty-nine thousand eight hundred inhabitants;

(33) Any city of the fourth classification with more than one thousand eight hundred but fewer than one thousand nine hundred inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants;

(34) Any county of the third classification without a township form of government and with more than twelve thousand one hundred but fewer than twelve thousand two hundred inhabitants;

(35) Any city of the fourth classification with more than three thousand eight hundred but fewer than four thousand inhabitants and located in more than one county; provided, however, that motels owned by not-for-profit organizations are exempt; or

(36) Any city of the fourth classification with more than five thousand but fewer than five thousand five hundred inhabitants and located in any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants.

2. The governing body of any city or county listed in subsection 1 of this section may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns, **residential dwelling rentals, as that term is defined under section 67.5110**, and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be

used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”; and

Further amend said bill, Page 6, Section 67.3005, Line 45, by inserting after all of said section and line the following:

**“67.5110. 1. As used in this section, the following terms mean:**

**(1) “Facilitation platform”, an intermediary that facilitates the rental of a residential dwelling rental to, and collects payment from, a transient guest. “Facilitation platform” shall not include an entity that acts solely as a property manager;**

**(2) “Guest room”, any room or unit where sleeping accommodations are regularly furnished to the public;**

**(3) “Marketing platform”, an intermediary that facilitates the rental of a residential dwelling rental to, but does not collect payment from, a transient guest;**

**(4) “Owner”, a person who offers a residential dwelling rental to transient guests;**

**(5) “Person”, any individual, corporation, partnership, or other entity;**

**(6) “Political subdivision”, any county, city, town, village, township, fire district, sewer district, or water district;**

**(7) “Property manager”, an individual or entity designated by an owner to manage private property;**

**(8) “Residential dwelling”, any building, structure, or part of a building or structure that is used and occupied for human habitation or intended to be so used, including any appurtenances belonging to it or enjoyed with it;**

**(9) “Residential dwelling rental”, a single residential dwelling or any part thereof offered for rent to transient guests. This definition shall not include a time-share unit, as defined under section 407.600, or a lodging establishment, as defined under section 315.005;**

**(10) “Transient guest”, any person who rents and occupies a guest room in a residential dwelling rental for no more than thirty-one consecutive days during a calendar quarter.**

**2. A transient guest occupying a guest room in a residential dwelling rental shall pay and an owner, or a facilitation platform or property manager on behalf of an owner, shall collect any applicable sales tax, hotel and motel tax, occupancy tax, tourism tax, or other tax imposed on transient guests by the state or by a local political subdivision or taxing authority in which the residential dwelling rental is located, including any such taxes authorized under this chapter or chapter 66, 92, 94, or 144. Taxes shall be remitted as follows:**

**(1) A facilitation platform that collects and remits the taxes required by this subsection on behalf of an owner shall enter into an agreement with the department of revenue and any political subdivision or taxing authority to collect and remit the taxes required by this subsection. Such facilitation platform shall report the taxes and remit the aggregate total amounts to each political subdivision or taxing authority and shall not be required to list or otherwise identify any individual**

owners on any return or attachments to a return. A property manager that, on behalf of an owner, collects and remits taxes imposed on the transient guest for the occupancy of a guest room in a residential dwelling shall not be considered a facilitation platform. For purposes of the collection and remittance by a facilitation platform of any state sales tax imposed on a transient guest for the occupancy of a guest room in a residential dwelling rental, the provisions of sections 32.085 to 32.087, sections 136.010 to 136.380, and sections 144.010 to 144.525 shall apply; and

(2) When an owner uses a marketing platform or when a facilitation platform collects the taxes required by this subsection but the owner maintains responsibility for remittance, the owner shall obtain a certificate of no tax due and a retail sales tax license prior to advertising a residential dwelling rental on any platform or renting a residential dwelling rental to a transient guest.

The provisions of this subsection shall take effect on January 1, 2019.

**3. A facilitation platform or a marketing platform shall maintain records of any rentals facilitated for a period of three years from the date of rental for audits requested by a taxing authority.**

92.325. As used in sections 92.325 to 92.340, the following terms mean:

- (1) “City”, a constitutional charter city located in four or more counties;
- (2) “Food”, all articles commonly used for food or drink, including alcoholic beverages, the provisions of chapter 311 notwithstanding;
- (3) “Food establishment”, any cafe, cafeteria, lunchroom or restaurant which sells food at retail;
- (4) “Governing body”, the city council charged with governing the city;
- (5) “Gross receipts”, the gross receipts from retail sales of food prepared on the premises and delivered to the purchaser (excluding sales tax);
- (6) “Guest room”, any room or unit where sleeping accommodations are regularly furnished to the public;
- (7) “Hotel, motel or tourist court”, any structure or building, under one management, which contains rooms furnished for the accommodation or lodging of guests, with or without meals being so provided, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests and having more than eight bedrooms furnished for the accommodations of such guests. Sleeping accommodations consisting of one bedroom or more, that rent for less than twenty dollars per day or less than eighty-five dollars per week and shelters for the homeless operated by not-for-profit organizations are not a “hotel, motel or tourist court” for the purposes of this act;

[(7)] (8) “Lodging establishment”, any building, group of buildings, structure, facility, place, or places of business where guest rooms are provided that is:

- (a) Owned, maintained, or operated by a person;
- (b) Kept, used, maintained, advertised, or held out to the public for hire, which may be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabin, tourist home, bunkhouse, dormitory, or other similar place; and

**(c) Includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests, or for both transient and permanent guests;**

**(9) “Person”, any individual, corporation, partnership or other entity;**

**[(8)] (10) “Residential dwelling”, any building, structure, or part of the building or structure that is used or occupied for human habitation or intended to be so used and includes any appurtenances belonging to or enjoyed with it;**

**(11) “Residential dwelling rental”, a residential dwelling or any part thereof offered for rent to transient guests. This definition shall not include time-share units, as defined under section 407.600, or lodging establishments, as defined under this section;**

**(12) “Transient guest”, a person who occupies a room or rooms in a hotel, motel [or] , tourist court, lodging establishment, or residential dwelling rental for thirty-one days or less during any calendar quarter.**

92.327. 1. Any city may submit a proposition to the voters of such city:

(1) A tax not to exceed seven and one-half percent of the amount of sales or charges for all:

**(a) Sleeping rooms paid by the transient guests of hotels, motels and tourist courts situated within the city involved, and doing business within such city (excluding sales tax); or**

**(b) Guest rooms paid by the transient guests of lodging establishments and residential dwelling rentals situated within the city; and**

(2) A tax not to exceed two percent of the gross receipts derived from the retail sales of food by every person operating a food establishment.

2. Such taxes shall be known as the “convention and tourism tax” and when collected shall be deposited by the city treasurer in a separate fund to be known as the “Convention and Tourism Fund”. The governing body of the city shall appropriate from the convention and tourism fund as provided in sections 92.325 to 92.340.

92.331. Such proposition shall be submitted to the voters in substantially the following form at such election:

Shall a convention and tourism tax of percent on the amount of sales or charges for all rooms paid by the transient guests of hotels, motels [and] , tourist courts, **lodging establishments, and residential dwelling rentals situated within the city** and percent on the gross receipts derived from the retail sales of food at a food establishment be levied in the city of to provide funds for the promotion of convention and tourism?

☐ YES

☐ NO

**94.005. For purposes of this chapter, any sales tax authorized on rooms paid by transient guests of hotels and motels shall be deemed to apply to rooms of a residential dwelling rental, as that term is defined under section 67.5110.”; and**

Further amend said bill, Page 16, Section 143.451, Line 244, by inserting after all of said section and line the following:

“144.020. 1. A tax is hereby levied and imposed for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events, except amounts paid for any instructional class;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp, **residential dwelling rental as defined under section 67.5110**, or other place in which rooms, meals or drinks are regularly served to the public. The tax imposed under this subdivision shall not apply to any automatic mandatory gratuity for a large group imposed by a restaurant when such gratuity is reported as employee tip income and the restaurant withholds income tax under section 143.191 on such gratuity;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of sale at retail or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or

lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.440.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

144.087. 1. The director of revenue [shall] **may** require [all applicants for] retail sales [licenses and all] licensees in default in filing a return and paying their taxes when due to file a bond in an amount to be determined by the director, which may be a corporate surety bond or a cash bond, but such bond shall not be more than two times the average monthly tax liability of the taxpayer[, estimated in the case of a new applicant, otherwise] based on the previous twelve months' experience. At such time as the director of revenue shall deem the amount of a bond required by this section to be insufficient to cover the average monthly tax liability of a given taxpayer, he **or she** may require such taxpayer to adjust the amount of the bond to the level satisfactory to the director which will cover the amount of such liability. The director shall, after a reasonable period of satisfactory tax compliance for one year from the initial date of bonding, release such taxpayer from the bonding requirement as set forth in this section. All itinerant or temporary businesses shall be required to procure the license and post the bond required under the provisions of sections 144.083 and 144.087 prior to the selling of goods at retail, and in the event that such business is to be conducted for less than one month, the amount of the bond shall be determined by the director.

2. All cash bonds shall be deposited by the director of revenue into the state general revenue fund, and shall be released to the taxpayer pursuant to subsection 1 of this section from funds appropriated by the general assembly for such purpose. If appropriated funds are available, the commissioner of administration and the state treasurer shall cause such refunds to be paid within thirty days of the receipt of a warrant request for such payment from the director of the department of revenue.

3. [An applicant or] **A** licensee in default may, in lieu of filing any bond required under this section, provide the director of revenue with an irrevocable letter of credit, as defined in section [400.5-103] **400.5-102**, issued by any state or federally chartered financial institution, in an amount to be determined by the director or may obtain a certificate of deposit issued by any state or federally chartered financial institution, in an amount to be determined by the director, where such certificate of deposit is pledged to the department of revenue until released by the director in the same manner as bonds are released pursuant to subsection 1 of this section. As used in this subsection, the term "certificate of deposit" means a certificate representing any deposit of funds in a state or federally chartered financial institution for a specified period of time which earns interest at a fixed or variable rate, where such funds cannot be withdrawn prior to a specified time

without forfeiture of some or all of the earned interest.

**Section 2. Income derived from the rental of a primary residence for less than fifteen days during the year shall not be considered taxable income under chapter 143, consistent with Internal Revenue Service Publication 527.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Bill No. 773, Page 5, Line 17, by deleting all of said line and inserting in lieu thereof the following:

**“first day of the calendar quarter after a minimum of one hundred twenty days’ notice to sellers.**

**32.315. 1. The department of revenue shall issue an annual report on or before January 1, 2019, and every January 1 thereafter, listing all sales and use levies that are:**

- (1) Authorized pursuant to state law;**
- (2) Collected by the department of revenue; and**
- (3) Approved by voters at an election.**

**2. The report required under subsection 1 of this section shall indicate the provision of law authorizing such tax levy.”; and”;** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 773, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

**“32.087. 1. Within ten days after the adoption of any ordinance or order in favor of adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing entity, the governing body or official of such taxing entity shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance or order. The ordinance or order shall reflect the effective date thereof.**

**2. Any local sales tax so adopted shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the local sales tax, except as provided in subsection 18 of this section, and shall be imposed on all transactions on which the Missouri state sales tax is imposed.**

**3. Every retailer within the jurisdiction of one or more taxing entities which has imposed one or more local sales taxes under the local sales tax law shall add all taxes so imposed along with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the rates, multiplying the combined rate times the amount of the sale.**

4. The brackets required to be established by the director of revenue under the provisions of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and all local sales taxes imposed under the provisions of the local sales tax law.

5. (1) The ordinance or order imposing a local sales tax under the local sales tax law shall impose a tax upon all transactions upon which the Missouri state sales tax is imposed to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state sales tax or state highway use tax and all local sales taxes imposed under the provisions of the local sales tax law.

(2) Notwithstanding any other provision of law to the contrary, local taxing jurisdictions, except those in which voters have approved a local use tax under section 144.757, shall have placed on the ballot on or after the general election in November 2014, but no later than the general election in November [2018] **2022**, whether to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the (local jurisdiction's name) discontinue applying and collecting the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in a reduction of local revenue to provide for vital services for (local jurisdiction's name) and it will place Missouri dealers of motor vehicles, outboard motors, boats, and trailers at a competitive disadvantage to non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) If the ballot question set forth in subdivision (2) of this subsection receives a majority of the votes cast in favor of the proposal, or if the local taxing jurisdiction fails to place the ballot question before the voters on or before the general election in November [2018] **2022**, the local taxing jurisdiction shall cease applying the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors that were purchased from a source other than a licensed Missouri dealer.

(4) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection be placed before the voters, the governing body of any local taxing jurisdiction that had previously imposed a local use tax on the use of motor vehicles, trailers, boats, and outboard motors may, at any time, place a proposal on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(5) In addition to the requirement that the ballot question set forth in subdivision (2) of this subsection



be placed before the voters on or after the general election in November 2014, and on or before the general election in November [2018] **2022**, whenever the governing body of any local taxing jurisdiction imposing a local sales tax on the sale of motor vehicles, trailers, boats, and outboard motors receives a petition, signed by fifteen percent of the registered voters of such jurisdiction voting in the last gubernatorial election, and calling for a proposal to be placed on the ballot at any election to repeal application of the local sales tax to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer, the governing body shall submit to the voters of such jurisdiction a proposal to repeal application of the local sales tax to such titling. If a majority of the votes cast by the registered voters voting thereon are in favor of the proposal to repeal application of the local sales tax to such titling, then the local sales tax shall no longer be applied to the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal application of the local sales tax to such titling, such application shall remain in effect.

(6) Nothing in this subsection shall be construed to authorize the voters of any jurisdiction to repeal application of any state sales or use tax.

(7) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed, such repeal shall take effect on the first day of the second calendar quarter after the election. If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is required to cease to be applied or collected due to failure of a local taxing jurisdiction to hold an election pursuant to subdivision (2) of this subsection, such cessation shall take effect on March 1, [2019] **2023**.

(8) Notwithstanding any provision of law to the contrary, if any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is repealed after the general election in November 2014, or if the taxing jurisdiction failed to present the ballot to the voters at a general election on or before November [2018] **2022**, then the governing body of such taxing jurisdiction may, at any election subsequent to the repeal or after the general election in November [2018] **2022**, if the jurisdiction failed to present the ballot to the voters, place before the voters the issue of imposing a sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 that were purchased from a source other than a licensed Missouri dealer. The ballot question presented to the local voters shall contain substantially the following language:

Shall the (local jurisdiction's name) apply and collect the local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors that are subject to state sales tax under section 144.020 and purchased from a source other than a licensed Missouri dealer?

Approval of this measure will result in an increase of local revenue to provide for vital services for (local jurisdiction's name), and it will remove a competitive advantage that non-Missouri dealers of motor vehicles, outboard motors, boats, and trailers have over Missouri dealers of motor vehicles, outboard motors, boats, and trailers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(9) If any local sales tax on the titling of motor vehicles, trailers, boats, and outboard motors purchased from a source other than a licensed Missouri dealer is adopted, such tax shall take effect and be imposed on the first day of the second calendar quarter after the election.

6. On and after the effective date of any local sales tax imposed under the provisions of the local sales tax law, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes authorized under the authority of the local sales tax law. All local sales taxes imposed under the local sales tax law together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

7. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection of any local sales tax imposed under the local sales tax law except as modified by the local sales tax law.

8. All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services under the provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter be amended, it being the intent of this general assembly to ensure that the same sales tax exemptions granted from the state sales tax law also be granted under the local sales tax law, are hereby made applicable to the imposition and collection of all local sales taxes imposed under the local sales tax law.

9. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of the local sales tax law, and no additional permit or exemption certificate or retail certificate shall be required; except that the director of revenue may prescribe a form of exemption certificate for an exemption from any local sales tax imposed by the local sales tax law.

10. All discounts allowed the retailer under the provisions of the state sales tax law for the collection of and for payment of taxes under the provisions of the state sales tax law are hereby allowed and made applicable to any local sales tax collected under the provisions of the local sales tax law.

11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a violation of the provisions of those sections are hereby made applicable to violations of the provisions of the local sales tax law.

12. (1) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's agent or employee shall be deemed to be consummated at the place of business from which he works.

(2) For the purposes of any local sales tax imposed by an ordinance or order under the local sales tax

law, the sales tax upon the titling of all motor vehicles, trailers, boats, and outboard motors shall be imposed at the rate in effect at the location of the residence of the purchaser, and remitted to that local taxing entity, and not at the place of business of the retailer, or the place of business from which the retailer's agent or employee works.

(3) For the purposes of any local tax imposed by an ordinance or under the local sales tax law on charges for mobile telecommunications services, all taxes of mobile telecommunications service shall be imposed as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

13. Local sales taxes shall not be imposed on the seller of motor vehicles, trailers, boats, and outboard motors required to be titled under the laws of the state of Missouri, but shall be collected from the purchaser by the director of revenue at the time application is made for a certificate of title, if the address of the applicant is within a taxing entity imposing a local sales tax under the local sales tax law.

14. The director of revenue and any of his deputies, assistants and employees who have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting, or recording of funds which come into the hands of the director of revenue under the provisions of the local sales tax law shall enter a surety bond or bonds payable to any and all taxing entities in whose behalf such funds have been collected under the local sales tax law in the amount of one hundred thousand dollars for each such tax; but the director of revenue may enter into a blanket bond covering himself and all such deputies, assistants and employees. The cost of any premium for such bonds shall be paid by the director of revenue from the share of the collections under the sales tax law retained by the director of revenue for the benefit of the state.

15. The director of revenue shall annually report on his management of each trust fund which is created under the local sales tax law and administration of each local sales tax imposed under the local sales tax law. He shall provide each taxing entity imposing one or more local sales taxes authorized by the local sales tax law with a detailed accounting of the source of all funds received by him for the taxing entity. Notwithstanding any other provisions of law, the state auditor shall annually audit each trust fund. A copy of the director's report and annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

16. Within the boundaries of any taxing entity where one or more local sales taxes have been imposed, if any person is delinquent in the payment of the amount required to be paid by him under the local sales tax law or in the event a determination has been made against him for taxes and penalty under the local sales tax law, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against any person for the collection of delinquent taxes due the state under the state sales tax law, and where such person is also delinquent in payment of taxes under the local sales tax law, the director of revenue shall notify the taxing entity in the event any person fails or refuses to pay the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

17. Where property is seized by the director of revenue under the provisions of any law authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join in any sale of property to pay the delinquent

taxes and penalties due the state and to the taxing entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

18. If a local sales tax has been in effect for at least one year under the provisions of the local sales tax law and voters approve reimposition of the same local sales tax at the same rate at an election as provided for in the local sales tax law prior to the date such tax is due to expire, the tax so reimposed shall become effective the first day of the first calendar quarter after the director receives a certified copy of the ordinance, order or resolution accompanied by a map clearly showing the boundaries thereof and the results of such election, provided that such ordinance, order or resolution and all necessary accompanying materials are received by the director at least thirty days prior to the expiration of such tax. Any administrative cost or expense incurred by the state as a result of the provisions of this subsection shall be paid by the city or county reimposing such tax.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 773, Page 6, Section 67.3005, Line 45, by inserting immediately after said line the following:

“137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;

(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes;

(8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430 or sections 238.010 to 238.100 to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters

into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

- (a) The right of the interstate compact agency to use, control, and possess the property is terminated;
  - (b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and
  - (c) There are no provisions for reverter of the property within the limitation period for reverters;
- (9) All property, real and personal, belonging to veterans' organizations. As used in this section, "veterans' organization" means any organization of veterans with a congressional charter, that is incorporated in this state, and that is exempt from taxation under section 501(c)(19) of the Internal Revenue Code of 1986, as amended;
- (10) Solar energy systems [not held for resale] , **including any and all equipment, inverters, transformers, wiring, panels, foundations, or other devices and appurtenances used for the creation of solar energy; except any such system held in inventory by manufacturers or manufacturer's distributors for resale to producers and developers of solar energy systems where solar energy is created, stored, transmitted, and generated. For the purposes of this section "solar energy systems" shall be considered personal property.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Bill No. 773, Page 2, Line 16 by deleting said line and inserting in lieu thereof the following:

**"adopted after August 28, 2018, shall be invalid and void.**

**143.116. 1. As used in this section, the following terms mean:**

- (1) "Deduction", an amount subtracted from an eligible taxpayer's Missouri adjusted gross income to determine Missouri taxable income for the tax year in which such deduction is claimed;**
- (2) "Eligible taxpayer", an individual subject to the state income tax under chapter 143 who is a veteran with a total service-connected disability;**
- (3) "Loan forgiveness program", the Total and Permanent Disability loan discharge administered by the United States Department of Education.**

**2. In addition to all deductions listed under this chapter, for all tax years beginning on or after January 1, 2019, an eligible taxpayer shall be allowed a deduction equal to the amount of any income from a loan forgiveness program included in the taxpayer's federal adjusted gross income.**

**3. The department of revenue may promulgate rules to implement the provisions of this section.**

Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 773, Page 6, Section 67.3005, Line 45, by inserting after all of said section and line the following:

**“135.760. 1. This section shall be known and may be cited as the “Missouri Earned Income Tax Credit Act”.**

**2. For purposes of this section, the following terms mean:**

**(1) “Department”, the department of revenue;**

**(2) “Eligible taxpayer”, a resident individual with a filing status of single, head of household, widowed, or married filing combined who is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, and who is allowed a federal earned income tax credit under Section 32 of the Internal Revenue Code of 1986, as amended;**

**(3) “Tax credit”, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.**

**3. For all tax years beginning on or after January 1, 2019, an eligible taxpayer shall be allowed a tax credit in an amount equal to twenty percent of the amount such taxpayer would receive under the federal earned income tax credit. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. If the amount of the credit exceeds the tax liability, the difference shall not be refunded to the taxpayer and shall not be carried forward to any subsequent tax year.**

**4. Notwithstanding the provision of subsection 4 of section 32.057 to the contrary, the department shall determine whether any taxpayer filing a report or return with the department who did not apply for the credit authorized under this section may qualify for the credit and, if so determines a taxpayer may qualify for the credit, shall notify such taxpayer of his or her potential eligibility. In making a determination of eligibility under this section, the department shall use any appropriate and available data including, but not limited to, data available from the Internal Revenue Service, the U.S. Department of Treasury, and state income tax returns from previous tax years.**

**5. The department shall prepare an annual report containing statistical information regarding the tax credits issued under this section for the previous tax year, including the total amount of revenue expended on the earned income tax credit, the number of credits claimed, and the average value of the credits issued to taxpayers whose earned income falls within various income ranges determined**

by the department.

**6. The department shall contract with one or more nonprofit group to provide notice of the earned income tax credit to eligible taxpayers. The department shall require evidence of the effectiveness of the nonprofit group, the connection with the community in which the group operates, and the ability to contact taxpayers that are unlikely to claim the federal earned income tax credit including, but not limited to, non-English speakers, the elderly, tenants, and very low-income taxpayers who do not file tax returns annually. The department shall give preference to nonprofit groups with members in low- and moderate-income areas, to nonprofit groups with at least fifty-one percent of its board of directors having low to moderate incomes and residing in target communities, and to nonprofit groups that have a record of effective door-to-door outreach for similar community projects.**

**7. The director of the department shall promulgate rules and regulations to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and**

Further amend said bill, Page 16, Section 143.451, Line 244, by inserting after all of said section and line the following:

“Section B. The enactment of section 135.760 of this act shall become effective upon a growth in net general revenue sufficient to trigger the first reduction of the individual income tax top rate under subsection 2 of section 143.011 and continued net general revenue growth of at least an amount equal to the annual revenue reduction of the earned income tax credit in this act.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 773, Page 6, Section 67.3005, Line 45, by inserting immediately after all of said section and line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer’s federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer’s federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(2) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code (**26 U.S.C. Section 103, as amended**). The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section

265 of the Internal Revenue Code (**26 U.S.C. Section 265, as amended**). The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code (**26 U.S.C. Section 168**) as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 (**26 U.S.C. Section 168**) as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986 (**26 U.S.C. Section 172**), as amended, other than the deduction allowed by Section [172(b)(1)(G)] **172(b)(1)(F)** and Section [172(i)] **172(h)** of the Internal Revenue Code of 1986 (**26 U.S.C. Section 172**), as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose



death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code (**26 U.S.C. Section 168**) as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code (**26 U.S.C. Section 168**) as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone;

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection; and

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

- (a) Livestock Forage Disaster Program;
- (b) Livestock Indemnity Program;
- (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- (d) Emergency Conservation Program;
- (e) Noninsured Crop Disaster Assistance Program;
- (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- (g) Annual Forage Pilot Program;
- (h) Livestock Risk Protection Insurance Plan; and

(i) Livestock Gross Margin insurance plan.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to Section 1033 of the Internal Revenue Code of 1986 (**26 U.S.C. Section 1033**), as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

**10. Gross income shall not include the value of any prize or award won by a taxpayer in athletic competition in the Olympic, Paralympic, or Special Olympic Games. This subsection shall be known and may be cited as the “Olympic Dream Freedom Act”.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 773, Page 6, Section 67.3005, Line 45, by inserting after all of said line the following:

“99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Blighted area”, an area which, by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, [improper subdivision or obsolete platting,] or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, [morals,] or welfare in its present condition and use;

(2) “Collecting officer”, the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) “Conservation area”, any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997. **For all redevelopment plans and projects approved on or after January 1, 2020, in retail areas, a conservation area shall meet the dilapidation standard as one of the three factors required under this subdivision;**

(4) “Economic activity taxes”, the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are

imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) “Economic development area”, any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

- (a) Discourage commerce, industry or manufacturing from moving their operations to another state; or
- (b) Result in increased employment in the municipality; or
- (c) Result in preservation or enhancement of the tax base of the municipality;

(6) “Gambling establishment”, an excursion gambling boat as defined in section 313.800 and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

(7) “Greenfield area”, any vacant, unimproved, or agricultural property that is located wholly outside the incorporated limits of a city, town, or village, or that is substantially surrounded by contiguous properties with agricultural zoning classifications or uses unless said property was annexed into the incorporated limits of a city, town, or village ten years prior to the adoption of the ordinance approving the redevelopment plan for such greenfield area;

(8) “Municipality”, a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, municipality applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

(9) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

(10) “Ordinance”, an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

(11) “Payment in lieu of taxes”, those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

(12) “Redevelopment area”, an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a

conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, or a combination thereof, which area includes only those parcels of real property directly and substantially benefitted by the proposed redevelopment project;

(13) “Redevelopment plan”, the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

(14) “Redevelopment project”, any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

(15) “Redevelopment project costs” include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to:

a. Acquisition of land and other property, real or personal, or rights or interests therein;

b. Demolition of buildings; and

c. The clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

(g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

(h) All or a portion of a taxing district’s capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

(i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

(j) Payments in lieu of taxes;

(16) **“Retail area”, a proposed redevelopment area for which most of the projected tax increment financing revenue will be generated from retail businesses, which shall be businesses that primarily sell or offer to sell goods to a buyer primarily for the buyer’s personal, family, or household use and not primarily for business, commercial, or agricultural use;**

(17) **“Retail infrastructure projects”, highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks, storm water and drainage systems, and any other similar public improvements, but in no case shall retail infrastructure projects include buildings;**

(18) **“Special allocation fund”, the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;**

[(17)] (19) **“Taxing districts”, any political subdivision of this state having the power to levy taxes;**

[(18)] (20) **“Taxing districts’ capital costs”, those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; and**

[(19)] (21) **“Vacant land”, any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.**

99.810. 1. Each redevelopment plan shall set forth in writing a general description of the program to be undertaken to accomplish the objectives and shall include, but need not be limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the redevelopment area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the redevelopment area. No redevelopment plan shall be adopted by a municipality without findings that:

(1) The redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, a **study conducted by a party other than the proponent of a redeveloped plan, which includes a** detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision and an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met;

(2) The redevelopment plan conforms to the comprehensive plan for the development of the municipality as a whole;

(3) The estimated dates, which shall not be more than twenty-three years from the adoption of the

ordinance approving a redevelopment project within a redevelopment area, of completion of any redevelopment project and retirement of obligations incurred to finance redevelopment project costs have been stated, provided that no ordinance approving a redevelopment project shall be adopted later than ten years from the adoption of the ordinance approving the redevelopment plan under which such project is authorized and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving such redevelopment project;

(4) A plan has been developed for relocation assistance for businesses and residences;

(5) A cost-benefit analysis showing the economic impact of the plan on each taxing district which is at least partially within the boundaries of the redevelopment area. The analysis shall show the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected political subdivision, and sufficient information from the developer for the commission established in section 99.820 to evaluate whether the project as proposed is financially feasible;

(6) A finding that the plan does not include the initial development or redevelopment of any gambling establishment, provided however, that this subdivision shall be applicable only to a redevelopment plan adopted for a redevelopment area designated by ordinance after December 23, 1997.

**2. Tax increment allocation financing shall not be adopted under sections 99.800 to 99.866 in a retail area unless such financing is exclusively utilized to fund retail infrastructure projects or unless such area is a blighted area or conservation area. The provisions of this subsection shall not apply to any tax increment allocation financing project or plan approved before August 28, 2018, nor any amendment to tax increment allocation financing projects and plans approved before August 28, 2018, provided that such an amendment does not add buildings of new construction in excess of twenty-five percent of the scope of the original redevelopment agreement.**

**3.** By the last day of February each year, each commission shall report to the director of economic development the name, address, phone number and primary line of business of any business which relocates to the district. The director of the department of economic development shall compile and report the same to the governor, the speaker of the house and the president pro tempore of the senate on the last day of April each year.

99.825. 1. **(1)** Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing as required in subsection 4 of section 99.820 and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project.

**(2)** At the public hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests, objections, comments and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing; provided, if the commission is created under [subsection 3 of] section 99.820, the hearing shall not be continued for more than thirty days beyond the date on which it is originally opened unless such longer period is requested by the chief elected official of the municipality creating the commission and approved by a majority of the commission.

**(3)** Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance.

**(4)** After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area.

**(5)** Within ten days of the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, the commission created under section 99.820 shall notify each board or body that oversees a taxing district that is partially or wholly located within the redevelopment area of the approval of the ordinance.

**(6)** Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

**(7)** Notwithstanding any other provision of law to the contrary, in addition to a public hearing, the governing body of a city, town, or village shall, for a thirty-day period, establish a forum for the public to comment on the proposed district. The forum may be digital, physical, or both. Comments shall be recorded and delivered to the governing body before the governing body votes on the proposed district.

**(8)** A city, town, or village shall post the following information on its official internet website accessible by the public and, during the thirty-day comment period, on conspicuous signs located throughout the redevelopment area:

**(a)** The boundaries of the proposed district by street location, or other readily identifiable means if no street location exists, and a map illustrating the proposed boundaries;

**(b)** The date, time, and place of the public hearing;

**(c)** A statement that a copy of the petition is available for review at the office of the municipal clerk during regular business hours; and

**(d)** A statement that all interested persons shall be given an opportunity to be heard at the public hearing.

If a city, town, or village does not have an official internet website, it shall make the above information reasonably available in its most prominent building of governance.



2. If, after concluding the hearing required under this section, the commission makes a recommendation under section 99.820 in opposition to a proposed redevelopment plan, redevelopment project, or designation of a redevelopment area, or any amendments thereto, a municipality desiring to approve such project, plan, designation, or amendments shall do so only upon a two-thirds majority vote of the governing body of such municipality. For plans, projects, designations, or amendments approved by a municipality over the recommendation in opposition by the commission formed under [subsection 3 of] section 99.820, the economic activity taxes and payments in lieu of taxes generated by such plan, project, designation, or amendment shall be restricted to paying only those redevelopment project costs contained in subparagraphs b. and c. of paragraph (c) of subdivision (15) of section 99.805 per redevelopment project.

3. Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.

99.843. Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, no new tax increment financing project shall be authorized in any greenfield area, as such term is defined in section 99.805[, that is located within a city not within a county or any county subject to the authority of the East-West Gateway Council of Governments. Municipalities not subject to the authority of the East-West Gateway Council of Governments may authorize tax increment finance projects in greenfield areas].”; and

99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the “Special Allocation Fund” of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in such taxing district’s levy rate for ad valorem tax on real property, any

additional revenues generated within an existing redevelopment project area that are directly attributable to the newly voter-approved incremental increase in such taxing district's levy rate shall not be considered payments in lieu of taxes subject to deposit into a special allocation fund without the consent of such taxing district. Revenues will be considered directly attributable to the newly voter-approved incremental increase to the extent that they are generated from the difference between the taxing district's actual levy rate currently imposed and the maximum voter-approved levy rate at the time that the redevelopment project was adopted. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031 until such time as all redevelopment costs have been paid as provided for in this section and section 99.850.

(b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to Article VI, Section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes.

(c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to Article VI, Section 26(b) of the Missouri Constitution;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of Article III, Section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of Section 6 of Article X of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998;

**(4) The board or body that oversees a taxing district, as that term is defined under section 99.805, may elect to have fifty percent of the property or sales taxes levied by such district excluded from a tax increment allocation financing project or plan by passing a resolution by two-thirds majority no later than sixty days after the project or plan is adopted or approved by ordinance. The vote may occur before the ordinance is adopted. At least ten days prior to the vote on the resolution, the board shall post notice of and hold a public hearing. If the resolution passes, the board shall notify the director of revenue, the county collector, and every other taxing district in the redevelopment area. If the resolution passes, subdivision (2) of this subsection shall not apply to fifty percent of the tax levied by the taxing district, and fifty percent of the revenue from such tax shall be allocated to the district and shall not be allocated to redevelopment costs and obligations; and**

**(5) A school board of a school district may elect to have fifty percent of the portion of property tax revenue allocated to the school district by a county or municipality excluded from a tax increment allocation financing project or plan by passing a resolution by two-thirds majority no later than sixty days after the project or plan is adopted or approved by ordinance. The vote may occur before the ordinance is adopted. At least ten days prior to the vote on the resolution, the board shall post notice of and hold a public hearing. If the resolution passes, the board shall notify the director of revenue, the county collector, and every other taxing district in the redevelopment area. If the resolution passes, subdivision (2) of this subsection shall not apply to fifty percent of the percentage of property tax revenue equal to the average percentage of property tax revenue allocated to the school district over the preceding five years, and such percentage of revenue attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property within the redevelopment project area shall be allocated to the school district and shall not be allocated to redevelopment costs and obligations.**

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation pursuant to section 94.660, taxes imposed on sales pursuant to subsection 2 of section 67.1712 for the purpose of operating and maintaining a metropolitan park and recreation district, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, any sales tax imposed by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, for the purpose of sports stadium improvement or levied by such county under section 238.410

for the purpose of the county transit authority operating transportation facilities, or for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, taxes imposed on sales under and pursuant to section 67.700 or 650.399 for the purpose of emergency communication systems, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Beginning August 28, 2014, if the voters in a taxing district vote to approve an increase in such taxing district's sales tax or use tax, other than the renewal of an expiring sales or use tax, any additional revenues generated within an existing redevelopment project area that are directly attributable to the newly voter-approved incremental increase in such taxing district's levy rate shall not be considered economic activity taxes subject to deposit into a special allocation fund without the consent of such taxing district.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to the following:

(1) Blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(a) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(b) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand;

(2) Blighted areas consisting solely of the site of a former automobile manufacturing plant located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants. For the purposes of this section, "former automobile manufacturing plant" means a redevelopment area containing a minimum of one hundred acres, and such redevelopment area was previously used primarily for the manufacture of automobiles but ceased such manufacturing after the 2007 calendar year; or

(3) Blighted areas consisting solely of the site of a former insurance company national service center containing a minimum of one hundred acres located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsection 4 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the

commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

- (a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;
- (b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;
- (c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;
- (d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;
- (e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of subsection 1 of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;
- (f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri;
- (g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;
- (h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;
- (i) The street address of the development site;
- (j) The three-digit North American Industry Classification System number or numbers characterizing the development project;
- (k) The estimated development project costs;
- (l) The anticipated sources of funds to pay such development project costs;
- (m) Evidence of the commitments to finance such development project costs;
- (n) The anticipated type and term of the sources of funds to pay such development project costs;
- (o) The anticipated type and terms of the obligations to be issued;
- (p) The most recent equalized assessed valuation of the property within the development project area;
- (q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;
- (r) The general land uses to apply in the development area;
- (s) The total number of individuals employed in the development area, broken down by full-time, part-

time, and temporary positions;

(t) The total number of full-time equivalent positions in the development area;

(u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;

(v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time, and temporary positions;

(w) The number of new jobs to be created by any business benefitting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;

(x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;

(y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;

(z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;

(aa) A list of other community and economic benefits to result from the project;

(bb) A list of all development subsidies that any business benefitting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;

(cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this section is being sought;

(dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;

(ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;

(ff) A list of competing businesses in the county containing the development area and in each contiguous county;

(gg) A market study for the development area;

(hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the

redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the annual amount of the new state revenues approved for disbursements from the Missouri supplemental tax increment financing fund exceed thirty-two million dollars; provided, however, that such thirty-two million dollar cap shall not apply to redevelopment plans or projects initially listed by name in the applicable appropriations bill after August 28, 2015, which involve either:

(a) A former automobile manufacturing plant; or

(b) The retention of a federal employer employing over two thousand geospatial intelligence jobs.

At no time shall the annual amount of the new state revenues for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans and projects eligible under the provisions of paragraph (a) of this subdivision exceed four million dollars in the aggregate. At no time shall the annual amount of the new state revenues for disbursements from the Missouri supplemental tax increment financing fund for redevelopment plans and projects eligible under the provisions of paragraph (b) of this subdivision exceed twelve million dollars in the aggregate. To the extent a redevelopment plan or project independently meets the eligibility criteria set forth in both paragraphs (a) and (b) of this subdivision, then at no such time shall the annual amount of new state revenues for disbursements from the Missouri supplemental tax increment financing fund for such eligible redevelopment plan or project exceed twelve million dollars in the aggregate;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of



subsection 4 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. Redevelopment project costs may include, at the prerogative of the state, the portion of salaries and expenses of the department of economic development and the department of revenue reasonably allocable to each redevelopment project approved for disbursements from the Missouri supplemental tax increment financing fund for the ongoing administrative functions associated with such redevelopment project. Such amounts shall be recovered from new state revenues deposited into the Missouri supplemental tax increment financing fund created under this section.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

15. Notwithstanding any other provision of the law to the contrary, the adoption of any tax increment financing authorized under sections 99.800 to 99.865 shall not supersede, alter, or reduce in any way a property tax levied under section 205.971.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 773, Page 16, Section 143.451, Line 244, by inserting immediately after said line the following:

“144.011. 1. For purposes of sections 144.010 to 144.525 and 144.600 to 144.748, and the taxes imposed thereby, the definition of “retail sale” or “sale at retail” shall not be construed to include any of the following:

(1) The transfer by one corporation of substantially all of its tangible personal property to another corporation pursuant to a merger or consolidation effected under the laws of the state of Missouri or any other jurisdiction;

(2) The transfer of tangible personal property incident to the liquidation or cessation of a taxpayer’s trade or business, conducted in proprietorship, partnership or corporate form, except to the extent any transfer is made in the ordinary course of the taxpayer’s trade or business;

(3) The transfer of tangible personal property to a corporation solely in exchange for its stock or securities;

(4) The transfer of tangible personal property to a corporation by a shareholder as a contribution to the capital of the transferee corporation;

(5) The transfer of tangible personal property to a partnership solely in exchange for a partnership

interest therein;

(6) The transfer of tangible personal property by a partner as a contribution to the capital of the transferee partnership;

(7) The transfer of tangible personal property by a corporation to one or more of its shareholders as a dividend, return of capital, distribution in the partial or complete liquidation of the corporation or distribution in redemption of the shareholder's interest therein;

(8) The transfer of tangible personal property by a partnership to one or more of its partners as a current distribution, return of capital or distribution in the partial or complete liquidation of the partnership or of the partner's interest therein;

(9) The transfer of reusable containers used in connection with the sale of tangible personal property contained therein for which a deposit is required and refunded on return;

(10) The purchase by persons operating eating or food service establishments, of items of a nonreusable nature which are furnished to the customers of such establishments with or in conjunction with the retail sales of their food or beverage. Such items shall include, but not be limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks and toothpicks;

(11) The purchase by persons operating hotels, motels or other transient accommodation establishments, of items of a nonreusable nature which are furnished to the guests in the guests' rooms of such establishments and such items are included in the charge made for such accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and other toiletries and food or confectionery items offered to the guests without charge;

(12) The transfer of a manufactured home other than:

(a) A transfer which involves the delivery of the document known as the "Manufacturer's Statement of Origin" to a person other than a manufactured home dealer, as defined in section 700.010, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state;

(b) A transfer which involves the delivery of a "Reposessed Title" to a resident of this state if the tax imposed by sections 144.010 to 144.525 was not paid on the transfer of the manufactured home described in paragraph (a) of this subdivision;

(c) The first transfer which occurs after December 31, 1985, if the tax imposed by sections 144.010 to 144.525 was not paid on any transfer of the same manufactured home which occurred before December 31, 1985; or

(13) Charges for initiation fees or dues to:

(a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations operating under the lodge system a substantial part of the activities of which are devoted to religious, charitable, scientific, literary, educational or fraternal purposes; [or]

(b) Posts or organizations of past or present members of the Armed Forces of the United States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization substantially all of the

members of which are past or present members of the Armed Forces of the United States or who are cadets, spouses, widows, or widowers of past or present members of the Armed Forces of the United States, no part of the net earnings of which inures to the benefit of any private shareholder or individual; **or**

**(c) Nonprofit organizations exempt from taxation under Section 501(c)(7) of the Internal Revenue Code of 1986, as amended.**

2. The assumption of liabilities of the transferor by the transferee incident to any of the transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not disqualify the transfer from the exclusion described in this section, where such liability assumption is related to the property transferred and where the assumption does not have as its principal purpose the avoidance of Missouri sales or use tax.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 773, Page 6, Section 67.3005, Line 45, by inserting after all of said section and line the following:

“137.010. The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) “Grain and other agricultural crops in an unmanufactured condition” shall mean grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and other elevators and on farms; but excluding such grains and other agricultural crops after being processed into products of such processing, when packaged or sacked. The term “processing” shall not include hulling, cleaning, drying, grating, or polishing;

(2) “Hydroelectric power generating equipment”, very-low-head turbine generators with a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred kilowatts and machinery and equipment used directly in the production, generation, conversion, storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the transmission of electrical energy;

(3) “Intangible personal property”, for the purpose of taxation, shall include all property other than real property and tangible personal property, as defined by this section;

(4) “Real property” includes land itself, whether laid out in town lots or otherwise, and all growing crops, buildings, structures, improvements and fixtures of whatever kind thereon, hydroelectric power generating equipment, the installed poles used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes, provided the owner of such installed poles is also an owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land; attached wires, transformers, amplifiers, substations, and other such devices and appurtenances used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes when owned by the owner of the installed poles, otherwise such items are considered personal property; and stationary property used for transportation

or storage of liquid and gaseous products, including, but not limited to, petroleum products, natural gas, propane or LP gas equipment, water, and sewage;

(5) **“Reliever airport”, any land and improvements, exclusive of structures, on privately owned airports that qualify as reliever airports under the National Plan of Integrated Airports System that may receive federal airport improvement project funds through the Federal Aviation Administration;**

(6) “Tangible personal property” includes every tangible thing being the subject of ownership or part ownership whether animate or inanimate, other than money, and not forming part or parcel of real property as herein defined, but does not include household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place.

137.016. 1. As used in Section 4(b) of Article X of the Missouri Constitution, the following terms mean:

(1) “Residential property”, all real property improved by a structure which is used or intended to be used for residential living by human occupants, vacant land in connection with an airport, land used as a golf course, manufactured home parks, bed and breakfast inns in which the owner resides and uses as a primary residence with six or fewer rooms for rent, and time-share units as defined in section 407.600, except to the extent such units are actually rented and subject to sales tax under subdivision (6) of subsection 1 of section 144.020, but residential property shall not include other similar facilities used primarily for transient housing. For the purposes of this section, “transient housing” means all rooms available for rent or lease for which the receipts from the rent or lease of such rooms are subject to state sales tax pursuant to subdivision (6) of subsection 1 of section 144.020;

(2) “Agricultural and horticultural property”, all real property used for agricultural purposes and devoted primarily to the raising and harvesting of crops; to the feeding, breeding and management of livestock which shall include breeding, showing, and boarding of horses; to dairying, or to any other combination thereof; and buildings and structures customarily associated with farming, agricultural, and horticultural uses. Agricultural and horticultural property shall also include land devoted to and qualifying for payments or other compensation under a soil conservation or agricultural assistance program under an agreement with an agency of the federal government. Agricultural and horticultural property shall further include [land and improvements, exclusive of structures, on privately owned airports that qualify as reliever airports under the National Plan of Integrated Airports System, to receive federal airport improvement project funds through the Federal Aviation Administration] **any reliever airport**. Real property classified as forest croplands shall not be agricultural or horticultural property so long as it is classified as forest croplands and shall be taxed in accordance with the laws enacted to implement Section 7 of Article X of the Missouri Constitution. Agricultural and horticultural property shall also include any sawmill or planing mill defined in the U.S. Department of Labor’s Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421;

(3) “Utility, industrial, commercial, railroad and other real property”, all real property used directly or indirectly for any commercial, mining, industrial, manufacturing, trade, professional, business, or similar purpose, including all property centrally assessed by the state tax commission but shall not include floating docks, portions of which are separately owned and the remainder of which is designated for common ownership and in which no one person or business entity owns more than five individual units. All other real property not included in the property listed in subclasses (1) and (2) of Section 4(b) of Article X of the

Missouri Constitution, as such property is defined in this section, shall be deemed to be included in the term “utility, industrial, commercial, railroad and other real property”.

2. Pursuant to Article X of the state constitution, any taxing district may adjust its operating levy to recoup any loss of property tax revenue, except revenues from the surtax imposed pursuant to Article X, Subsection 2 of Section 6 of the constitution, as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units if such adjustment of the levy does not exceed the highest tax rate in effect subsequent to the 1980 tax year. For purposes of this section, loss in revenue shall include the difference between the revenue that would have been collected on such property under its classification prior to enactment of this section and the amount to be collected under its classification under this section. The county assessor of each county or city not within a county shall provide information to each taxing district within its boundaries regarding the difference in assessed valuation of such property as the result of such change in classification.

3. All reclassification of property as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units shall apply to assessments made after December 31, 1994.

4. Where real property is used or held for use for more than one purpose and such uses result in different classifications, the county assessor shall allocate to each classification the percentage of the true value in money of the property devoted to each use; except that, where agricultural and horticultural property, as defined in this section, also contains a dwelling unit or units, the farm dwelling, appurtenant residential-related structures and up to five acres immediately surrounding such farm dwelling shall be residential property, as defined in this section. **This subsection shall not apply to any reliever airport.**

5. All real property which is vacant, unused, or held for future use; which is used for a private club, a not-for-profit or other nonexempt lodge, club, business, trade, service organization, or similar entity; or for which a determination as to its classification cannot be made under the definitions set out in subsection 1 of this section, shall be classified according to its immediate most suitable economic use, which use shall be determined after consideration of:

(1) Immediate prior use, if any, of such property;

(2) Location of such property;

(3) Zoning classification of such property; except that, such zoning classification shall not be considered conclusive if, upon consideration of all factors, it is determined that such zoning classification does not reflect the immediate most suitable economic use of the property;

(4) Other legal restrictions on the use of such property;

(5) Availability of water, electricity, gas, sewers, street lighting, and other public services for such property;

(6) Size of such property;

(7) Access of such property to public thoroughfares; and

(8) Any other factors relevant to a determination of the immediate most suitable economic use of such property.

6. All lands classified as forest croplands shall not, for taxation purposes, be classified as subclass (1), subclass (2), or subclass (3) real property, as such classes are prescribed in Section 4(b) of Article X of the Missouri Constitution and defined in this section, but shall be taxed in accordance with the laws enacted to implement Section 7 of Article X of the Missouri Constitution.

137.017. 1. For general property assessment purposes, the true value in money of land which is in use as agricultural and horticultural property, as defined in section 137.016, shall be that value which such land has for agricultural or horticultural use. The true value of buildings or other structures customarily associated with farming, agricultural, and horticultural uses, excluding residential dwellings and related land, shall be added to the use value of the agricultural and horticultural land to determine the value of the agricultural and horticultural property under sections 137.017 to 137.021.

2. After it has been established that the land is actually agricultural and horticultural property, as defined in section 137.016, and is being valued and assessed accordingly, the land shall remain in this category as long as the owner of the land complies with the provisions of sections 137.017 to 137.021.

3. Continuance of valuation and assessment for general property taxation under the provisions of sections 137.017 to 137.021 shall depend upon continuance of the land being used as agricultural and horticultural property, as defined in section 137.016, and compliance with the other requirements of sections 137.017 to 137.021 and not upon continuance in the same owner of title to the land.

4. For general property assessment purposes, the true value in money of vacant and unused land which is classified as agricultural and horticultural property under subsection 3 of section 137.016 shall be its fair market value. **This subsection shall not apply to any reliever airport.**

**5. For general property assessment purposes, the true value in money of a reliever airport shall be that value which such land has for agricultural or horticultural use.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 773, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“33.543. 1. There is hereby created in the state treasury the “General Revenue Fund”. All moneys received by this state shall be deposited in the state treasury to the credit of the general revenue fund, unless required by statute or constitutional provision to be deposited in some other specifically named fund.

**2. Notwithstanding any other provisions of law to the contrary, no moneys held in the general revenue fund shall be expended or appropriated for the construction, maintenance, promotion, or operation of a professional sports stadium or facility including, but not limited to, a professional auto racing, baseball, basketball, football, hockey, or soccer facility. Any statute authorizing the use of the general revenue fund for bond financing or other appropriations contrary to this subsection and passed prior to the effective date of this section is null and void. However, this section shall not be interpreted to prohibit bond funding authorized under the Constitution of Missouri, including bond funds that were established by vote of the people as amendments to the Constitution of Missouri.**

**3. After the effective date of this statute, no political subdivision of this state shall expend or appropriate public funds for the construction, maintenance, promotion, or operation of a professional**

sports stadium or facility including, but not limited to, a professional auto racing, baseball, basketball, football, hockey, or soccer facility unless the voters of such political subdivision authorize the funding or bond issuance by popular vote. The ballot language approving such funding or bond issuance shall specifically describe the proposed sports stadium or facility in such a way that the funding or bond issuance could not be used for any other facility.

4. The provisions of subsections 2 and 3 of this section shall become effective immediately upon the adoption of a substantially similar measure by twenty-nine of the following thirty-two states and district: Alabama, Arizona, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

5. The satisfaction of the provisions of subsection 4 shall be determined by the attorney general. The attorney general shall notify the revisor of statutes when, in the attorney general's opinion, the requisite number of states have adopted substantially similar measures.

6. The ultimate question of whether the requirements of subsection 4 of this section are satisfied, thereby triggering the effectiveness of subsections 2 and 3 of this section, shall be subject to de novo judicial review, and any citizen of this state may bring an action in court to challenge the use of public moneys in violation of this section. If a violation is found, then the court shall immediately enjoin all spending in violation of this section and may order such restitution or other remedies as the court deems just and proper.

7. (1) It shall be against public policy for this state or any political subdivision thereof to pass any subsidy, tax abatement, tax credit, tax deduction, or tax exemption that incentivizes the construction, maintenance, promotion, or operation of a professional sports stadium or facility.

(2) Any enabling statute authorizing a political subdivision to issue a subsidy, tax abatement, tax credit, tax deduction, or tax exemption in violation of this section is superceded so that no such tax credits shall issue after the effective date of this section.

(3) Any statute authorizing a subsidy, tax abatement, tax credit, tax deduction, or tax exemption in violation of this section shall specifically cite or repeal this section of law and shall otherwise be interpreted as not superceding this section even if it is later in time or more specific in content.

(4) Nothing in this section shall be interpreted to breach any existing contract or inhibit bond financing and payment for any project approved prior to the effective date of this act.”; and

Further amend said bill, Page 16, Section 143.451, Line 244, by inserting after all of said section and line the following:

“Section B. The enactment of section 33.543 shall be effective immediately following the notice to the revisor of statutes by the attorney general that the requisite number of states and districts have adopted substantially similar measures as provided under section 33.543.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 773, Page 6, Section 67.3005, Line 45, by

inserting immediately after all of said section and line the following:

**“135.820. Any taxpayer that is found to have knowingly provided misleading or false information resulting in the award of any tax credit provided for under law shall have such tax credit subject to recapture, and shall be ineligible to receive any further tax credits under such tax credit program for a period of ten years.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 773, Page 6, Section 67.3005, Line 45, by inserting after all of said section and line the following:

**“143.117. 1. As used in this section, the following terms mean:**

**(1) “Deduction”, an amount subtracted from the taxpayer’s Missouri adjusted gross income to determine Missouri taxable income for the tax year in which such deduction is claimed;**

**(2) “Firearm training”, any firearm education and training course, firearm certification course, or firearm safety course that teaches proper and safe firearm handling. Firearm training shall not include cartridge reloading courses;**

**(3) “Taxpayer”, an individual subject to the state income tax under chapter 143.**

**2. In addition to all deductions listed in this chapter, for all tax years beginning on or after January 1, 2019, a taxpayer shall be allowed a deduction up to one hundred fifty dollars for the costs of up to eight hours of firearm training the taxpayer completed during the tax year.**

**3. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.**

**4. Under section 23.253 of the Missouri sunset act:**

**(1) The program authorized under this section shall automatically sunset on December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly;**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first twelve years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.



HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 773, Page 16, Section 143.451, Line 244, by inserting immediately after said line the following:

**“144.900. 1. Notwithstanding any other provision of law, any seller who does not have a physical presence in this state who sells tangible personal property or products transferred electronically shall be subject to this chapter, shall remit sales tax, and shall follow all applicable procedures and requirements as if the seller had a physical presence in the state, provided that in either the previous or current calendar year the seller has:**

**(1) At least one hundred thousand dollars in gross revenue from sales in this state; or**

**(2) At least two hundred or more separate transactions in this state.**

**2. A taxpayer complying with this section and section 144.901, voluntarily or otherwise, may only seek a recovery of taxes, penalties, or interest by following the recovery procedures under section 136.035. However, no claim shall be granted on the basis that the taxpayer lacked a physical presence in the state and complied with this section voluntarily while complying with the injunction of section 144.901. Nothing in this section limits the ability of any taxpayer to obtain a refund for any other reason, including overpayment or erroneous payment.**

**3. No seller who remits sales tax voluntarily or otherwise under this section shall be liable to a purchaser who claims that the sales tax was over-collected because a provision of this section is later deemed unlawful.**

**4. Nothing in this section shall affect the obligation of any purchaser from this state to remit use tax as to any applicable transaction in which the seller does not collect and remit or remit an offsetting sales tax.**

**144.901. 1. Notwithstanding any other provision of law and regardless if the state initiates an audit or other tax collection procedure, the state may bring a declaratory judgment action in any circuit court to establish that the obligation to remit sales tax is applicable and valid under state and federal law against any person who the state believes meets the criteria of section 144.900. The circuit court shall act on this declaratory judgment action as expeditiously as possible. The court shall presume that the matter shall be fully resolved through a motion to dismiss or a motion for summary judgment. Attorney’s fees shall not be awarded in any action brought under section 144.900.**

**2. The filing of the declaratory judgment action by the state shall operate as an injunction during the pendency of the action, prohibiting any state entity from enforcing the obligation in section 144.900 against any taxpayer who does not affirmatively consent or otherwise remit the sales tax on a voluntary basis. The injunction shall not apply if there is a previous judgment against a taxpayer that establishes the validity of the taxpayer’s obligation under section 144.900.**

**3. Any appeal from the decision with respect to the cause of action under section 144.900 shall only be made to the state supreme court. The appeal shall be heard as expeditiously as possible.**

**4. If an injunction under this section is lifted or dissolved, in general or with respect to a specific taxpayer, the state shall assess and apply the obligation established under section 144.900 from that date forward to any taxpayer affected by the injunction.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **SCS** for **HB 2562** and has taken up and passed **SS** for **SCS** for **HB 2562**, as amended.

### **RESOLUTIONS**

Senator Richard offered Senate Resolution No. 2148, regarding John Sondag, Saint Louis, which was adopted.

Senator Cunningham offered Senate Resolution No. 2149, regarding the Seventy-first Wedding Anniversary of Hubert and Mildred Risner, West Plains, which was adopted.

Senator Sater offered Senate Resolution No. 2150, regarding Lana Gilliam, Cassville, which was adopted.

Senator Sater offered Senate Resolution No. 2151, regarding Brenden Kleinboeker, Scotts City, which was adopted.

Senator Sater offered Senate Resolution No. 2152, regarding Randy Haes, Ava, which was adopted.

Senator Sater offered Senate Resolution No. 2153, regarding Mike Ray, Kirbyville, which was adopted.

Senator Sater offered Senate Resolution No. 2154, regarding David Dalton, which was adopted.

On motion of Senator Kehoe, the Senate recessed until 2:30 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **SCS** for **HB 1355** and has taken up and passed **SS** for **SCS** for **HB 1355**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 891**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 907**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 981**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 655**, entitled:

An Act to repeal section 556.037, RSMo, and to enact in lieu thereof one new section relating to statutes of limitation for certain offenses against a child.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 655, Page 1, In the Title, Line 3, by deleting said line and inserting in lieu thereof the following:

“the protection of children.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 655, Page 1, Section A, Line 2, by inserting immediately after said section and line the following:

“43.650. 1. The patrol shall, subject to appropriation, maintain a web page on the internet which shall be open to the public and shall include a registered sexual offender search capability.

2. **Except as provided in subsections 4 and 5 of this section**, the registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website].

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

- (1) The name and any known aliases of the offender;
- (2) The date of birth and any known alias dates of birth of the offender;
- (3) A physical description of the offender;

- (4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;
- (5) Any photographs of the offender;
- (6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;
- (7) The nature and dates of all offenses qualifying the offender to register, **including the tier level assigned to the offender under sections 589.400 to 589.425;**
- (8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;
- (9) Compliance status of the offender with the provisions of section 589.400 to 589.425; and
- (10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

**5. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400 shall be exempt from public notification to include any adjudications from another state, territory, the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction.”; and**

Further amend said bill and page, Section 556.037, Line 9, by inserting immediately after said section and line the following:

“589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter [convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor,] **adjudicated for an offense referenced in section 589.414**, unless such person is [exempted] **exempt** from registering under subsection [8] **9 or 10 of this section or section 589.401; [or]**

(2) [Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the first degree when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or kidnapping in the second degree when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home or sexual conduct with a nursing facility resident or vulnerable person in the first or second degree; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first

degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or

(3)] Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; [or]

[(4)] **(3)** Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense [listed] **referenced** in [subdivision (1) or (2) of this subsection] **section 589.414**; [or]

[(5)] **(4)** Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been [convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;] **adjudicated for an offense listed under section 589.414**;

[(6)] **(5)** Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

[(7)] **(6)** Any person who is a resident of this state who has, since July 1, 1979, **been** or is hereafter [convicted of, been found guilty of, or pled guilty to or nolo contendere] **adjudicated** in any other state, **territory, the District of Columbia**, or foreign country, or under federal, tribal, or military jurisdiction [to committing, attempting to commit, or conspiring to commit] **for** an offense which, if committed in this state, would [be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection] **constitute an offense listed under section 589.414**, or has been or is required to register in another state, **territory, the District of Columbia, or foreign country**, or has been or is required to register under tribal, federal, or military law; or

[(8)] **(7)** Any person who has been or is required to register in another state, **territory, the District of Columbia, or foreign country**, or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three **business** days of [conviction] **adjudication**, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. **For any juvenile under subdivision (5) of subsection 1 of this section, within three business days of adjudication or release from commitment to the division of youth services, the department of mental health, or other placement, such juvenile shall register with the chief law enforcement official of the county or city not within a county in which he or she resides unless he or she has already registered in such county or city not within a county for the same offense.** Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three **business** days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official[, if so requested. Such request may ask the

chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested].

3. The registration requirements of sections 589.400 through 589.425 [are lifetime registration requirements] **shall be as provided under subsection 4 of this section** unless:

(1) All offenses requiring registration are reversed, vacated, or set aside;

(2) [The registrant is pardoned of the offenses requiring registration;

(3)] The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of [subsection 6 of this] section **589.414**; or

[(4)] **(3)** The [registrant may petition the court for removal or exemption from the registry under subsection 7 or 8 of this section and the] court orders the removal or exemption of such person from the registry **under section 589.401**.

4. **The registration requirements shall be as follows:**

(1) **Fifteen years if the offender is a tier I sex offender as provided under section 589.414;**

(2) **Twenty-five years if the offender is a tier II sex offender as provided under section 589.414;**  
or

(3) **The life of the offender if the offender is a tier III sex offender.**

5. **(1) The registration period shall be reduced as described in subdivision (3) of this subsection for a sex offender who maintains a clean record for the periods described under subdivision (2) of this subsection by:**

**(a) Not being adjudicated of any offense for which imprisonment for more than one year may be imposed;**

**(b) Not being adjudicated of any sex offense;**

**(c) Successfully completing any periods of supervised release, probation, or parole; and**

**(d) Successfully completing an appropriate sex offender treatment program certified by the attorney general.**

**(2) In the case of a:**

**(a) Tier I sex offender, the period during which the clean record shall be maintained is ten years;**

**(b) Tier III sex offender adjudicated delinquent for the offense which required registration in a sex offender registry under sections 589.400 to 589.425, the period during which the clean record shall be maintained is twenty-five years.**

**(3) In the case of a:**

**(a) Tier I sex offender, the reduction is five years;**

**(b) Tier III sex offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (b) of subdivision (2) is maintained.**

6. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

[5.] 7. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

[6.] 8. Any person currently on the sexual offender registry [for being convicted of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit,] **or who otherwise would be required to register for being adjudicated for the offense of felonious restraint of a nonsexual nature** when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping **of a nonsexual nature** when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

[7.] 9. **The following persons shall be exempt from registering as a sexual offender upon petition to the court of jurisdiction under section 589.401; except that, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425:**

(1) Any person currently on the sexual offender registry [for having been convicted of, found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third degree, public display of explicit sexual material, statutory rape in the second degree, and no physical force or threat of physical force was used in the commission of the crime may file a petition in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the offense or offenses for the removal of his or her name from the sexual offender registry after ten years have passed from the date he or she was required to register] **or who otherwise would be required to register for a sexual offense involving:**

(a) **Sexual conduct where no force or threat of force was directed toward the victim or any other individual involved, if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense; or**

(b) **Sexual conduct where no force or threat of force was directed toward the victim, the victim was at least fourteen years of age, and the offender was not more than four years older than the victim at the time of the offense; or**

(2) Any person currently required to register for the following sexual offenses:

(a) **Promoting obscenity in the first degree under section 573.020;**

(b) **Promoting obscenity in the second degree under section 573.030;**

(c) **Furnishing pornographic materials to minors under section 573.040;**

(d) **Public display of explicit sexual material under section 573.060;**

(e) **Coercing acceptance of obscene material under section 573.065;**

**(f) Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor under section 566.206;**

**(g) Abusing an individual through forced labor under section 566.203;**

**(h) Contributing to human trafficking through the misuse of documentation under section 566.215; or**

**(i) Acting as an international marriage broker and failing to provide the information and notice as required under section 578.475.**

[8. Effective August 28, 2009,] **10.** Any person **currently** on the sexual offender registry for having been [convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense] **adjudicated for a tier I or II offense or adjudicated delinquent for a tier III offense or other comparable offenses listed under section 589.414 may file a petition under section 589.401.**

[9. (1) The court may grant such relief under subsection 7 or 8 of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.]

[10.] **11.** Any nonresident worker, including work as a volunteer or intern, or nonresident student shall register for the duration of such person's employment, **including participation as a volunteer or intern,** or attendance at any school of higher education [and is not entitled to relief under the provisions of subsection 9 of this section] **whether public or private, including any secondary school, trade school,**



professional school, or institution of higher education on a full-time or part-time basis in this state unless granted relief under section 589.401. Any registered offender shall provide information regarding any place in which the offender is staying when away from his or her residence for seven or more days, including the period of time the offender is staying in such place. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency [and is not entitled to the provisions of subsection 9 of this section] unless granted relief under section 589.401.

[11. Any person whose name is removed or exempted from the sexual offender registry under subsection 7 or 8 of this section shall no longer be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.]

**589.401. 1. A person on the sexual offender registry may file a petition in the division of the circuit court in the county or city not within a county in which the offense requiring registration was committed to have his or her name removed from the sexual offender registry.**

**2. A person who is required to register in this state because of an offense that was adjudicated in another jurisdiction shall file his or her petition for removal according to the laws of the state, territory, tribal, or military jurisdiction, the District of Columbia, or foreign country in which his or her offense was adjudicated. Upon the grant of the petition for removal in the jurisdiction where the offense was adjudicated, such judgment may be registered in this state by sending the information required under subsection 5 of this section as well as one authenticated copy of the order granting removal from the sexual offender registry in the jurisdiction where the offense was adjudicated to the court in the county or city not within a county in which the offender is required to register. On receipt of a request for registration removal, the registering court shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form. The petitioner shall be responsible for costs associated with filing the petition.**

**3. A person required to register as a tier III offender shall not file a petition under this section unless the requirement to register results from a juvenile adjudication.**

**4. The petition shall be dismissed without prejudice if the following time periods have not elapsed since the date the person was required to register for his or her most recent offense under sections 589.400 to 589.425:**

- (1) For a tier I offense, ten years;**
- (2) For a tier II offense, twenty-five years; or**
- (3) For a tier III offense adjudicated delinquent, twenty-five years.**

**5. The petition shall be dismissed without prejudice if it fails to include any of the following:**

- (1) The petitioner's:**
  - (a) Full name, including any alias used by the individual;**
  - (b) Sex;**
  - (c) Race;**

- (d) Date of birth;**
  - (e) Last four digits of the Social Security number;**
  - (f) Address; and**
  - (g) Place of employment, school, or volunteer status;**
  - (2) The offense and tier of the offense that required the petitioner to register;**
  - (3) The date the petitioner was adjudicated for the offense;**
  - (4) The date the petitioner was required to register;**
  - (5) The case number and court, including the county or city not within a county, that entered the original order for the adjudicated sex offense;**
  - (6) Petitioner's fingerprints on an applicant fingerprint card;**
  - (7) If the petitioner was pardoned or an offense requiring registration was reversed, vacated, or set aside, an authenticated copy of the order; and**
  - (8) If the petitioner is currently registered under applicable law and has not been adjudicated for failure to register in any jurisdiction and does not have any charges pending for failure to register.**
- 6. The petition shall name as respondents the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the petition is filed.**
- 7. All proceedings under this section shall be governed under the Missouri supreme court rules of civil procedure.**
- 8. The person seeking removal or exemption from the registry shall provide the prosecuting attorney in the circuit court in which the petition is filed with notice of the petition. The prosecuting attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition.**
- 9. The prosecuting attorney in the circuit court in which the petition is filed shall have access to all applicable records concerning the petitioner including, but not limited to, criminal history records, mental health records, juvenile records, and records of the department of corrections or probation and parole.**
- 10. The prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with such petition.**
- 11. The court shall not enter an order directing the removal of the petitioner's name from the sexual offender registry unless it finds the petitioner:**
- (1) Has not been adjudicated or does not have charges pending for any additional nonsexual offense for which imprisonment for more than one year may be imposed since the date the offender was required to register for his or her current tier level;**

**(2) Has not been adjudicated or does not have charges pending for any additional sex offense that would require registration under sections 589.400 to 589.425 since the date the offender was required to register for his or her current tier level, even if the offense was punishable by less than one year imprisonment;**

**(3) Has successfully completed any required periods of supervised release, probation, or parole without revocation since the date the offender was required to register for his or her current tier level;**

**(4) Has successfully completed an appropriate sex offender treatment program as approved by a court of competent jurisdiction or the Missouri department of corrections; and**

**(5) Is not a current or potential threat to public safety.**

**12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11 of this section, the fingerprints filed in the case shall be examined by the Missouri state highway patrol. The petitioner shall be responsible for all costs associated with the fingerprint-based criminal history check of both state and federal files under section 43.530.**

**13. If the petition is denied due to an adjudication in violation of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition under this section until:**

**(1) Fifteen years have passed from the date of the adjudication resulting in the denial of relief if the petitioner is classified as a tier I offender;**

**(2) Twenty-five years have passed from the date of adjudication resulting in the denial of relief if the petitioner is classified as a tier II offender; or**

**(3) Twenty-five years have passed from the date of the adjudication resulting in the denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile adjudication.**

**14. If the petition is denied due to the petitioner having charges pending in violation of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition under this section until:**

**(1) The pending charges resulting in the denial of relief have been finally disposed of in a manner other than adjudication; or**

**(2) If the pending charges result in an adjudication, the necessary time period has elapsed under subsection 13 of this section.**

**15. If the petition is denied for reasons other than those outlined in subsection 11 of this section, no successive petition requesting such relief shall be filed for at least five years from the date the judgment denying relief is entered.**

**16. If the court finds the petitioner is entitled to have his or her name removed from the sexual offender registry, the court shall enter judgment directing the removal of the name. A copy of the judgment shall be provided to the respondents named in the petition.**

**17. Any person subject to the judgment requiring his or her name to be removed from the sexual offender registry is not required to register under sections 589.400 to 589.425 unless such person is required to register for an offense that was different from that listed on the judgment of removal.**

**18. The court shall not deny the petition unless the petition failed to comply with the provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence demonstrating the petition should be denied.**

589.402. 1. The chief law enforcement officer of the county or city not within a county may maintain a web page on the internet, which shall be open to the public and shall include a registered sexual offender search capability.

2. **Except as provided in subsections 4 and 5 of this section,** the registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 3 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted of, found guilty of, or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website].

3. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

(1) The name and any known aliases of the offender;

(2) The date of birth and any known alias dates of birth of the offender;

(3) A physical description of the offender;

(4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;

(5) Any photographs of the offender;

(6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

(7) The nature and dates of all offenses qualifying the offender to register, **including the tier level assigned to the offender under sections 589.400 to 589.425;**

(8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the offender with the provisions of sections 589.400 to 589.425; and

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

4. The chief law enforcement officer of any county or city not within a county may publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any offender residing in the county or city not within a county.

**5. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400 shall be exempt from public notification to include any adjudications from another state, territory, the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction.**

589.403. 1. Any person [to whom subsection 1 of section 589.400 applies] **who is required to register under sections 589.400 to 589.425 and** who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections [or], any mental health institution, **private jail under section 221.095, or other private facility recognized by or contracted with the department of corrections or department of mental health** where such person was confined shall:

(1) **If the person plans to reside in this state**, be informed by the official in charge of such correctional facility, **private jail**, or mental health institution of the person's possible duty to register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility, **private jail**, or the mental health institution shall complete the initial registration **notification at least seven days** prior to release and forward the offender's registration, within three business days **of release**, to the **Missouri state highway patrol and** the chief law enforcement official of the county or city not within a county where the person expects to reside upon discharge, parole, or release[. When the person lists an address where he or she expects to reside that is not in this state, the initial registration shall be forwarded to the Missouri state highway patrol.]; **or**

(2) **If the person does not reside or plan to reside in Missouri**, be informed by the official in charge of such correctional facility, **private jail**, or mental health institution of the person's possible duty to register under sections 589.400 to 589.425. If such person is required to register under sections 589.400 to 589.425, the official in charge of the correctional facility, **private jail**, or the mental health institution shall complete the initial registration notification at least seven days prior to release and forward the offender's registration, within three business days of release, to the Missouri state highway patrol and the chief law enforcement official within the county or city not within a county where the correctional facility, **private jail**, or mental health institution is located.

2. If the offender refuses to complete and sign the registration information as outlined in this section or fails to register with the chief law enforcement official within three business days as directed, the offender commits the offense of failure to register under section 589.425 within the jurisdiction where the correctional facility, **private jail**, or mental health institution is located.

589.404. As used in sections 589.400 to 589.425, the following terms mean:

(1) "Adjudicated" or "adjudication", adjudication of delinquency, a finding of guilt, plea of guilt, finding of not guilty due to mental disease or defect, or plea of nolo contendere to committing, attempting to commit, or conspiring to commit;

(2) "Adjudicated delinquent", a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

(3) "Chief law enforcement official", the sheriff's office of each county or the police department of a city not within a county;

(4) "Offender registration", the required minimum informational content of sex offender registries, which shall consist of, but not be limited to, a full set of fingerprints on a standard sex offender registration card upon initial registration in Missouri, as well as all other forms required by the Missouri state highway patrol upon each initial and subsequent registration;

(5) "Residence", any place where an offender sleeps for seven or more consecutive or nonconsecutive days or nights within a twelve-month period;

(6) “Sex offender”, any person who meets the criteria to register under sections 589.400 to 589.425 or the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248;

(7) “Sex offense”, any offense which is listed under section 589.414 or comparable to those listed under section 589.414 or otherwise comparable to offenses covered under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248;

(8) “Sexual act”, any type or degree of genital, oral, or anal penetration;

(9) “Sexual contact”, any sexual touching of or contact with a person’s body, either directly or through the clothing;

(10) “Sexual element”, used for the purposes of distinguishing if sexual contact or a sexual act was committed. Authorities shall refer to information filed by the prosecutor, amended information filed by the prosecutor, indictment information filed by the prosecutor, or amended indictment information filed by the prosecutor, the plea agreement, or court documentation to determine if a sexual element exists;

(11) “Signature”, the name of the offender signed in writing or electronic form approved by the Missouri state highway patrol;

(12) “Student”, an individual who enrolls in or attends the physical location of an educational institution, including a public or private secondary school, trade or professional school, or an institution of higher education;

(13) “Vehicle”, any land vehicle, watercraft, or aircraft.

589.405. 1. Any person [to whom subsection 1 of section 589.400 applies] **who is required to register under sections 589.400 to 589.425 and** who is released on probation, discharged upon payment of a fine, or released after confinement in a county jail shall, prior to such release or discharge **and at the time of adjudication**, be informed of the possible duty to register pursuant to sections 589.400 to 589.425 by the court having jurisdiction over the case. If such person is required to register pursuant to sections 589.400 to 589.425 **and is placed on probation**, the court shall [obtain the address where the person expects to reside upon discharge, parole or release and shall] **make it a condition of probation that the offender report[,]** within three business days[, such address] to the chief law enforcement official of the county **of adjudication** or city not within a county [where the person expects to reside, upon discharge, parole or release] **of adjudication to complete initial registration. If such offender is not placed on probation, the court shall:**

(1) If the offender resides in Missouri, complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the offender resides; or

(2) If the offender does not reside in Missouri:

(a) Order the offender to report directly to the chief law enforcement official in the county or city not within a county where the adjudication was heard to register as provided in sections 589.400 to

**589.425; and**

**(b) Complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county where the offender was adjudicated.**

**2. If the offender resides in Missouri and refuses to complete and sign the registration information as provided in subdivision (1) of subsection 1 of this section, or if the offender resides outside of Missouri and refuses to directly report to the chief law enforcement official as provided in subdivision (2) of subsection 1 of this section, the offender commits the offense of failure to register under section 589.425.**

589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol **or other format approved by the Missouri state highway patrol**. Such form shall **consist of a statement, including the signature of the offender, and shall** include, but is not limited to, the following:

(1) A statement in writing signed by the person, giving the name, address, **date of birth**, Social Security number, and phone number of the person, the license plate number and vehicle description, including the year, make, model, and color of each vehicle owned or operated by the offender, any online identifiers, as defined in section 43.651, used by the person, the place of employment of such person, enrollment within any institutions of higher education, the crime which requires registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 566.125, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable;

(2) The fingerprints[, **and** palm prints[, and a photograph] of the person; [and]

(3) **Unless the offender's appearance has not changed significantly, a photograph of such offender as follows:**

**(a) Quarterly if a tier III sex offender under section 589.414. Such photograph shall be taken every ninety days beginning in the month of the person's birth;**

**(b) Semiannually if a tier II sex offender. Such photograph shall be taken in the month of the person's birth and six months thereafter; and**

**(c) Yearly if a tier I sex offender. Such photograph shall be taken in the month of the person's birth; and**

**(4) A DNA sample from the individual, if a sample has not already been obtained.**

2. The offender shall provide positive identification and documentation to substantiate the accuracy of the information completed on the offender registration form, including but not limited to the following:

(1) A photocopy of a valid driver's license or nondriver's identification card;

(2) A document verifying proof of the offender's residency; and

(3) A photocopy of the vehicle registration for each of the offender's vehicles.

**3. The Missouri state highway patrol shall maintain all required registration information in digitized form.**

**4. Upon receipt of any changes to an offender's registration information contained in this section, the Missouri state highway patrol shall immediately notify all other jurisdictions in which the offender is either registered or required to register.**

**5. The offender shall be responsible for reviewing his or her existing registration information for accuracy at every regular in-person appearance and, if any inaccuracies are found, provide proof of the information in question.**

**6. The signed offender registration form shall serve as proof that the individual understands his or her duty to register as a sexual offender under sections 589.400 to 589.425 and a statement to this effect shall be included on the form that the individual is required to sign at each registration.**

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, [not later than] **within** three business days [after each change of name, residence within the county or city not within a county at which the offender is registered, employment, or student status], appear in person to the chief law enforcement officer of the county or city not within a county [and inform such officer of all changes in the information required by the offender. The chief law enforcement officer shall immediately forward the registrant changes to the Missouri state highway patrol within three business days] **if there is a change to any of the following information:**

**(1) Name;**

**(2) Residence;**

**(3) Employment, including status as a volunteer or intern;**

**(4) Student status; or**

**(5) A termination to any of the items listed in this subsection.**

**2. Any person required to register under sections 589.400 to 589.425 shall, within three business days, notify the chief law enforcement official of the county or city not within a county of any changes to the following information:**

**(1) Vehicle information;**

**(2) Temporary lodging information;**

**(3) Temporary residence information;**

**(4) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications; or**

**(5) Telephone or other cellular number, including any new forms of electronic communication.**

**3. The chief law enforcement official in the county or city not within a county shall immediately forward the registration changes described under subsections 1 and 2 of this section to the Missouri state highway patrol within three business days.**



[2.] **4.** If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes their state **his or her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction** of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state, **territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction** having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state, **territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction**, the Missouri state highway patrol shall inform the responsible official in the new state, **territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction** of residence within three business days.

[3.] **5. Tier I sexual offenders**, in addition to the requirements of subsections 1 [and 2] **to 4** of this section, [the following offenders] shall report in person to the chief law enforcement [agency every ninety days] **official annually in the month of their birth** to verify the information contained in their statement made pursuant to section 589.407. **Tier I sexual offenders include:**

(1) Any offender [registered as a predatory or persistent sexual offender under the definitions found in section 566.125] **who has been adjudicated for the offense of:**

(a) **Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of age or older;**

(b) **Sexual misconduct involving a child under section 566.083 if it is a first offense and the punishment is less than one year;**

(c) **Sexual abuse in the second degree under section 566.101 if the punishment is less than a year;**

(d) **Kidnapping in the second degree under section 565.120 with sexual motivation;**

(e) **Kidnapping in the third degree under section 565.130;**

(f) **Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is less than one year;**

(g) **Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person;**

(h) **Sexual contact with a prisoner or offender under section 566.145 if the victim is eighteen years of age or older;**

(i) **Sex with an animal under section 566.111;**

(j) **Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen**

years of age or older;

**(k) Possession of child pornography under section 573.037;**

**(l) Sexual misconduct in the first degree under section 566.093;**

**(m) Sexual misconduct in the second degree under section 566.095;**

**(n) Child molestation in the second degree under section 566.068 as it existed prior to January 1, 2017, if the punishment is less than one year; or**

**(o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of age;**

**(2) [ Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and**

**(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.**

**4.] Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.**

**6. Tier II sexual offenders,** in addition to the requirements of subsections 1 [and 2] **to 4** of this section, [all registrants] shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement [agency] **official** to verify the information contained in their statement made pursuant to section 589.407. [All registrants shall allow the chief law enforcement officer to take a current photograph of the offender in the month of his or her birth to the chief law enforcement agency.] **Tier II sexual offenders include:**

**(1) Any offender who has been adjudicated for the offense of:**

**(a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to seventeen years of age;**

**(b) Child molestation in the third degree under section 566.069 if the victim is between thirteen and fourteen years of age;**

**(c) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen years of age;**

**(d) Enticement of a child under section 566.151;**

**(e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is thirteen to seventeen years of age;**

**(f) Sexual exploitation of a minor under section 573.023;**

**(g) Promoting child pornography in the first degree under section 573.025;**

**(h) Promoting child pornography in the second degree under section 573.035;**

**(i) Patronizing prostitution under section 567.030;**

**(j) Sexual contact with a prisoner or offender under section 566.145 if the victim is thirteen to seventeen years of age;**

**(k) Child molestation in the fourth degree under section 566.071 if the victim is thirteen to seventeen years of age;**

**(l) Sexual misconduct involving a child under section 566.083 if it is a first offense and the penalty is a term of imprisonment of more than a year; or**

**(m) Age misrepresentation with intent to solicit a minor under section 566.153;**

**(2) Any person who is adjudicated of an offense comparable to a tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to register offense and who is already required to register as a tier I offender due to having been adjudicated of a tier I offense on a previous occasion; or**

**(3) Any person who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.**

**7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official every ninety days to verify the information contained in their statement made under section 589.407. Tier III sexual offenders include:**

**(1) Any offender registered as a predatory sexual offender as defined in section 566.123 or a persistent sexual offender as defined in section 566.124;**

**(2) Any offender who has been adjudicated for the crime of:**

**(a) Rape in the first degree under section 566.030;**

**(b) Statutory rape in the first degree under section 566.032;**

**(c) Rape in the second degree under section 566.031;**

**(d) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature;**

**(e) Sodomy in the first degree under section 566.060;**

**(f) Statutory sodomy under section 566.062;**

**(g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;**

**(h) Sodomy in the second degree under section 566.061;**

**(i) Sexual misconduct involving a child under section 566.083 if the offense is a second or subsequent offense;**

- (j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen years of age;**
- (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian;**
- (l) Child kidnapping under section 565.115;**
- (m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is greater than a year;**
- (n) Incest under section 568.020;**
- (o) Endangering the welfare of a child in the first degree under section 568.045 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;**
- (p) Child molestation in the first degree under section 566.067;**
- (q) Child molestation in the second degree under section 566.068;**
- (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen years of age;**
- (s) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;**
- (t) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;**
- (u) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;**
- (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;**
- (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;**
- (x) Sexual trafficking of a child in the first degree under section 566.210;**
- (y) Sexual trafficking of a child in the second degree under section 566.211;**
- (z) Genital mutilation of a female child under section 568.065;**
- (aa) Statutory rape in the second degree under section 566.034;**
- (bb) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age;**
- (cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term of imprisonment of more than a year;**
- (dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;**
- (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is**

**under thirteen years of age;**

**(ff) Sexual contact with a prisoner or offender under section 566.145 if the victim is under thirteen years of age;**

**(gg) Sexual intercourse with a prisoner or offender under section 566.145;**

**(hh) Sexual contact with a student under section 566.086 if the victim is under thirteen years of age;**

**(ii) Use of a child in a sexual performance under section 573.200; or**

**(jj) Promoting a sexual performance by a child under section 573.205;**

**(3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense listed in this section or failure to register offense under section 589.425, or other comparable out-of-state failure to register offense, who has been or is already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I offense and failure to register offense, on a previous occasion;**

**(4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or**

**(5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in this section.**

[5.] **8.** In addition to the requirements of subsections 1 [and 2] to 7 of this section, all Missouri registrants who work, **including as a volunteer or unpaid intern**, or attend any school [or training] **whether public or private, including any secondary school, trade school, professional school, or institution of higher education**, on a full-time or part-time basis [in any other state] **or have a temporary residence in this state** shall be required to report in person to the chief law enforcement officer in the area of the state where they work, **including as a volunteer or unpaid intern**, or attend any school or training and register in that state. “Part-time” in this subsection means for more than seven days in any twelve-month period.

[6.] **9.** If a person[,] who is required to register as a sexual offender under sections 589.400 to 589.425[,] changes or obtains a new online identifier as defined in section 43.651, the person shall report such information in the same manner as a change of residence before using such online identifier.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 655, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“451.090. 1. No recorder shall[, in any event except as herein provided,] issue a license authorizing the

marriage of any person under [fifteen] **sixteen** years of age[; provided, however, that such license may be issued on order of a circuit or associate circuit judge of the county in which the license is applied for, such license being issued only for good cause shown and by reason of such unusual conditions as to make such marriage advisable] **nor shall a license be issued authorizing the marriage of any person twenty-one years of age or older to a person under eighteen years of age.**

2. No recorder shall issue a license authorizing the marriage of any [male] **person** under the age of eighteen years[ or of any female under the age of eighteen years], except with the consent of his or her custodial parent or guardian, which consent shall be given at the time, in writing, stating the residence of the person giving such consent, signed and sworn to before an officer authorized to administer oaths.

3. The recorder shall state in every license whether the parties applying for same, one or either or both of them, are of age, or whether [the male is under the age of eighteen years or the female] **either party is** under the age of eighteen years, and [if the male is under the age of eighteen years or the female is under the age of eighteen years,] the name of the custodial parent or guardian consenting to such marriage. **Applicants shall provide proof of age to the recorder in the form of a certified copy of the applicant's birth certificate, passport, or other government-issued identification, which shall then be documented by the recorder.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Titling change adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **SCS** for **HCS** for **HB 1991** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 1991**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1** to **HA 1**, **HA 2** to **HA 1**, **HA 1** as amended, **HA 2** and **HA 4** to **SB 819**, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 1719**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

### HOUSE BILLS ON THIRD READING

Senator Onder moved that **HB 1413**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HB 1413** was again taken up.

At the request of Senator Onder, **SS** for **SCS** for **HB 1413** was withdrawn, rendering **SA 1** moot.

Senator Onder offered **SS No. 2** for **SCS** for **HB 1413**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1413

An Act to repeal sections 105.500, 105.520, 105.525, 105.530, and 208.862, RSMo, and to enact in lieu thereof twenty-one new sections relating to public labor organizations, with penalty provisions.

Senator Onder moved that **SS No. 2** for **SCS** for **HB 1413** be adopted.

Senator Hummel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1413, Page 3, Section 105.503, Line 25, by inserting after the word “Code” the following: “, **provided that in the case of a conflict with title 29 of the United States Code, the provisions of title 29 of the United States Code shall prevail**”.

Senator Hummel moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Richard assumed the Chair.

Senator Walsh offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1413, Pages 23-24, Section 105.583, by striking all of said section from said pages and inserting in lieu thereof the following:

**“105.583. 1. Prior to any tentative agreement being presented to an exclusive bargaining representative or a public body for ratification, such tentative agreement shall be discussed in detail in a public meeting. Any such tentative agreement shall be published on the public body’s website at least five business days prior to the public meeting. During such public meeting, the public shall be permitted to provide comment on the tentative agreement.**

**2. Nothing contained in sections 105.500 to 105.598 shall obligate a public body to enter into a collective bargaining agreement.**

**3. For purposes of this section, the term “public meeting” shall have the same meaning as in section 610.010.”.**

Senator Walsh moved that the above amendment be adopted, which motion prevailed.

Senator Rizzo offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1413, Page 25, Section 105.585, Lines 5-10, by striking all of said lines and inserting in lieu thereof the following: **“conducting labor organization-related activities concerning collective bargaining, including, but not limited to, negotiations, bargaining meetings, meet and confer sessions, and any other collective bargaining-related activity, provided that every labor agreement may allow for paid time off for the purposes of grievance-handling, advisory committees, establishing a work calendar, and internal and external communication;”.**

Senator Rizzo moved that the above amendment be adopted, which motion prevailed.

Senator Hummel offered **SA 4**, which was read:

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1413, Page 20, Section 105.575, Line 7, by striking “and every three years thereafter” and inserting in lieu thereof the following: “**provided that any labor organization that has a labor agreement that expires after August 28, 2020, may be recertified at any time prior to, but in no event later than, August 28, 2020. All subsequent recertification elections shall be held every three years**”.

Senator Hummel moved that the above amendment be adopted, which motion prevailed.

Senator Onder moved that **SS No. 2** for **SCS** for **HB 1413**, as amended, be adopted, which motion prevailed.

On motion of Senator Onder, **SS No. 2** for **SCS** for **HB 1413**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder
Richard	Riddle	Rowden	Sater	Schaaf	Schatz	Wasson—21

#### NAYS—Senators

Curls	Holsman	Hummel	Nasheed	Rizzo	Romine	Schupp
Sifton	Wallingford	Walsh	Wieland—11			

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Onder, title to the bill was agreed to.

Senator Onder moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

#### PRIVILEGED MOTIONS

Senator Sifton moved that the Senate refuse to concur in **HCS**, as amended for **SB 655** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Hoskins moved that the Senate refuse to concur in **HCS**, as amended for **SB 773** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.



Senator Riddle moved that the Senate refuse to recede from its position on **SS** for **SCS**, as amended for **HB 1719** and grant the House a conference thereon, which motion prevailed.

Senator Wallingford assumed the Chair.

President Pro Tem Richard assumed the Chair.

At the request of Senator Dixon, the pending point of order on **SS No. 2** for **SCS** for **SB 590**, with **HA 1** was withdrawn.

Senator Hegeman withdrew the motion that the Senate refuse to concur in **HA 1** to **SS No. 2** for **SCS** for **SB 590**.

Senator Hegeman moved that the Senate refuse to concur in **HA 1** to **SS No. 2** for **SCS** for **SB 590**, and requests the House to recede from its position, or failing to do so, grant the Senate a conference thereon, and that the conferees be allowed to exceed the differences in sections 253.550.4 and 253.559.3, which motion prevailed.

Senator Onder assumed the Chair.

#### **HOUSE BILLS ON THIRD READING**

**HCS** for **HBs 2280, 2120, 1468** and **1616**, with **SCS**, entitled:

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet benefits for pregnant women.

Was called from the Informal Calendar and taken up by Senator Sater.

**SCS** for **HCS** for **HBs 2280, 2120, 1468** and **1616**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 2280, 2120, 1468 and 1616**

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet benefits for pregnant women.

Was taken up.

Senator Sater moved that **SCS** for **HCS** for **HBs 2280, 2120, 1468** and **1616** be adopted.

Senator Sater offered **SS** for **SCS** for **HCS** for **HBs 2280, 2120, 1468** and **1616**, entitled:

#### **SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NOS. 2280, 2120, 1468 and 1616**

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof one new section relating to MO HealthNet benefits for pregnant women.

Senator Sater moved that **SS** for **SCS** for **HCS** for **HBs 2280, 2120, 1468** and **1616** be adopted, which motion prevailed.

Senator Sater moved that **SS** for **SCS** for **HCS** for **HBs 2280, 2120, 1468** and **1616** be read the 3rd time and was recognized to close.

President Pro Tem Richard referred **SS** for **SCS** for **HCS** for **HBs 2280, 2120, 1468 and 1616** to the Committee on Fiscal Oversight.

**HCS** for **HB 2140**, with **SCS**, entitled:

An Act to repeal sections 34.010, 34.040, 34.042, 34.044, 34.047, 34.048, and 34.353, RSMo, and to enact in lieu thereof seven new sections relating to public contracts for purchasing supplies.

Was called from the Informal Calendar and taken up by Senator Nasheed.

**SCS** for **HCS** for **HB 2140**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2140

An Act to repeal sections 34.010, 34.040, 34.042, 34.044, 34.047, 34.048, 34.353, and 37.007, RSMo, and to enact in lieu thereof eight new sections relating to public contracts for purchasing supplies.

Was taken up.

Senator Nasheed moved that **SCS** for **HCS** for **HB 2140** be adopted.

Senator Nasheed offered **SS** for **SCS** for **HCS** for **HB 2140**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2140

An Act to repeal sections 34.010, 34.040, 34.042, 34.044, 34.047, 34.048, 34.353, 37.007, and 37.020, RSMo, and to enact in lieu thereof ten new sections relating to public contracts.

Senator Nasheed moved that **SS** for **SCS** for **HCS** for **HB 2140** be adopted.

Senator Eigel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2140, Pages 15-16, Section 1, by striking all of said section and inserting in lieu thereof the following:

**“Section 1. 1. In any request for proposals for the purchase of technology by the state, points awarded to cost shall not exceed twenty-five percent of the total points available in scoring the request for proposals for the award of the request for proposals.**

**2. The office of administration shall promulgate rules to implement reasonable commercially-required provisions that assure that the state maximizes value for the dollar and not the lowest price.**

**3. Any contract that was not awarded pursuant to subsection 1 of this section shall be subject to cancellation and rebid.**

**4. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the**

authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”.

Senator Eigel moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed moved that SS for SCS for HCS for **HB 2140**, as amended, be adopted, which motion prevailed.

On motion of Senator Nasheed, SS for SCS for HCS for **HB 2140**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators Schupp—1

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Nasheed, title to the bill was agreed to.

Senator Nasheed moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HB 1517**, introduced by Representative McCann Beatty, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to the state legal expense fund.

Was called from the Informal Calendar and taken up by Senator Curls.

On motion of Senator Curls, **HB 1517** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Riddle moved that the Senate refuse to concur in **HCS**, as amended for **SB 843** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 5** for **SB 564**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SB 819**, as amended. Representatives: Neely, Cornejo, Smith (163), Arthur, Burnett.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SB 819**, as amended: Senators Cunningham, Sater, Riddle, Walsh and Schupp.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 1719**, as amended: Senators Riddle, Cierpiot, Rowden, Sifton and Schupp.

### RESOLUTIONS

Senator Hoskins offered Senate Resolution No. 2155, regarding Brian Cornelius, Higginsville, which was adopted.

Senator Romine offered Senate Resolution No. 2156, regarding Carolyn Fishback, Hillsboro, which was adopted.

**INTRODUCTION OF GUESTS**

Senator Schupp introduced to the Senate, the Physician of the Day, Dr. Dayna Early, St. Louis.

On motion of Senator Kehoe, the Senate adjourned under the rules.

**SENATE CALENDAR**

---

SEVENTY-THIRD DAY—THURSDAY, MAY 17, 2018

---

**FORMAL CALENDAR**

**THIRD READING OF SENATE BILLS**

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

**SENATE BILLS FOR PERFECTION**

1. SJR 36-Schatz, with SCS
2. SB 678-Eigel
3. SB 1102-Kehoe, with SCS
4. SB 1015-Wieland, with SCS
5. SB 709-Schatz, with SCS
6. SB 640-Sater
7. SB 963-Wieland, with SCS
8. SB 952-Rowden

9. SB 864-Hoskins
10. SB 998-Schatz, with SCS
11. SB 703-Hegeman
12. SB 915-Crawford
13. SB 934-Hegeman
14. SB 988-Rowden, with SCS
15. SB 790-Cierpiot, with SCS
16. SB 734-Schatz, with SCS

**HOUSE BILLS ON THIRD READING**

HCS for HB 1300, with SCS (Schatz)  
(In Fiscal Oversight)

**INFORMAL CALENDAR**

**THIRD READING OF SENATE BILLS**

SS#2 for SCS for SBs 617, 611 &  
667-Eigel (In Fiscal Oversight)

**SENATE BILLS FOR PERFECTION**

SB 546-Munzlinger, with SS#4 (pending)

SB 550-Wasson, with SCS

SBs 555 & 609-Brown, with SCS  
 SB 556-Brown, with SA 1 (pending)  
 SB 561-Sater, with SA 1 (pending)  
 SB 567-Cunningham, with SCS, SS for SCS,  
   SA 1 & SA 1 to SA 1 (pending)  
 SB 578-Romine  
 SB 591-Hegeman, with SCS  
 SB 596-Riddle, with SCS  
 SB 599-Schatz  
 SB 602-Onder, with SCS  
 SB 612-Koenig, with SCS, SS#2 for SCS,  
   SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
   for SA 2 (pending)  
 SB 663-Schatz, with SCS, SS for SCS &  
   SA 1 (pending)  
 SB 730-Wallingford, with SCS & SA 1  
   (pending)  
 SB 751-Schatz  
 SB 767-Hoskins, with SCS, SS for SCS &  
   SA 2 (pending)  
 SB 774-Munzlinger  
 SB 813-Riddle, with SCS & SA 1 (pending)

SB 822-Hegeman, with SCS & SS for SCS  
   (pending)  
 SB 832-Rowden, with SCS, SS#2 for SCS &  
   point of order (pending)  
 SB 837-Rowden  
 SB 848-Riddle  
 SB 849-Kehoe and Schupp, with SCS, SA 1  
   & SA 1 to SA 1 (pending)  
 SB 859-Koenig, with SCS & SS for SCS  
   (pending)  
 SB 860-Koenig, with SCS, SS for SCS &  
   SA 1 (pending)  
 SB 861-Hegeman, with SCS  
 SB 865-Kehoe  
 SB 893-Sater, with SCS, SS for SCS &  
   SA 1 (pending)  
 SB 912-Rowden, with SCS & SS#3 for SCS  
   (pending)  
 SB 920-Riddle, with SS & SA 2 (pending)  
 SB 928-Onder, with SCS  
 SB 1003-Wasson, with SS & SA 1 (pending)  
 SB 1021-Dixon and Wallingford, with SCS

#### HOUSE BILLS ON THIRD READING

HB 1247-Pike (Onder)  
 HB 1249-Plocher, with SCS (Dixon)  
 HB 1250-Plocher, with SCS (Dixon)  
 HCS for HB 1251, with SCS (Crawford)  
 HCS for HB 1264 (Hegeman)  
 HB 1265-Schroer (Onder)  
 HB 1267-Lichtenegger (Munzlinger)  
 HB 1303-Alferman, with SCS (Rowden)  
 HB 1329-Remole, with SCS, SS for SCS &  
   SA 5 (pending) (Munzlinger)  
 HB 1349-Black (Hoskins)  
 HCS for HB 1388, with SCS (Riddle)  
 HB 1389-Fitzpatrick, with SCS (Schatz)  
 HB 1409-Fitzpatrick (Kehoe)  
 HB 1421 & HB 1371-Pfautsch, with SCS  
   (Romine)  
 HB 1442-Alferman, with SCS, SS for SCS &  
   SA 1 (pending) (Schatz)

HCS for HB 1443, with SCS (Sater)  
 HB 1446-Eggleston, with SCS (Koenig)  
 HCS for HB 1456, with SCS (Wallingford)  
 HB 1460-Evans (Rowden)  
 HB 1469-Davis (Wallingford)  
 HB 1578-Kolkmeyer (Munzlinger)  
 HCS for HB 1597, with SCS (Dixon)  
 HCS for HB 1605, with SCS (Kehoe)  
 HCS for HB 1611 (Riddle)  
 HCS for HB 1614 (Hegeman)  
 HB 1625-Morris (Curls)  
 HB 1630-Evans (Rowden)  
 HCS for HB 1645 (Rowden)  
 HCS for HB 1667, with SCS (Wallingford)  
 HB 1675-Redmon (Emery)  
 HB 1691-Miller, with SCS & SS for SCS  
   (pending) (Emery)  
 HCS for HB 1710, with SCS (Eigel)

HCS for HB 1713, with SCS (Sater)  
HCS for HBs 1729, 1621 & 1436 (Brown)  
HCS for HB 1796, with SS (pending)  
(Rowden)  
HB 1800-Miller, with SCS (Emery)  
HB 1809-Tate (Schatz)  
HB 1831-Ruth, with SA 1 & SA 1 to SA 1  
(pending) (Wieland)  
HB 1832-Cornejo, with SCS (Riddle)  
HCS for HB 1868, with SCS (Riddle)  
HCS for HB 1872 (Hegeman)  
HB 1892-Wilson (Cierpiot)  
HB 1968-Grier (Schatz)  
HB 1998-Bondon, with SCS (Emery)  
HB 2026-Wilson, with SCS (Rowden)  
HCS for HB 2031 (Hoskins)  
HB 2039-Fraker (Cunningham)

HCS for HB 2042, with SCS (Dixon)  
HB 2043-Tate (Wasson)  
HB 2044-Taylor, with SCS (pending)  
(Dixon)  
HCS for HB 2079, with SCS (Crawford)  
HB 2117-Pfautsch (Emery)  
HCS for HB 2119 (Rowden)  
HB 2122-Engler, with SCS (Schatz)  
HB 2179-Richardson (Kehoe)  
HB 2208-Curtman, with SCS (Eigel)  
HCS for HB 2216, with SCS (Emery)  
HCS for HB 2249, with SCS (Riddle)  
HCS for HBs 2277 & 1983, with SCS  
(Schatz)  
SS for SCS for HCS for HBs 2280, 2120,  
1468 & 1616 (Sater) (In Fiscal Oversight)  
HCS for HBs 2337 & 2272, with SCS (Wieland)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 549-Wasson, with HA 1,  
HA 3, HA 4, HA 5, as amended, HA 6,  
HA 7, HA 8, HA 9 & HA 10  
SS for SB 597-Riddle, with HCS, as amended  
SB 757-Schatz, with HA 1, HA 3, HA 4,  
HA 5, HA 6, HA 8 & HA 9

SS for SB 882-Hoskins, with HA 1  
SS for SCS for SB 966-Rowden, with HCS,  
as amended

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 569-Cunningham, with HCS, as amended  
(Senate adopted CCR and passed CCS)  
SS for SCS for SBs 603, 576 & 898-Onder,  
with HCS, as amended  
SS for SB 608-Hoskins, with HCS  
(Senate adopted CCR and passed CCS)  
SB 660-Riddle, with HCS, as amended  
(Senate adopted CCR and passed CCS)  
SB 687-Sater, with HCS, as amended  
(Senate adopted CCR and passed CCS)

SCS for SB 718-Eigel, with HCS, as amended  
SB 743-Sater, with HCS, as amended  
(Senate adopted CCR and passed CCS)  
SS for SCS for SB 775-Brown, with HCS,  
as amended  
(Senate adopted CCR and passed CCS)  
SB 806-Crawford, with HCS, as amended  
(Senate adopted CCR and passed CCS)  
SCS for SBs 807 & 577-Wasson, with HCS,  
as amended

SB 808-Brown, with HCS, as amended  
 SB 819-Cunningham, with HA 1, as amended,  
     HA 2 & HA 4  
 SS for SCS for SB 826-Sater, with HCS,  
     as amended  
     (Senate adopted CCR and passed CCS)  
 SS for SB 870-Hegeman, with HCS, as amended  
     (Senate adopted CCR and passed CCS)

SB 951-Crawford, with HCS, as amended  
 HB 1350-Smith (163), with SS for SCS,  
     as amended (Rowden)  
 HB 1633-Corlew, with SS for SCS, as amended  
     (Dixon)  
 HB 1719-Grier, with SS for SCS, as amended  
     (Riddle)

### Requests to Recede or Grant Conference

SS#2 for SCS for SB 590-Hegeman, with HA 1  
     (Senate requests House recede or grant  
     conference)  
 SB 655-Sifton, with HCS, as amended  
     (Senate requests House recede or grant  
     conference)  
 SB 773-Hoskins, with HCS, as amended  
     (Senate requests House recede or grant  
     conference)

SS for SCS for SB 843-Riddle, with HCS,  
     as amended  
     (Senate requests House recede or grant  
     conference)

### RESOLUTIONS

SCR 40-Hoskins, with HA 1  
 SR 1137-Walsh, with SS (pending)  
 SR 1487-Schaaf  
 SR 2020-Schaaf  
 SR 2052-Schaaf  
 SR 2053-Schaaf  
 SR 2054-Schaaf  
 SR 2055-Schaaf  
 SR 2056-Schaaf  
 SR 2057-Schaaf  
 SR 2058-Schaaf  
 SR 2059-Schaaf  
 SR 2060-Schaaf  
 SR 2061-Schaaf  
 SR 2062-Schaaf  
 SR 2063-Schaaf  
 SR 2064-Schaaf  
 SR 2065-Schaaf  
 SR 2066-Schaaf

SR 2130-Sifton  
 SR 2131-Sifton  
 SR 2132-Sifton  
 SR 2133-Sifton  
 SR 2134-Sifton  
 SR 2135-Sifton  
 SR 2136-Sifton  
 SR 2137-Sifton  
 SR 2138-Sifton  
 SR 2139-Sifton  
 SR 2140-Sifton  
 SR 2141-Sifton  
 SR 2142-Sifton  
 SR 2143-Sifton  
 SR 2144-Sifton  
 SR 2145-Sifton  
 SR 2146-Sifton



Reported from Committee

SCR 28-Schupp and Nasheed

SCR 30-Wallingford, with SA 1 (pending)

HCR 63-Haefner (Wieland)

HCR 69-Davis (Hoskins)

HCR 96-Conway (Eigel)

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SEVENTY-THIRD DAY—THURSDAY, MAY 17, 2018**

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“To do righteousness and justice is more acceptable to the Lord than sacrifice.” (Proverbs 21:3)

Almighty God, we are thankful for bringing us to the beginning of this day and the promise that You will be with us as we face the stress and tension that is part of our lives during this time. We see the finish line, the final stretch but it puts greater demands on us and we need You to provide us yet even greater strength and energy to push toward it. We also pray for increased calm and peace within so we may make wise and thoughtful decisions on what we vote on this day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Crawford offered Senate Resolution No. 2157, regarding Gunter Farms, Conway, which was

adopted.

Senators Schaaf and Hegeman offered Senate Resolution No. 2158, regarding Ian H.S. Riseley, Australia, which was adopted.

Senator Hegeman offered Senate Resolution No. 2159, regarding Eagle Scout Jack Emory Muirhead, Plattsburg, which was adopted.

Senator Hegeman offered Senate Resolution No. 2160, regarding the Fiftieth Wedding Anniversary of Ron and Maureen Sharp, Cameron, which was adopted.

Senator Hegeman offered Senate Resolution No. 2161, regarding the Seventieth Wedding Anniversary of Earl and Evelyn Furst, Saint Joseph, which was adopted.

Senator Hegeman offered Senate Resolution No. 2162, regarding the One Hundredth Birthday of Datha Roberts, Savannah, which was adopted.

Senator Munzlinger offered Senate Resolution No. 2163, regarding Rick Gann, Callo, which was adopted.

Senator Rowden offered Senate Resolution No. 2164, regarding Donald Lee “Don” Catlett, Columbia, which was adopted.

Senator Hegeman offered Senate Resolution No. 2165, regarding the Sixty-eighth Wedding Anniversary and Ninetieth Birthdays of Tom and June Markt, Oregon, which was adopted.

Senator Hegeman offered Senate Resolution No. 2166, regarding the Fiftieth Wedding Anniversary of Larry and Donna Dack, Ravenwood, which was adopted.

Senator Hegeman offered Senate Resolution No. 2167, regarding the Seventieth Wedding Anniversary of John and Irene Schulte, Maryville, which was adopted.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 881**, entitled:

An Act to repeal sections 21.795, 71.012, 71.015, 226.770, 226.780, 227.240, 301.010, 301.067, 301.074, 301.075, 301.140, 301.145, 302.170, 304.180, 304.190, 307.175, and 307.350, RSMo, and to enact in lieu thereof nineteen new sections relating to transportation, with penalty provisions.

With House Amendment Nos. 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 32, Section 302.170, Line 163, by inserting after all of said section and line the following:

“304.044. 1. The following terms as used in this section shall mean:

(1) “Bus”, any vehicle or motor car designed and used for the purpose of carrying more than seven persons;

(2) “Truck”, any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed or used in the transportation of property upon the highways.

2. The driver of any truck or bus, when traveling upon a public highway of this state outside of a business or residential district, shall not follow within three hundred feet of another such vehicle; provided, the provisions of this section shall not be construed to prevent the overtaking and passing, by any such truck or bus, of another similar vehicle.

3. Any person who shall violate the provisions of this section shall be deemed guilty of a class C misdemeanor, and upon conviction thereof shall be punished accordingly.

**4. This section and section 304.017 shall not apply to a connected vehicle technology program that uses networked wireless communication among vehicles, infrastructure, or communications devices. Any connected vehicle technology program shall be limited to the operation of trucks on the public highways of this state and shall be approved by the state highways and transportation commission before such technology shall be used in Missouri. Each commercial motor vehicle in a pair, convoy, or formation shall have an appropriately endorsed driver who holds a valid commercial driver’s license present behind the wheel.**

**5. The highways and transportation commission is authorized to promulgate administrative rules that are reasonable and necessary to approve and implement a connected vehicle technology testing program including designated highways and hours of operation for vehicles in the testing program. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 5, Section 71.012, Lines 12-14, by deleting all of said lines and inserting in lieu thereof the following:

**“existing corporate limits of the city, town, or village but for an intervening state highway or interstate highway as defined in section 304.001, or railroad right-of-way, regardless of whether any other city, town, or village has annexed such state or interstate highway or railroad right-of-way or otherwise has an easement in such state or interstate highway or”;** and

Further amend said bill, Page 7, Section 71.015, Line 12, by deleting the word “**roadway**” and inserting in lieu thereof “**state highway or interstate highway as defined in section 304.001,**”; and

Further amend said bill, section, and page, Line 17, by deleting the word “**roadway**” and inserting in lieu thereof “**state highway or interstate highway**”; and

Further amend said bill, Page 13, Section 227.240, Lines 13-19, by deleting all of said lines and inserting

in lieu thereof the following:

**“3. The department of transportation utility corridor established for the placement of utility facilities on the right-of-way of highways in the state highway system shall be up to twelve feet in width when space is reasonably available, with the location of the utility corridor to be determined by the state highways and transportation commission. The commission shall promulgate rules setting forth a standardized statewide system for requesting and issuing variances to requirements set forth in this section.”; and**

Further amend said bill, Page 29, Section 302.170, Lines 42 and 43, by deleting the phrase “and (5)” on said lines and inserting in lieu thereof the following:

**“ [and]**

**(5) Documents submitted by a commercial driver’s license applicant who is a Missouri resident and is active duty military or a veteran, as “veteran” is defined in 38 U.S.C. 101, which allow for waiver of the commercial driver’s license knowledge test, skills test, or both; and**

**(6) “; and**

Further amend said bill and section, Page 32, Line 163, by inserting after all of said section and line the following:

**“302.173. 1. Any applicant for a license, who does not possess a valid license issued pursuant to the laws of this state, another state, or a country which has a reciprocal agreement with the state of Missouri regarding the exchange of licenses pursuant to section 302.172 shall be examined as herein provided. Any person who has failed to renew such person’s license on or before the date of its expiration or within six months thereafter must take the complete examination. Any active member of the Armed Forces, their adult dependents or any active member of the Peace Corps may apply for a renewal license without examination of any kind, unless otherwise required by sections 302.700 to 302.780, provided the renewal application shows that the previous license had not been suspended or revoked. Any person honorably discharged from the Armed Forces of the United States who held a valid license prior to being inducted may apply for a renewal license within sixty days after such person’s honorable discharge without submitting to any examination of such person’s ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780, other than the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. No applicant for a renewal license shall be required to submit to any examination of his or her ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780 or regulations promulgated thereunder, other than a test of the applicant’s ability to understand highway signs regulating, warning or directing traffic and the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. The examination shall be made available in each county. Reasonable notice of the time and place of the examination shall be given the applicant by the person or officer designated to conduct it. The complete examination shall include a test of the applicant’s natural or corrected vision as prescribed in section 302.175, the applicant’s ability to understand highway signs regulating, warning or directing traffic, the applicant’s practical knowledge of the traffic laws**

of this state, and an actual demonstration of ability to exercise due care in the operation of a motor vehicle of the classification for which the license is sought. When an applicant for a license has a license from a state which has requirements for issuance of a license comparable to the Missouri requirements or a license from a country which has a reciprocal agreement with the state of Missouri regarding the exchange of licenses pursuant to section 302.172 and such license has not expired more than six months prior to the date of application for the Missouri license, the director may waive the test of the applicant's practical knowledge of the traffic laws of this state, and the requirement of actual demonstration of ability to exercise due care in the operation of a motor vehicle. If the director has reasonable grounds to believe that an applicant is suffering from some known physical or mental ailment which ordinarily would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways, the director may require that the examination include a physical or mental examination by a licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The director shall prescribe regulations to ensure uniformity in the examinations and in the grading thereof and shall prescribe and furnish all forms to the members of the highway patrol and to other persons authorized to conduct examinations as may be necessary to enable the officer or person to properly conduct the examination. The records of the examination shall be forwarded to the director who shall not issue any license hereunder if in the director's opinion the applicant is not qualified to operate a motor vehicle safely upon the highways of this state.

2. Beginning July 1, 2005, when the examiner has reasonable grounds to believe that an individual has committed fraud or deception during the examination process, the license examiner shall immediately forward to the director all information relevant to any fraud or deception, including, but not limited to, a statement of the examiner's grounds for belief that the person committed or attempted to commit fraud or deception in the written, skills, or vision examination.

3. The director of revenue shall delegate the power to conduct the examinations required for a license or permit to any member of the highway patrol or any person employed by the highway patrol. The powers delegated to any examiner may be revoked at any time by the director of revenue upon notice.

4. Notwithstanding the requirements of subsections 1 and 3 of this section, the successful completion of a motorcycle rider training course approved pursuant to sections 302.133 to 302.137 shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further **practical knowledge or** driving test shall be required to obtain a motorcycle or motortricycle license or endorsement. **The motorcycle rider training course completion shall be accepted for purposes of motorcycle license or endorsement issuance for one year from the date of course completion.**

5. Notwithstanding the requirements of subsections 1 and 3 of this section, the successful completion of a military motorcycle rider training course that meets or exceeds the Motorcycle Safety Foundation curriculum standards by an applicant who is an active member of the [U.S.] **United States** Armed Forces, shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further **practical knowledge or** driving test shall be required to obtain a motorcycle or motortricycle license or endorsement. **The military motorcycle rider training course completion shall be accepted for purposes of motorcycle license or endorsement issuance for one year from the date of course completion.** The director of revenue is authorized to promulgate rules and regulations for the administration and implementation of this subsection including rules governing the presentment of motorcycle training course completion cards from a military motorcycle rider training course

or other documentation showing that the applicant has successfully completed a course in basic motorcycle safety instruction that meets or exceeds curriculum standards established by the Motorcycle Safety Foundation or other national organization whose purpose is to improve the safety of motorcyclists on the nation's streets and highways. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 22, Section 301.010, Line 301, by inserting after all of said section and line the following:

“301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the odometer information provided [in the vehicle inspection report] **by the owner of the vehicle**, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall retain the odometer information provided [in the vehicle inspection report] **by the owner of the vehicle**, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information.

This subsection shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The



director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

301.032. 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the director of revenue shall establish a system of registration of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The director of revenue shall prescribe the forms for such fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of ten or more motor vehicles which must be registered in accordance with this chapter may register as a fleet owner. All registered fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar year or biennial basis pursuant to this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of fleet vehicles.

2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered during April of the corresponding year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of the corresponding year, with two years' fees due for biennially-registered vehicles. [Notwithstanding the provisions of section 307.355, an application for registration of a fleet vehicle must be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application.] The fees for vehicles added to the fleet which must be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee and when licensed on or after January first the fee shall be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet, an additional year's annual fee will be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a fleet purchases or otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant to this subsection.

4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant to this section shall be issued a special license plate which shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the manner prescribed by the advisory committee established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee beyond the regular registration fee, a fleet owner of at least fifty fleet vehicles may apply for fleet license plates bearing a company name or logo, the

size and design thereof subject to approval by the director. All fleet license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear license plates as provided in this section which shall not require issuance of a renewal tab. Upon payment of appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued. The director of revenue shall promulgate rules and regulations establishing the procedure for application and issuance of fleet vehicle license plates.

[5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390 if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of Missouri.]; and

Further amend said bill, Page 23, Section 301.074, by removing all of said section from the bill and inserting in lieu thereof the following:

“301.074. License plates issued under sections 301.071 to 301.075 shall be valid for the duration of the veteran’s disability. Each such applicant issued license plates under these provisions shall annually furnish [proof of vehicle inspection and] proof of disability to the director, except that an applicant whose service connected disability qualifying him for special license plates consists in whole or in part of loss of an eye or a limb or an applicant with a one hundred percent permanent disability, as established by a physician’s signed statement to that effect, need only furnish proof of disability to the director when initially applying for the special license plates and not thereafter, but in such case proof that the veteran is alive shall be required annually. [Each person qualifying under sections 301.071 to 301.075 may license only one motor vehicle under these provisions.] No commercial motor vehicle in excess of twenty-four thousand pounds gross weight may be licensed under the provisions of sections 301.071 to 301.075.”; and

Further amend said bill and page, Section 301.075, Line 4, by inserting after all of said section and line the following:

“301.132. 1. For purposes of this section, “street rod” is a vehicle older than 1949 or a vehicle manufactured after 1948 to resemble a vehicle manufactured before 1949; and has been altered from the manufacturer’s original design or has a body constructed from nonoriginal materials.

2. The model year and the year of manufacture that are listed on the certificate of title of a street rod vehicle shall be the model year and year of manufacture that the body of such vehicle resembles. The current and all subsequent certificates of ownership shall be designated with the word “REPLICA”.

3. For each street rod, there shall be an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees.

4. In applying for registration of a street rod pursuant to this section, the owner of the street rod shall submit with the application a certification that the vehicle for which the application is made:

(1) Will be maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses;

(2) Will not be used for general daily transportation.

5. [In addition to the certification required pursuant to subsection 4 of this section, when applying for

registration of a street rod, the new owner of the street rod shall provide proof that the street rod passed a safety inspection in accordance with section 307.350 that shall be approved by the department of public safety in consultation with the street rod community in this state.

6.] On registration of a vehicle pursuant to this section, the director of the department of revenue shall issue to the owner two license plates containing the number assigned to the registration certificate issued by the director of revenue, and the following words: "STREET ROD", "STATE OF MISSOURI". Such license plates shall be kept securely attached to the motor vehicle registered pursuant to this section. The director of revenue shall determine the characteristic features of such license plates for vehicles registered pursuant to the provisions of this section so that they may be recognized as such, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

[7.] 6. Unless the presence of the equipment was specifically required by a statute of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered pursuant to this section.

[8.] 7. [Except as provided in subsection 5 of this section,] A vehicle registered pursuant to this section is exempt from any statute of this state that requires [periodic vehicle inspections and from any statute of this state that requires] the use and inspection of emission controls.

[9.] 8. A "custom vehicle" means any motor vehicle that:

(1) Is at least twenty-five years old and of a model year after 1948, or was manufactured to resemble a vehicle twenty-five years old or older and of a model year after 1948; and

(2) Has been altered from the manufacturer's original design, or has an entire body constructed from nonoriginal materials.

[10.] 9. The model year and the year of manufacture that are listed on the certificate of title of a custom vehicle shall be the model year and year of manufacture that the body of such vehicle resembles. The current and all subsequent certificates of ownership shall be designated with the word "REPLICA".

[11.] 10. For each custom vehicle, there shall be an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees.

[12.] 11. In applying for registration of a custom vehicle pursuant to this section, the owner of the custom vehicle shall submit with the application a certification that the vehicle for which the application is made:

(1) Will be maintained for occasional transportation, exhibits, club activities, parades, tours, and similar uses; and

(2) Will not be used for general daily transportation.

[13. In addition to the certification required pursuant to subsection 12 of this section, when applying for registration of a custom vehicle, the new owner of the custom vehicle shall provide proof that the custom vehicle passed a safety inspection in accordance with section 307.350 that shall be approved by the department of public safety in consultation with the street rod community in this state.

14.] 12. On registration of a vehicle pursuant to this section, the director of the department of revenue

shall issue to the owner two license plates containing the number assigned to the registration certificate issued by the director of revenue, and the following words: “CUSTOM VEHICLE”, “STATE OF MISSOURI”. Such license plates shall be kept securely attached to the motor vehicle registered hereunder. The director of revenue shall determine the characteristic features of such license plates for vehicles registered pursuant to the provisions of this section so that they may be recognized as such, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

[15.] **13.** Unless the presence of the equipment was specifically required by a statute of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered pursuant to this section.

[16.] **14.** [Except as provided in subsection 13 of this section,] A vehicle registered pursuant to this section is exempt from any statute of this state that requires [periodic vehicle inspections and from any statute of this state that requires] the use and inspection of emission controls.

[17.] **15.** For purposes of this section, “blue dot tail light” is a red lamp installed in the rear of a motor vehicle containing a blue or purple insert that is not more than one inch in diameter.

[18.] **16.** A street rod or custom vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors.”; and

Further amend said bill, Page 27, Section 301.145, Line 17, by inserting after all of said section and line the following:

“301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of fifty-four thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements:

(1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration;

(2) Presentation of all documentation otherwise required by law for vehicle registration including, but not limited to, a personal property tax receipt or certified statement for the preceding year that no such taxes were due as set forth in section 301.025, proof of [a motor vehicle safety inspection and] any applicable emission inspection conducted within sixty days prior to the date of application and proof of insurance as required by section 303.026.

2. The director of revenue may prescribe rules and regulations for the effective administration of this section. The director is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid

and void.

3. The director of revenue shall have the authority to stagger the registration period of motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial registration, such registration must be maintained for the full twenty-four month period.

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer, unless the motor vehicle was acquired under section 301.213 in which case the applicant shall make application within thirty days after receiving title from the dealer, upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application. When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of ownership.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536 indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of

purchase or issuance of the immediately prior certificate; or

(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, or where the motor vehicle was acquired under section 301.213 and the applicant fails to make application within thirty days after receiving title from the dealer, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of two hundred dollars, but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer, or where the motor vehicle was acquired under section 301.213 and the applicant fails to make application within thirty days after receiving title from the dealer, or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which the person should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and shall not have to be renewed annually.

6. Any applicant for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been applied for as provided in this section.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the

director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. Notwithstanding any provision of the law to the contrary, an owner presenting a motor vehicle which has been issued a salvage title and which is ten years of age or older to a vehicle examination described in this subsection in order to obtain a certificate of ownership with the designation prior salvage motor vehicle shall not be required to repair or restore the vehicle to its original appearance in order to pass or complete the vehicle examination. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, [the safety inspection required in chapter 307 and] the emissions inspection required under chapter 643 shall be completed and the fees required by section 307.365 and section 643.315 shall be charged to the owner.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri [or as required by section 301.020], it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall collect the same fee as authorized in section 307.365 for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365. If the vehicle is also to be registered in Missouri, [the safety inspection required in chapter 307 and] the emissions inspection required under chapter 643 shall be completed and only the fees required by section 307.365 and section 643.315 shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately

designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation.

13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words “Non-USA-Std Motor Vehicle”.

14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section.

15. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the current model year, and which has a value of three thousand dollars or less shall be accompanied by:

(1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

(2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source of all major component parts used to rebuild the vehicle;

(3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways and transportation department fund; and

(4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles.

The department of revenue shall issue the owner a certificate of ownership designated with the words “Reconstructed Motor Vehicle” and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol.

301.191. 1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer [sixteen feet or more in length] which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented.

2. As used in this section, “homemade” means made by a person who is not a manufacturer using readily distinguishable manufacturers’ identifying numbers or a statement of origin.



3. Every person constructing a homemade trailer [sixteen feet or more in length] shall obtain an inspection from the sheriff of his or her county of residence or from the Missouri state highway patrol prior to applying for a certificate of ownership. If the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff's or the Missouri state highway patrol's certificate of inspection shall be transferred with the trailer.

4. A fee of [ten] **twenty-five** dollars shall be paid for the inspection. If the inspection is completed by the sheriff, the proceeds from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one exists; otherwise into the county general revenue fund. If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the [ten] **twenty-five** dollar inspection fee to the director of revenue at the time of application for a certificate of ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund.

5. The sheriff or Missouri state highway patrol shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff or Missouri state highway patrol may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified by the sheriff, the sheriff may stamp a permanent identifying number in the tongue of the frame. The certificate of inspection shall be on a form designed and provided by the director of revenue.

6. Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame.

7. The sheriff or Missouri state highway patrol may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff or Missouri state highway patrol may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted.

301.380. 1. Whenever the original, manufacturer's, or other distinguishing number on any motor vehicle, trailer or motor vehicle tire has been destroyed, removed, covered, altered, defaced or is otherwise nonexistent, the director of revenue, upon application, payment of a fee of seven dollars and fifty cents, and satisfactory proof of ownership by the owner, shall issue a certificate authorizing the owner to place a special number designated by the director of revenue upon the vehicle, trailer or tire.

2. In order to properly calculate the sales tax due, in the case of a trailer which is alleged to have been made by someone who is not a manufacturer using readily distinguishable manufacturers' identifying numbers or a certificate of origin, the person seeking the special number authorized by the provisions of this section shall secure a [written statement from a motor vehicle inspection station] **vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue**, that the trailer has been examined and that it is not one made by a regular manufacturer. **The person seeking the special number authorized by the provisions of this section shall pay a fee of twenty-five dollars for such examination certificate, payable to the director of revenue, which shall be deposited into the state treasury to the credit of the state highways and transportation department fund.** The superintendent of the state highway patrol shall provide such forms for [inspection stations, and the person, firm, or corporation seeking the examination shall pay a regular inspection fee for the examination. The proceeds of the fee shall be distributed in the same manner as regular inspection fees

are distributed] **law enforcement agencies performing such inspections.** This subsection shall not apply to trailers inspected under section 301.191.

3. The director of revenue shall designate the special numbers consecutively beginning with the number one preceded by the letters “DR” and followed by the letters “Mo” for each make of motor vehicle, trailer or motor vehicle tire, or if the make be unknown, the number shall also be preceded by the letter “X”.

4. When such number has been placed upon the motor vehicle or motor or engine thereof, or trailer or motor vehicle tire, it shall be the lawful number of the same for the purpose of identification, registration, and all other purposes of this chapter, and the owner may sell and transfer such property under the special number. No person shall destroy, remove, cover, alter or deface any such special number.

301.443. 1. Any legal resident of the state of Missouri who is a veteran of service in the Armed Forces of the United States and has been honorably discharged from such service and who is a former prisoner of war and any legal resident of the state of Missouri who is a former prisoner of war and who was a United States citizen not in the Armed Forces of the United States during such time is, upon filing an application for registration together with such information and proof in the form of a statement from the United States Veterans Administration or the Department of Defense or any other form of proof as the director may require, entitled to receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 for a motor vehicle other than a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. There shall be no fee charged for license plates issued under the provisions of this section.

2. Not more than one certificate of registration and one corresponding set of motor vehicle license plates or other evidence of registration as provided in section 301.130 shall be issued each year to a qualified former prisoner of war under this section.

3. Proof of ownership [and vehicle inspection] of the particular motor vehicle for which a registration certificate and set of license plates is requested must be shown at the time of application. Proof of status as a former prisoner of war as required in subsection 1 of this section shall only be required on the initial application.

4. As used in this section, “former prisoner of war” means any person who was taken as an enemy prisoner during World War I, World War II, the Korean Conflict, or the Vietnam Conflict.

5. The director shall furnish each former prisoner of war obtaining a set of license plates under the provisions of subsections 1 to 4 of this section special plates which shall have the words “FORMER P.O.W.” on the license plates in preference to the words “SHOW-ME STATE” as provided in section 301.130 in a form prescribed by the advisory committee established in section 301.129. Such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration at the discretion of the advisory committee established in section 301.129, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

6. Registration certificates and license plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle will be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified former prisoner of war.

7. (1) Notwithstanding the provisions of subsection 6 of this section to the contrary, the surviving spouse

of a former prisoner of war who has not remarried and who has been issued license plates described in subsection 5 of this section shall be entitled to transfer such license plates to the motor vehicle of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 as if a former prisoner of war until remarriage. There shall be no fee charged for the transfer of such license plates.

(2) The department of revenue shall promulgate rules for the obtaining of a set of license plates described in subsection 5 of this section by the surviving spouse of the former prisoner of war when such license plates are not issued prior to the death of the former prisoner of war. The surviving spouse shall be entitled to receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 as if a former prisoner of war until remarriage. There shall be no fee charged for the license plates issued pursuant to this subdivision.

301.800. 1. Any motor vehicle assembled by a two- or four-year institution of higher education exclusively utilizing solar power and built to compete in a national competition organized to foster interest in solar energy shall be registered and titled by the director of revenue, other laws regulating licensing of motor vehicles to the contrary notwithstanding.

2. Such institution shall file an application in a form prescribed by the director, verified by affidavit, that such vehicle meets the requirements of subsection 1 of this section.

3. The plate issued by the director shall be the collegiate plate of the institution and shall display the term "solar" in a manner prescribed by the director.

4. The institution shall pay the applicable fees as determined by the director.

5. Such motor vehicle shall be exempt from the [inspections required by section 307.350 and] **inspection required under** section 643.315 and shall only be operated on the streets and highways with the approval of the institution of higher education."; and

Further amend said bill, Page 41, Section 307.350, Line 49, by inserting after all of said section and line the following:

"307.360. 1. The superintendent of the Missouri state highway patrol shall issue permits and written instructions to official inspection stations and shall furnish forms and certificates for the [inspection of brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system, and any other safety equipment required by the state. In no instance will road testing of a vehicle be considered a part of the inspection procedure] **certification of manufacturer's identification numbers and odometer readings for vehicles presented for inspection.**

2. The superintendent of the Missouri state highway patrol shall prescribe the standards and equipment necessary for an official inspection station and the qualifications for persons who conduct the inspections, and no applicant may be approved to operate an official inspection station until the applicant meets the standards and has the required equipment and qualified inspectors as prescribed. The superintendent of the Missouri state highway patrol shall establish standards and procedures to be followed in the making of inspections required by sections [307.350] **307.360** to 307.390 and shall prescribe rules and regulations for the operation of the stations.

3. (1) The application for permit as an official inspection station shall be made to the superintendent of

the Missouri state highway patrol on a form furnished by the superintendent. The fee for a permit to operate an official inspection station shall be ten dollars per year and each permit shall be renewed annually on the date of issue. All fees shall be payable to the director of revenue and shall be deposited by him in the state treasury to the credit of the state highway fund.

(2) The application shall set forth the name under which applicant transacts or intends to transact business, the location of the applicant's place of business and such other information as the superintendent of the Missouri state highway patrol may require. If the applicant has or intends to have more than one place of business within the state, a separate application shall be made for each place of business. If the applicant is a partnership, the application shall set forth the names of the partners; if a corporation, the names of the officers shall be shown. The application shall be signed and verified by oath or affirmation of the owner or an authorized officer or partner.

(3) Each location which fulfills the superintendent of the Missouri state highway patrol's requirements and whose owners, proprietors and employees comply with the superintendent's regulations and qualifications shall be designated as an official inspection station and the applicant issued a certificate. The superintendent of the Missouri state highway patrol shall investigate all applicants for inspection station permits to determine whether or not the premises, equipment and personnel meet the requirements prescribed by him.

(4) Any automobile mechanic who has had at least one year of practical experience as an automotive mechanic or any person who has successfully completed a course of vocational instruction in automotive mechanics from a generally recognized educational institution, either public or private, and who has demonstrated the knowledge and ability to conduct an inspection in compliance with the regulations established by the superintendent of the Missouri state highway patrol may be issued a permit to conduct inspections at any official inspection station. No person without a valid permit shall conduct any part of an inspection[, except a person without a valid permit may assist in the inspection of a vehicle by operating the vehicle's lighting equipment and signaling devices. The superintendent of the Missouri state highway patrol may require a mechanic to be reexamined at any time to determine the mechanic's knowledge and ability to conduct an inspection. If the mechanic fails the reexamination or refuses to be reexamined, the permit issued to the mechanic shall be suspended until the mechanic passes the examination but under no circumstances can the mechanic again be tested until a period of thirty days has elapsed]. No fee shall be charged for the permit and the permit shall remain valid for a period of three years from the date of issue or until suspended or revoked by the superintendent of the Missouri state highway patrol.

[(5) The superintendent of the Missouri state highway patrol may issue a private official inspection station permit to any association, person, partnership, corporation and/or subsidiary corporation, and governmental entity having registered or titled in his, her or its name in this state one or more vehicles of the type required to be inspected by section 307.350, or who maintains such vehicles under a written maintenance agreement of at least one year's duration and who maintains approved inspection facilities and has qualified personnel; but separate permits must be obtained for separate facilities of the same association, person, partnership, corporation and/or subsidiary corporation, or governmental entity. Such private stations shall inspect only vehicles registered or to be registered, titled or to be titled or maintained in the name of the person or organization described on the application for permit. No fee shall be charged for a permit issued to a governmental entity.]

4. (1) The superintendent of the Missouri state highway patrol shall supervise and cause inspections to

be made of the official inspection stations and inspecting personnel and if the superintendent finds that the provisions of sections [307.350] **307.360** to 307.390 or the regulations issued pursuant to sections [307.350] **307.360** to 307.390 are not being complied with, or that the business of an official inspection station[, in connection with corrections, adjustments, repairs or inspection of vehicles] is being improperly conducted, the superintendent shall suspend or revoke the permit of the station for a period of not less than thirty days or more than one year and require the immediate surrender and return of the permit, together with all official forms and certificates of inspection and approval. If the superintendent finds that an inspector has violated any of the provisions of sections [307.350] **307.360** to 307.390 or the regulations issued pursuant to sections [307.350] **307.360** to 307.390, the superintendent shall suspend or revoke the inspector's permit for a period of not less than thirty days nor more than one year. If a station operator or if an inspector violates any of the provisions of sections [307.350] **307.360** to 307.390, he or she is subject to prosecution as provided in section 307.390.

(2) The suspension or revocation of a station permit or of an inspector's permit shall be in writing to the operator, inspector, or the person in charge of the station. Before suspending or revoking either of the permits, the superintendent shall serve notice in writing by certified mail or by personal service to the permittee at the permittee's address of record giving the permittee the opportunity to appear in the office of the superintendent on a stated date, not less than ten nor more than thirty days after the mailing or service of the notice, for a hearing to show cause why the permittee's permit should not be suspended or revoked. An inspection station owner or an inspector may appear in person or by counsel in the office of the superintendent to show cause why the proposed suspension or revocation is in error, or to present any other facts or testimony that would bear on the final decision of the superintendent. If the permittee or the permittee's agent does not appear on the stated day after receipt of notice, it shall be presumed that the permittee admits the allegations of fact contained in the hearing notification letter. The decision of the superintendent may in such case be based upon the written reports submitted by the superintendent's officers. The order of the superintendent, specifying his findings of fact and conclusions of law, shall be considered final immediately after receipt of notice thereof by the permittee.

(3) Any person whose permit is suspended or revoked or whose application for a permit is denied may within ten days appeal the action as provided in chapter 536.

307.365. 1. No permit for an official inspection station shall be assigned or transferred or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated. The superintendent of the Missouri state highway patrol shall design and furnish each official inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station.

2. No person operating an official inspection station pursuant to the provisions of sections [307.350] **307.360** to 307.390 may issue a certificate of inspection and approval for any vehicle except upon an official form furnished by the superintendent of the Missouri state highway patrol for that purpose [and only after inspecting the vehicle and determining that its brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control

devices, fuel system and any other safety equipment as required by the state are in proper condition and adjustment to be operated upon the public highways of this state with safety to the driver or operator, other occupants therein, as well as other persons and property upon the highways, as provided by sections 307.350 to 307.390 and the regulations prescribed by the superintendent of the Missouri state highway patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake testing]. No person operating an official inspection station shall furnish, loan, give or sell a certificate of inspection and approval to any other person except those entitled to receive it under provisions of sections [307.350] **307.360** to 307.390. [No person shall have in such person's possession any certificate of inspection and approval and/or inspection sticker with knowledge that the certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.]

3. The superintendent of the Missouri state highway patrol may require officially designated stations to furnish reports upon forms furnished by the superintendent for that purpose as the superintendent considers reasonably necessary for the proper and efficient administration of sections [307.350] **307.360** to 307.390.

4. [If, upon inspection, defects or unsafe conditions are found, the owner may correct them or shall have them corrected at any place the owner chooses within twenty days after the defect or unsafe condition is found, and shall have the right to remove the vehicle to such place for correction, but before the vehicle is operated thereafter upon the public highways of this state, a certificate of inspection and approval must be obtained. The inspecting personnel of the official inspection station must inform the owner that the corrections need not be made at the inspection station.

5.] A fee, not to exceed twelve dollars, as determined by each official inspection station, may be charged by an official inspection station for each official inspection including the issuance of the certificate of inspection [and approval, sticker, seal or other device and a total fee, not to exceed ten dollars, as determined by each official inspection station, may be charged for an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate of inspection and approval, sticker, seal or other device]. Such fee shall be conspicuously posted on the premises of each such official inspection station. [No owner shall be charged an additional inspection fee upon having corrected defects or unsafe conditions found in an inspection completed within the previous twenty consecutive days, excluding Saturdays, Sundays and holidays, if such follow-up inspection is made by the station making the initial inspection. Every inspection for which a fee is charged shall be a complete inspection, and upon completion of the inspection, if any defects are found the owner of the vehicle shall be furnished a list of the defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have any necessary repairs or corrections made at the official inspection station, the owner shall be furnished a written estimate of the cost of such repairs before such repairs or corrections are made by the official inspection station. The written estimate shall have plainly written upon it that the owner understands that the corrections need not be made by the official inspection station and shall have a signature line for the owner. The owner must sign below the statement on the signature line before any repairs are made.

6. Certificates of inspection and approval, sticker, seal or other device shall be purchased by the official inspection stations from the superintendent of the Missouri state highway patrol. The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty cents for each certificate of inspection, sticker, seal or other device issued to the official inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal or other device issued to official inspection stations

operated by governmental entities. All fees collected shall be deposited in the state treasury with one dollar of each fee collected credited to the state highway fund and, for the purpose of administering and enforcing the state motor vehicle laws and traffic regulations, fifty cents credited to the "Highway Patrol Inspection Fund" which is hereby created. The moneys collected and deposited in the highway patrol inspection fund shall be expended subject to appropriations by the general assembly for the administration and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The unexpended balance in the fund at the end of each biennium exceeding the amount of the appropriations from the fund for the first two fiscal years shall be transferred to the state road fund, and the provisions of section 33.080, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to the fund.

7.] 5. The owner or operator of any inspection station who discontinues operation during the period that a station permit is valid or whose station permit is suspended or revoked shall return all official signs and posters [and any current unused inspection stickers, seals or other devices] to the superintendent of the Missouri state highway patrol and shall receive a full refund on request except for official signs and posters, provided the request is made during the calendar year or within sixty days thereafter in the manner prescribed by the superintendent of the Missouri state highway patrol. [Stations which have a valid permit shall exchange unused previous year issue inspection stickers and/or decals for an identical number of current year issue, provided the unused stickers and/or decals are submitted for exchange not later than April thirtieth of the current calendar year, in the manner prescribed by the superintendent of the Missouri state highway patrol.]

[8.] 6. Notwithstanding the provisions of section 307.390 to the contrary, a violation of this section shall be a class C misdemeanor.

[9.] 7. The owner or operator of any inspection station shall maintain liability insurance at all times to cover possible damage to vehicles during the inspection process.

307.370. 1. No person shall represent in any manner any place as an official inspection station unless the station is operated under a valid permit issued by the superintendent of the Missouri state highway patrol.

2. No person unless then holding a valid permit shall issue a certificate of inspection [and approval, sticker, seal or other device].

3. No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection[, sticker, seal or other device].

4. No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval[, sticker, seal or other device] knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.

307.375. 1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an official **school bus** inspection station, and obtain a certificate of inspection, sticker, seal or other device annually, but the inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle during the school year. The inspection shall[, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390,] include **a determination that the brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust**

**system, glazing, air pollution control devices, and fuel system of the bus are in proper condition and, in addition, include** an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

- (1) All mirrors, including crossview, inside, and outside;
- (2) The front and rear warning flashers;
- (3) The stop signal arm;
- (4) The crossing control arm on public school buses required to have them pursuant to section 304.050;
- (5) The rear bumper to determine that it is flush with the bus so that hitching of rides cannot occur;
- (6) The exhaust tailpipe shall be flush with or may extend not more than two inches beyond the perimeter of the body or bumper;
- (7) The emergency doors and exits to determine them to be unlocked and easily opened as required;
- (8) The lettering and signing on the front, side and rear of the bus;
- (9) The service door;
- (10) The step treads;
- (11) The aisle mats or aisle runners;
- (12) The emergency equipment which shall include as a minimum a first aid kit, flares or fuses, and a fire extinguisher;
- (13) The seats, including a determination that they are securely fastened to the floor;
- (14) The emergency door buzzer;
- (15) All hand hold grips;
- (16) The interior glazing of the bus.

2. In addition to the inspection required by subsection 1 of this section, the Missouri state highway patrol shall conduct an inspection after February first of each school year of all vehicles required to be marked as school buses under section 304.050. This inspection shall be conducted by the Missouri highway patrol in cooperation with the department of elementary and secondary education and shall include, as a minimum, items in subsection 1 of this section and the following:

- (1) The driver seat belts;
- (2) The heating and defrosting systems;
- (3) The reflectors;
- (4) The bus steps;
- (5) The aisles;
- (6) The frame.

3. If, upon inspection, conditions which violate the standards in subsection 2 of this section are found,



the owner or operator shall have them corrected in ten days and notify the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus shall not be used until corrections are made and the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent are notified.

4. The Missouri highway patrol may inspect any school bus at any time and if such inspection reveals a deficiency affecting the safe operation of the bus, the provisions of subsection 3 of this section shall be applicable.

5. [Notwithstanding the provisions of section 307.390 to the contrary,] A violation of this section shall be a class C misdemeanor.

**6. The superintendent of the Missouri state highway patrol shall prescribe the standards and equipment necessary for an official school bus inspection station and the qualifications for persons who conduct the inspections. The Missouri state highway patrol shall establish standards and procedures to be followed when conducting the inspections required under this section and shall prescribe rules and regulations for the operation of the school bus inspection stations.**

307.385. The superintendent of the Missouri state highway patrol may notify the director of revenue and the director of revenue shall suspend the registration of any vehicle which the superintendent of the Missouri state highway patrol determines, after a written notice, is not equipped as required by law or for which a certificate required by sections [307.350] **307.360** to 307.390 has not been obtained.

307.390. 1. Any person who violates any provision of sections [307.350] **307.360** to 307.390 is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

2. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers to investigate and enforce motor vehicle safety inspection laws and regulations pursuant to sections [307.350] **307.360** to 307.390 and sections 643.300 to 643.355. A person assigned by the superintendent pursuant to the authority granted by this subsection shall be designated a motor vehicle inspector and shall have limited powers to issue a uniform complaint and summons for a violation of the motor vehicle inspection laws and regulations. A motor vehicle inspector shall not have authority to exercise the power granted in this subsection until such inspector successfully completes training provided by, and to the satisfaction of, the superintendent.

643.303. 1. Beginning September 1, 2007, emissions inspections required by sections 643.300 to 643.355 shall be conducted through a decentralized emissions program that meets the requirements of this section. Prior to September 1, 2007, the air conservation commission shall develop a decentralized emissions inspection program that allows official inspection stations to conduct on-board diagnostic emission inspections of 1996 model year and newer motor vehicles equipped with on-board diagnostic systems meeting the federal Environmental Protection Agency On-Board Diagnostics II (OBDII) standards. The decentralized emissions inspection program shall, at a minimum, provide for the following:

(1) The periodic inspection of certain motor vehicles as required under section 643.315;

(2) The certification and operation of official emissions inspection stations and the licensing of emission inspectors;

- (3) The testing of motor vehicles through on-board diagnostic testing technologies;
- (4) The training, certification, and supervision of emission inspectors and other personnel; and
- (5) Procedures for certifying test results and for reporting and maintaining relevant data records.

2. In addition to any other criteria established by the commission under section 643.320 or by rule, the decentralized emissions inspection program shall allow any official inspection station located in an area described in subsection 1 of section 643.305 otherwise qualified by the Missouri state highway patrol to conduct motor vehicle [safety] inspections under section 307.360 to conduct on-board diagnostic emission inspections. Any motor vehicle [safety] inspection station that desires to conduct emissions inspections shall submit an application for a certificate of authorization to the commission as provided for under section 643.320. Other individuals, corporations, or entities [that do not conduct motor vehicle safety inspections] may conduct emission inspections provided they meet the qualifications set forth in sections 643.300 to 643.355 and [the] rules promulgated by the commission. Applications shall be made upon a form designated by the commission and shall contain such information as may be required by the commission. A certificate of authorization issued under section 643.320 to conduct emission inspections shall be issued only after the commission has made a determination that the applicant's proposed inspection station will be properly equipped, has the necessary licensed emission inspectors to conduct inspections, and meets all other requirements of sections 643.300 to 643.355 or rules promulgated to carry out the provisions of those sections.

3. The decentralized emissions inspection program shall allow any official **emissions** inspection station that is certified to conduct an on-board diagnostic emission inspection under sections 643.300 to 643.355 to repair motor vehicles in order to bring such vehicles into compliance with sections 643.300 to 643.355, if such station and personnel meet the qualifications to conduct emission repairs as set forth in sections 643.300 to 643.355. An official emission inspection station may elect to be an emissions test-only station or may elect to conduct both emission inspections and repairs.

4. The commission is authorized to begin certification of official **emissions** inspection stations prior to September 1, 2007, in order to implement the decentralized emissions inspection program. Prior to January 1, 2007, the department of natural resources shall issue a report to the general assembly and the governor regarding the progress of implementing the decentralized emissions inspection program. The report shall include, but not be limited to, a summary describing how many inspection stations or individuals the department expects to participate in the program and how many inspection stations or individuals will be qualified by September 1, 2007, to conduct such emissions inspections.

5. The commission may, as a part of implementing the decentralized emissions inspection program, use remote sensing devices to collect information regarding the vehicle fleet emissions characteristics and registration compliance within the area described in subsection 1 of section 643.305. The decentralized emissions inspection program established by the commission may also include a clean screen program that utilizes remote sensing devices. Owners of eligible vehicles who comply with clean screen/remote sensing procedures shall be deemed to have complied with the mandatory inspection requirements for the next inspection cycle. As used in this subsection, the term "clean screen program" shall mean a procedure or system that utilizes remote sensing technologies to determine whether a motor vehicle has acceptable emission levels and then allows the motor vehicle owner to bypass the emissions inspection test required under section 643.315.

6. The decentralized emissions inspection program may include a gas cap pressure test and a visual inspection component[, and such tests may be included as part of the motor vehicle safety inspection test under section 307.350].

7. As used in sections 643.300 to 643.355, “decentralized emissions inspection program” means an emissions inspection program under which a certified emissions inspector conducts emissions inspection testing at an official inspection station.

8. The decentralized emission inspection program shall satisfy the requirements established by regulation of the United States Environmental Protection Agency.

9. The decentralized emissions inspection program established by the commission and sections 643.300 to 643.355 shall not be construed to be a new program as described in section 23.253, and the decentralized emissions inspection program shall not be subject to the sunset mandate prescribed by sections 23.250 to 23.298.

10. No later than July 1, 2007, the department of natural resources and the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of sections 643.300 to 643.355.

11. No later than July 1, 2007, the air conservation commission shall promulgate rules for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

12. Prior to September 1, 2007, the department of natural resources shall actively promote participation in the decentralized emissions inspection program among qualified motor vehicle dealers, service stations, and other individuals. After the implementation of the decentralized emission inspection program, the department shall monitor participation in such program. In determining whether there are a sufficient number of individuals conducting motor vehicle emission inspections under the decentralized program, the department shall attempt to ensure, through promotional efforts, that no more than twenty percent of all persons residing in the affected nonattainment area reside farther than five miles from the nearest inspection station.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer; provided that, if such vehicle is inspected and approved prior to sale or transfer, such vehicle shall not be subject to another emissions inspection for ninety days after the date of sale or transfer of such vehicle. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject

to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle. The department of revenue shall require evidence of [the safety and] emission inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by [sections 307.350 to 307.390 and] sections 643.300 to 643.355. The director of revenue may verify that a successful [safety and] emissions inspection was completed via electronic means.

2. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(3) Model year vehicles manufactured prior to 1996;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal;

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;

(7) Historic motor vehicles registered pursuant to section 301.131;

(8) School buses;

(9) Heavy-duty diesel-powered vehicles with a gross vehicle weight rating in excess of eight thousand five hundred pounds;

(10) New motor vehicles that have not been previously titled and registered, for the four-year period following their model year of manufacture[, provided the odometer reading for such motor vehicles are under forty thousand miles at their first required biennial safety inspection conducted under sections 307.350 to 307.390; otherwise such motor vehicles shall be subject to the emissions inspection requirements of subsection 1 of this section during the same period that the biennial safety inspection is conducted];

(11) Motor vehicles that are driven fewer than twelve thousand miles between biennial [safety inspections] **registration periods**; and

(12) Qualified plug-in electric drive vehicles. For the purposes of this section, "qualified plug-in electric drive vehicle" shall mean a plug-in electric drive vehicle that is made by a manufacturer, has not been

modified from original manufacturer specifications, and can operate solely on electric power and is capable of recharging its battery from an on-board generation source and an off-board electricity source.

3. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established pursuant to sections 643.300 to 643.355.

4. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

- (a) With prior inspection and approval as provided in subdivision (2) of this subsection; or
- (b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to sections 643.300 to 643.355 or by obtaining a waiver pursuant to section 643.335. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020. [No emissions inspection shall be required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.]

[307.350. 1. The owner of every motor vehicle as defined in section 301.010 which is required to be registered in this state, except:

- (1) Motor vehicles, for the five-year period following their model year of manufacture, excluding prior salvage vehicles immediately following a rebuilding process and vehicles subject to the provisions of section 307.380;
- (2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such

vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131;

(4) Vehicles registered in excess of twenty-four thousand pounds for a period of less than twelve months; shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144 or a set of any license plates available pursuant to section 301.142, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.]

[307.353. Other provisions of law notwithstanding, no person shall be required to have a biennial vehicle inspection during a registration period which exceeds two years. The inspection required at the beginning of the registration period shall be valid for the entire registration period.]

[307.355. 1. No state registration license to operate the type of vehicle required to be inspected by section 307.350 may be transferred or issued during a biennial registration year in which the vehicle is required to be inspected unless the application is accompanied by a certificate of inspection and approval issued no more than sixty days prior to the date of application, or in the case of school buses, which will be required to be inspected annually as provided in section 307.375, except:

(1) The director of revenue may transfer or issue a state registration license to the type of vehicle required to be inspected by section 307.350 without a certificate of inspection and approval accompanying the application if the director has satisfactory evidence that the vehicle was not in the state of Missouri at any time during the sixty days prior to the date of application; however, the owner of every such vehicle must submit the vehicle for inspection and obtain a certificate of inspection and approval within ten days after the vehicle is first returned to the state of Missouri;

(2) The director of revenue shall renew a vehicle's registration license without a certificate of inspection and approval accompanying the application if satisfactory documentary evidence is presented at the time of application that the license being renewed was properly transferred within a six-month period prior to the expiration of the license being renewed or that the vehicle for which the registration is being issued was issued a registration for a period of less than one year for the registration period just expiring.

2. If due to interstate operation a commercial motor vehicle as defined in section 301.010 or a trailer of the type required to be inspected is required to obtain full fee registration in this and any other state during the same calendar year, no Missouri certificate of inspection and approval is required if the vehicle bears evidence that a current valid inspection sticker or decal was issued by such other state in which the vehicle is registered; provided that the sticker or decal issued by such other state is valid for the registration period in this state.

3. After a commercial motor vehicle as defined in section 301.010 has been registered for the current year, no certificate of inspection and approval is required when a local commercial motor vehicle license is changed to a beyond-local commercial motor vehicle license or when the licensed gross weight is changed during the licensed period.]

[307.380. 1. Every vehicle of the type required to be inspected upon having been involved in an accident and when so directed by a police officer must be inspected and an official certificate of inspection and approval, sticker, seal or other device be obtained for such vehicle before it is again operated on the

highways of this state. At the seller's expense every vehicle of the type required to be inspected by section 307.350, whether new or used, shall immediately prior to sale be fully inspected regardless of any current certificate of inspection and approval, and an appropriate new certificate of inspection and approval, sticker, seal or other device shall be obtained.

2. Nothing contained in the provisions of this section shall be construed to prohibit a dealer or any other person from selling a vehicle without a certificate of inspection and approval if the vehicle is sold for junk, salvage, or for rebuilding, or for vehicles sold at public auction or from dealer to dealer. The purchaser of any vehicle which is purchased for junk, salvage, or for rebuilding, shall give to the seller an affidavit, on a form prescribed by the superintendent of the Missouri state highway patrol, stating that the vehicle is being purchased for one of the reasons stated herein. No vehicle of the type required to be inspected by section 307.350 which is purchased as junk, salvage, or for rebuilding shall again be registered in this state until the owner has submitted the vehicle for inspection and obtained an official certificate of inspection and approval, sticker, seal or other device for such vehicle.

3. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.]

[307.402. All state agencies owning motor vehicles shall be responsible for obtaining an inspection of each of their vehicle's mechanism and equipment in accordance with the provisions of sections 307.350 to 307.402 and obtaining a certificate of inspection and approval and a sticker, seal or other device from a duly authorized official inspection station.]

Section B. The repeal and reenactment of sections 301.020, 301.032, 301.074, 301.132, 301.147, 301.190, 301.191, 301.380, 301.443, 301.800, 307.360, 307.365, 307.370, 307.375, 307.385, 307.390 643.303, and 643.315 and the repeal of sections 307.350, 307.353, 307.355, 307.380, and 307.402 of this act shall become effective January 1, 2019.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 5, Section 21.795, Line 120, by inserting after all of said line the following:

“70.370. Within sixty days after this section becomes effective, the governor by and with the advice and consent of the senate shall appoint three commissioners to enter into a compact on behalf of the state of Missouri with the state of Illinois. If the senate is not in session at the time for making any appointment, the governor shall make a temporary appointment as in case of a vacancy. Any two of the commissioners so appointed together with the attorney general of the state of Missouri may act to enter into the following compact:

COMPACT BETWEEN MISSOURI AND ILLINOIS  
CREATING THE BI-STATE DEVELOPMENT AGENCY  
AND THE BI-STATE METROPOLITAN DISTRICT



The states of Missouri and Illinois enter into the following agreement:

#### ARTICLE I

They agree to and pledge each to the other faithful cooperation in the future planning and development of the bi-state metropolitan district, holding in high trust for the benefit of its people and of the nation the special blessings and natural advantages thereof.

#### ARTICLE II

To that end the two states create a district to be known as the “Bi-State Metropolitan Development District” (herein referred to as “The District” ) which shall embrace the following territory: The City of St. Louis and the counties of St. Louis [and], St. Charles [and], Jefferson, **and Franklin** in Missouri[,] and the counties of Madison, St. Clair, and Monroe in Illinois.

#### ARTICLE III

There is created “The Bi-State Development Agency of the Missouri-Illinois Metropolitan District” (herein referred to as “The Bi-State Agency” ) which shall be a body corporate and politic. The bi-state agency shall have the following powers:

(1) To plan, construct, maintain, own and operate bridges, tunnels, airports and terminal facilities and to plan and establish policies for sewage and drainage facilities;

(2) To make plans for submission to the communities involved for coordination of streets, highways, parkways, parking areas, terminals, water supply and sewage and disposal works, recreational and conservation facilities and projects, land use pattern and other matters in which joint or coordinated action of the communities within the areas will be generally beneficial;

(3) To charge and collect fees for use of the facilities owned and operated by it;

(4) To issue bonds upon the security of the revenues to be derived from such facilities; and, or upon any property held or to be held by it;

(5) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies; or by the federal government or any agency or officer thereof;

(6) To disburse funds for its lawful activities, and fix salaries and wages of its officers and employees;

(7) To perform all other necessary and incidental functions; and

(8) To exercise such additional powers as shall be conferred on it by the legislature of either state concurred in by the legislature of the other or by act of Congress.

No property now or hereafter vested in or held by either state, or by any county, city, borough, village, township or other political subdivision, shall be taken by the bi-state agency without the authority or consent of such state, county, city, borough, village, township or other political subdivision, nor shall anything herein impair or invalidate in any way any bonded indebtedness of such state, county, city, borough, village, township or other political subdivision, nor impair the provisions of law regulating the payment into sinking funds of revenues derived from municipal property, or dedicating the revenues derived from any municipal property to a specific purpose.

Unless and until otherwise provided, it shall make an annual report to the governor of each state, setting forth in detail the operations and transactions conducted by it pursuant to this agreement and any legislation thereunder.

Nothing contained in this compact shall impair the powers of any municipality to develop or improve terminal or other facilities.

The bi-state agency shall from time to time make plans for the development of the district; and when such plans are duly approved by the legislatures of the two states, they shall be binding upon both states with the same force and effect as if incorporated in this compact.

The bi-state agency may from time to time make recommendations to the legislatures of the two states or to the Congress of the United States, based upon study and analysis, for the improvement of transportation, terminal, and other facilities in the district.

The bi-state agency may petition any interstate commerce commission (or like body), public service commission, public utilities commission (or like body), or any other federal, municipal, state or local authority, administrative, judicial or legislative, having jurisdiction in the premises, for the adoption and execution of any physical improvements, change in method, rate of transportation, system of handling freight, warehousing, docking, lightering, or transfer of freight, which, in the opinion of the bi-state agency, may be designed to improve or better the handling of commerce in and through the district, or improve terminal and transportation facilities therein. It may intervene in any proceeding affecting the commerce of the district.

#### ARTICLE IV

The bi-state agency shall consist of ten commissioners, five of whom shall be resident voters of the state of Missouri and five of whom shall be resident voters of the state of Illinois. All commissioners shall reside within the bi-state district, the Missouri members to be chosen by the state of Missouri and the Illinois members by the state of Illinois in the manner and for the terms fixed by the legislature of each state except as herein provided.

#### ARTICLE V

The bi-state agency shall elect from its number a chairman, a vice chairman, and may appoint such officers and employees as it may require for the performance of its duties, and shall fix and determine their qualifications and duties.

Until otherwise determined by the legislatures of the two states no action of the bi-state agency shall be binding unless taken at a meeting at which at least three members from each state are present, and unless a majority of the members from each state present at such meeting shall vote in favor thereof. Each state reserves the right hereafter to provide by law for the exercise of the veto power by the governor thereof over any action of any commissioner appointed therefrom.

Until otherwise determined by the action of the legislature of the two states, the bi-state agency shall not incur any obligations for salaries, office or other administrative expenses, prior to the making of appropriations adequate to meet the same.

The bi-state agency is hereby authorized to make suitable rules and regulations not inconsistent with the constitution or laws of the United States or of either state, or of any political subdivision thereof, and subject

to the exercise of the power of Congress, for the improvement of the district, which when concurred in or authorized by the legislatures of both states, shall be binding and effective upon all persons and corporations affected thereby.

The two states shall provide penalties for violations of any order, rule or regulation of the bi-state agency, and for the manner of enforcing same.

#### ARTICLE VI

The bi-state agency is authorized and directed to proceed with the development of the district in accordance with the articles of this compact as rapidly as may be economically practicable and is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States or of either state, to effectuate the same, except the power to levy taxes or assessments.

It shall render such advice, suggestion and assistance to all municipal officials as will permit all local and municipal improvements, so far as practicable, to fit in with the plan.

#### ARTICLE VII

In witness thereof, we have hereunto set our hands and seals under authority vested in us by law.

(Signed)

In the presence of:

(Signed)"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 11, Section 71.015, Line 148, by inserting immediately after all of said section and line the following:

"137.010. The following words, terms and phrases when used in laws governing taxation and revenue in the state of Missouri shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) "Grain and other agricultural crops in an unmanufactured condition" shall mean grains and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax, grain sorghums, cotton, and such other products as are usually stored in grain and other elevators and on farms; but excluding such grains and other agricultural crops after being processed into products of such processing, when packaged or sacked. The term "processing" shall not include hulling, cleaning, drying, grating, or polishing;

(2) "Hydroelectric power generating equipment", very-low-head turbine generators with a nameplate generating capacity of at least four hundred kilowatts but not more than six hundred kilowatts and machinery and equipment used directly in the production, generation, conversion, storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the transmission of electrical energy;

(3) "Intangible personal property", for the purpose of taxation, shall include all property other than real

property and tangible personal property, as defined by this section;

(4) “Real property” includes land itself, whether laid out in town lots or otherwise, and all growing crops, buildings, structures, improvements and fixtures of whatever kind thereon, hydroelectric power generating equipment, the installed poles used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes, provided the owner of such installed poles is also an owner of a fee simple interest, possessor of an easement, holder of a license or franchise, or is the beneficiary of a right-of-way dedicated for public utility purposes for the underlying land; attached wires, transformers, amplifiers, substations, and other such devices and appurtenances used in the transmission or reception of electrical energy, audio signals, video signals or similar purposes when owned by the owner of the installed poles, otherwise such items are considered personal property; and stationary property used for transportation or storage of liquid and gaseous products, including, but not limited to, petroleum products, natural gas, propane or LP gas equipment, water, and sewage;

(5) **“Reliever airport”, any land and improvements, exclusive of structures, on privately owned airports that qualify as reliever airports under the National Plan of Integrated Airports System that may receive federal airport improvement project funds through the Federal Aviation Administration;**

(6) “Tangible personal property” includes every tangible thing being the subject of ownership or part ownership whether animate or inanimate, other than money, and not forming part or parcel of real property as herein defined, but does not include household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place.

137.016. 1. As used in Section 4(b) of Article X of the Missouri Constitution, the following terms mean:

(1) “Residential property”, all real property improved by a structure which is used or intended to be used for residential living by human occupants, vacant land in connection with an airport, land used as a golf course, manufactured home parks, bed and breakfast inns in which the owner resides and uses as a primary residence with six or fewer rooms for rent, and time-share units as defined in section 407.600, except to the extent such units are actually rented and subject to sales tax under subdivision (6) of subsection 1 of section 144.020, but residential property shall not include other similar facilities used primarily for transient housing. For the purposes of this section, “transient housing” means all rooms available for rent or lease for which the receipts from the rent or lease of such rooms are subject to state sales tax pursuant to subdivision (6) of subsection 1 of section 144.020;

(2) “Agricultural and horticultural property”, all real property used for agricultural purposes and devoted primarily to the raising and harvesting of crops; to the feeding, breeding and management of livestock which shall include breeding, showing, and boarding of horses; to dairying, or to any other combination thereof; and buildings and structures customarily associated with farming, agricultural, and horticultural uses. Agricultural and horticultural property shall also include land devoted to and qualifying for payments or other compensation under a soil conservation or agricultural assistance program under an agreement with an agency of the federal government. Agricultural and horticultural property shall further include [land and improvements, exclusive of structures, on privately owned airports that qualify as reliever airports under the National Plan of Integrated Airports System, to receive federal airport improvement project funds through the Federal Aviation Administration] **any reliever airport**. Real property classified as forest croplands shall not be agricultural or horticultural property so long as it is classified as forest croplands and

shall be taxed in accordance with the laws enacted to implement Section 7 of Article X of the Missouri Constitution. Agricultural and horticultural property shall also include any sawmill or planing mill defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421;

(3) "Utility, industrial, commercial, railroad and other real property", all real property used directly or indirectly for any commercial, mining, industrial, manufacturing, trade, professional, business, or similar purpose, including all property centrally assessed by the state tax commission but shall not include floating docks, portions of which are separately owned and the remainder of which is designated for common ownership and in which no one person or business entity owns more than five individual units. All other real property not included in the property listed in subclasses (1) and (2) of Section 4(b) of Article X of the Missouri Constitution, as such property is defined in this section, shall be deemed to be included in the term "utility, industrial, commercial, railroad and other real property".

2. Pursuant to Article X of the state constitution, any taxing district may adjust its operating levy to recoup any loss of property tax revenue, except revenues from the surtax imposed pursuant to Article X, Subsection 2 of Section 6 of the constitution, as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units if such adjustment of the levy does not exceed the highest tax rate in effect subsequent to the 1980 tax year. For purposes of this section, loss in revenue shall include the difference between the revenue that would have been collected on such property under its classification prior to enactment of this section and the amount to be collected under its classification under this section. The county assessor of each county or city not within a county shall provide information to each taxing district within its boundaries regarding the difference in assessed valuation of such property as the result of such change in classification.

3. All reclassification of property as the result of changing the classification of structures intended to be used for residential living by human occupants which contain five or more dwelling units shall apply to assessments made after December 31, 1994.

4. Where real property is used or held for use for more than one purpose and such uses result in different classifications, the county assessor shall allocate to each classification the percentage of the true value in money of the property devoted to each use; except that, where agricultural and horticultural property, as defined in this section, also contains a dwelling unit or units, the farm dwelling, appurtenant residential-related structures and up to five acres immediately surrounding such farm dwelling shall be residential property, as defined in this section. **This subsection shall not apply to any reliever airport.**

5. All real property which is vacant, unused, or held for future use; which is used for a private club, a not-for-profit or other nonexempt lodge, club, business, trade, service organization, or similar entity; or for which a determination as to its classification cannot be made under the definitions set out in subsection 1 of this section, shall be classified according to its immediate most suitable economic use, which use shall be determined after consideration of:

(1) Immediate prior use, if any, of such property;

(2) Location of such property;

(3) Zoning classification of such property; except that, such zoning classification shall not be considered conclusive if, upon consideration of all factors, it is determined that such zoning classification does not

reflect the immediate most suitable economic use of the property;

(4) Other legal restrictions on the use of such property;

(5) Availability of water, electricity, gas, sewers, street lighting, and other public services for such property;

(6) Size of such property;

(7) Access of such property to public thoroughfares; and

(8) Any other factors relevant to a determination of the immediate most suitable economic use of such property.

6. All lands classified as forest croplands shall not, for taxation purposes, be classified as subclass (1), subclass (2), or subclass (3) real property, as such classes are prescribed in Section 4(b) of Article X of the Missouri Constitution and defined in this section, but shall be taxed in accordance with the laws enacted to implement Section 7 of Article X of the Missouri Constitution.

137.017. 1. For general property assessment purposes, the true value in money of land which is in use as agricultural and horticultural property, as defined in section 137.016, shall be that value which such land has for agricultural or horticultural use. The true value of buildings or other structures customarily associated with farming, agricultural, and horticultural uses, excluding residential dwellings and related land, shall be added to the use value of the agricultural and horticultural land to determine the value of the agricultural and horticultural property under sections 137.017 to 137.021.

2. After it has been established that the land is actually agricultural and horticultural property, as defined in section 137.016, and is being valued and assessed accordingly, the land shall remain in this category as long as the owner of the land complies with the provisions of sections 137.017 to 137.021.

3. Continuance of valuation and assessment for general property taxation under the provisions of sections 137.017 to 137.021 shall depend upon continuance of the land being used as agricultural and horticultural property, as defined in section 137.016, and compliance with the other requirements of sections 137.017 to 137.021 and not upon continuance in the same owner of title to the land.

4. For general property assessment purposes, the true value in money of vacant and unused land which is classified as agricultural and horticultural property under subsection 3 of section 137.016 shall be its fair market value. **This subsection shall not apply to any reliever airport.**

**5. For general property assessment purposes, the true value in money of a reliever airport shall be that value which such land has for agricultural or horticultural use.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 27, Section 301.140, Line 143, by inserting immediately after all of said section and line the following:

“301.142. 1. As used in sections 301.141 to 301.143, the following terms mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of the department of revenue;

(3) “Other authorized health care practitioner” includes advanced practice registered nurses licensed pursuant to chapter 335, physician assistants licensed pursuant to chapter 334, chiropractors licensed pursuant to chapter 331, podiatrists licensed pursuant to chapter 330, assistant physicians, physical therapists licensed pursuant to chapter 334, and optometrists licensed pursuant to chapter 336;

(4) “Physically disabled”, a natural person who is blind, as defined in section 8.700, or a natural person with medical disabilities which prohibits, limits, or severely impairs one’s ability to ambulate or walk, as determined by a licensed physician or other authorized health care practitioner as follows:

(a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or

(b) The person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

(c) Is restricted by a respiratory or other disease to such an extent that the person’s forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

(d) Uses portable oxygen; or

(e) Has a cardiac condition to the extent that the person’s functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or

(f) A person’s age, in and of itself, shall not be a factor in determining whether such person is physically disabled or is otherwise entitled to disabled license plates and/or disabled windshield hanging placards within the meaning of sections 301.141 to 301.143;

(5) “Physician”, a person licensed to practice medicine pursuant to chapter 334;

(6) “Physician’s statement”, a statement personally signed by a duly authorized person which certifies that a person is disabled as defined in this section;

(7) “Temporarily disabled person”, a disabled person as defined in this section whose disability or incapacity is expected to last no more than one hundred eighty days;

(8) “Temporary windshield placard”, a placard to be issued to persons who are temporarily disabled persons as defined in this section, certification of which shall be indicated on the physician’s statement;

(9) “Windshield placard”, a placard to be issued to persons who are physically disabled as defined in this section, certification of which shall be indicated on the physician’s statement.

2. Other authorized health care practitioners may furnish to a disabled or temporarily disabled person a physician’s statement for only those physical health care conditions for which such health care practitioner is legally authorized to diagnose and treat.

3. A physician’s statement shall:

(1) Be on a form prescribed by the director of revenue;

(2) Set forth the specific diagnosis and medical condition which renders the person physically disabled

or temporarily disabled as defined in this section;

(3) Include the physician's or other authorized health care practitioner's license number; and

(4) Be personally signed by the issuing physician or other authorized health care practitioner.

4. If it is the professional opinion of the physician or other authorized health care practitioner issuing the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the physician or other authorized health care practitioner shall note on the statement the anticipated length of the disability which period may not exceed one hundred eighty days. If the physician or health care practitioner fails to record an expiration date on the physician's statement, the director shall issue a temporary windshield placard for a period of thirty days.

5. A physician or other authorized health care practitioner who issues or signs a physician's statement so that disabled plates or a disabled windshield placard may be obtained shall maintain in such disabled person's medical chart documentation that such a certificate has been issued, the date the statement was signed, the diagnosis or condition which existed that qualified the person as disabled pursuant to this section and shall contain sufficient documentation so as to objectively confirm that such condition exists.

6. The medical or other records of the physician or other authorized health care practitioner who issued a physician's statement shall be open to inspection and review by such practitioner's licensing board, in order to verify compliance with this section. Information contained within such records shall be confidential unless required for prosecution, disciplinary purposes, or otherwise required to be disclosed by law.

7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to primarily transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, a current physician's statement which has been issued within ninety days proceeding the date the application is made and proof of compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "DISABLED" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. **If at any time an individual who obtained disabled license plates issued under this subsection no longer occupies a residence with a physically disabled person, or no longer owns a vehicle that is operated at least fifty percent of the time by a physically disabled person, such individual shall surrender the disabled license plates to the department within thirty days of becoming ineligible for their use.**

8. The director shall further issue, upon request, to such applicant one, and for good cause shown, as the director may define by rule and regulations, not more than two, removable disabled windshield hanging placards for use when the disabled person is occupying a vehicle or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or collect the physically disabled person issued the disabled motor vehicle license plate or disabled windshield hanging placard.

9. No additional fee shall be paid to the director for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this



subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "DISABLED" as prescribed in this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person, **and shall be surrendered to the department, within thirty days, if a group, organization, or entity that obtained the removable windshield placard due to the transportation of more than one physically disabled person no longer transports more than one disabled person.** When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The removable windshield placard shall be renewed every four years. The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard may be issued to an applicant who has not been issued disabled person license plates.

12. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, and for good cause shown, one additional temporary windshield placard may be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to this section is supplied to the director of revenue at the time of renewal.

13. Application for license plates or windshield placards issued pursuant to this section shall be made to the director of revenue and shall be accompanied by a statement signed by a licensed physician or other authorized health care practitioner which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section.

14. The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when the physically disabled occupant

for whom the disabled plate or placard was issued is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected. A disabled license plate and/or a removable windshield hanging placard are not transferable and may not be used by any other person whether disabled or not.

15. At the time the disabled plates or windshield hanging placards are issued, the director shall issue a registration certificate which shall include the applicant's name, address, and other identifying information as prescribed by the director, or if issued to an agency, such agency's name and address. This certificate shall further contain the disabled license plate number or, for windshield hanging placards, the registration or identifying number stamped on the placard. The validated registration receipt given to the applicant shall serve as the registration certificate.

16. The director shall, upon issuing any disabled registration certificate for license plates and/or windshield hanging placards, provide information which explains that such plates or windshield hanging placards are nontransferable, and the restrictions explaining who and when a person or vehicle which bears or has the disabled plates or windshield hanging placards may be used or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the provisions of this act.

17. Every new applicant for a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application. Renewal applicants will be required to submit a physician's statement dated no more than ninety days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than ninety days prior to such application shall be required every [fourth] **eightth** year. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days. The director may stagger the requirement of a physician's statement on all renewals for the initial implementation of a [four-year] **eight-year** period.

18. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, or the Missouri state board of nursing established in section 335.021, with respect to physician's statements signed by advanced practice registered nurses, or the Missouri state board of chiropractic examiners established in section 331.090, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to law. If such applicant obtaining a disabled license plate or placard presents proof of disability in the form of a statement from the United States Veterans' Administration verifying that the person is permanently disabled, the applicant shall be exempt from the [four-year] **eight-year** certification requirement of this subsection for renewal of the plate or placard. Initial applications shall be accompanied by the physician's statement required by this section. Notwithstanding the provisions of paragraph (f) of subdivision (4) of subsection 1 of this section, any person seventy-five years of age or older who provided the physician's statement with the original application shall not be required to provide a physician's statement for the purpose of renewal of disabled persons license plates or windshield placards.

19. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director shall, in cooperation with the boards which shall assist the director, establish a list

of all Missouri physicians and other authorized health care practitioners and of any other information necessary to administer this section.

20. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit a statement stating this fact, in addition to the physician's statement. The statement shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this statement with each application for license plates. No person shall willingly or knowingly submit a false statement and any such false statement shall be considered perjury and may be punishable pursuant to section 301.420.

21. The director of revenue shall retain all physicians' statements and all other documents received in connection with a person's application for disabled license plates and/or disabled windshield placards.

22. The director of revenue shall enter into reciprocity agreements with other states or the federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons.

23. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of the decedent or such other person who may come into or otherwise take possession of the disabled license plates or disabled windshield placard shall return the same to the director of revenue under penalty of law. Failure to return such plates or placards shall constitute a class B misdemeanor.

24. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards.

25. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

26. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be four dollars.

27. Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 39, Section 304.190, Line 86, by inserting immediately after said section and line the following:

**“304.935. No political subdivision of this state shall impose a tax or other requirement, including performance standards, where such tax or other requirement relates specifically to the operation of**

**vehicles, or capability of vehicles to operate, without real-time input by a conventional human driver, including with regard to the transportation of persons or goods for compensation.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 14, Section 301.010, Line 5, by inserting after all of said line the following:

**“(2) “Autocycle”, a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or Federal Motorcycle Safety Standards;”;** and

Further amend said bill and section by renumbering subdivisions accordingly; and

Further amend said bill and section, page 18, Lines 143 to 145, by removing all of said lines from the bill and inserting in lieu thereof the following:

**“[(38)] (39) “Motortricycle”, a motor vehicle upon which the operator straddles or sits astride that is designed to be controlled by handle bars and is** operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;”;

Further amend said bill and section, Page 22, Line 301, by inserting after all of said section and line the following:

“301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant’s identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle’s certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, **autocycle**, bus, or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This subsection shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

301.055. 1. The annual registration fee for motor vehicles other than commercial motor vehicles is:

Less than 12 horsepower	\$18.00
12 horsepower and less than 24 horsepower	21.00
24 horsepower and less than 36 horsepower	24.00
36 horsepower and less than 48 horsepower	33.00
48 horsepower and less than 60 horsepower	39.00
60 horsepower and less than 72 horsepower	45.00
72 horsepower and more	51.00
Motorcycles	8.50
Motortricycles	10.00
<b>Autocycles</b>	<b>10.00</b>

**2. Notwithstanding any other provision of law, the registration of any autocycle registered as a motorcycle or motortricycle prior to August 28, 2018, shall remain in effect until the expiration of the registration period for such vehicle at which time the owner shall be required to renew the motor vehicle's registration under the autocycle classification and pay the appropriate registration fee.”; and**

Further amend said bill, Page 23, Section 301.075, Line 4, by inserting after all of said section and line the following:

“301.130. 1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of

registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided by this section. Each set of license plates shall bear the name or abbreviated name of this state, the words "SHOW-ME STATE", the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. The plates shall also contain fully reflective material with a common color scheme and design for each type of license plate issued pursuant to this chapter. The plates shall be clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "SHOW-ME STATE" and special plates for members of the National Guard will have the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration. The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.

3. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, **autocycles**, motorscooters, and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, or with the state highways and transportation commission as otherwise provided in this chapter, but only one license plate shall be issued for each such vehicle, except as provided in this subsection. The applicant for registration of any property-carrying commercial vehicle registered at a gross weight in excess of twelve thousand pounds may request and be issued two license plates for such vehicle, and if such plates are issued, the director of revenue shall provide for distinguishing marks on the plates indicating one plate is for the front and the other is for the rear of such vehicle. The director may assess and collect an additional charge from the applicant in an amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section 301.144.

4. The plates issued to manufacturers and dealers shall bear the letters and numbers as prescribed by section 301.560, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

5. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue or the state highways and transportation commission and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles, **autocycles**, and motorscooters shall be displayed on the rear of such vehicles either horizontally or vertically, with the letters and numbers plainly visible. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section, displayed in the

same manner on the front and rear of such vehicles. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as provided by law as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs positively correlate with the license plate or plates issued by the department of revenue for such vehicle. Such tabs shall be produced in each license bureau office.

(2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs in the designated area of the license plate, no more than one per plate.

(3) A tab or set of tabs issued by the director of revenue when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as otherwise provided in this section, the director of revenue shall issue plates for a period of at least six years.

(5) For those commercial motor vehicles and trailers registered pursuant to section 301.041, the plate issued by the highways and transportation commission shall be a permanent nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant to this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the highways and transportation commission upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the highways and transportation commission shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

(6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the highways and transportation commission and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.

7. The director of revenue and the highways and transportation commission may prescribe rules and regulations for the effective administration of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

8. Notwithstanding the provisions of any other law to the contrary, owners of motor vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess of twenty-four thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for twenty-four thousand pounds that display special personalized license plates shall be subject to the provisions of



subsections 1 and 2 of section 301.030. On and after August 28, 2016, owners of motor vehicles, other than apportioned motor vehicles or commercial motor vehicles licensed in excess of twenty-four thousand pounds gross weight, may apply for any preexisting or hereafter statutorily created special personalized license plates.

9. No later than January 1, 2019, the director of revenue shall commence the reissuance of new license plates of such design as approved by the advisory committee under section 301.125 consistent with the terms, conditions, and provisions of section 301.125 and this chapter. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates that expire during the period of reissuance, applicants for registration of trailers or semitrailers with license plates that expire during the period of reissuance and applicants for registration of vehicles that are to be issued new license plates during the period of reissuance shall pay the cost of the plates required by this subsection. The additional cost prescribed in this subsection shall not be charged to persons receiving special license plates issued under section 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and specialized license plates are exempt from the provisions of this subsection. Except for new, replacement, and transfer applications, permanent nonexpiring license plates issued to commercial motor vehicles and trailers registered under section 301.041 are exempt from the provisions of this subsection.”; and

Further amend said bill, Page 27, Section 301.145, Line 17, by inserting after all of said section and line the following:

“301.350. 1. Upon receipt of an application for registration of a motor vehicle, trailer, manufacturer or dealer, as provided in this chapter, the director of revenue shall file such application and register such motor vehicle, trailer, manufacturer or dealer, together with the facts stated in the application, under a distinctive number assigned to such motor vehicle, trailer, manufacturer or dealer. Separate records shall be kept as follows:

- (1) Motor vehicles registered by owners;
- (2) Commercial motor vehicles;
- (3) Trailers;
- (4) Motorcycles and motor tricycles;
- (5) **Autocycles;**
- (6) Manufacturers and dealers.

2. The director of revenue may keep such other classifications and records as he may deem necessary and may enter contracts or agreements or otherwise make arrangements for computerized access to odometer and title information.

3. All of such books and records shall be kept open to public inspection during reasonable business hours.

4. The governor may cause the records of the department of revenue to be audited by the state auditor at any time.”; and

Further amend said bill, Page 32, Section 302.170, Line 163, by inserting after all of said section and

line the following:

“304.005. 1. As used in this section, the term “autocycle” means a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or Federal Motorcycle Safety Standards.

2. Notwithstanding subsection 2 of section 302.020, a person operating or riding in an autocycle [shall] **may** not be required to wear protective headgear [if the vehicle is equipped with a roof that meets or exceeds the standards established for protective headgear].

3. No person shall operate an autocycle on any highway or street in this state unless the person has a valid driver’s license. The operator of an autocycle, however, shall not be required to obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 32, Section 302.170, Line 163, by inserting after all of said line the following:

“304.060. 1. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. The state board of education may adopt rules and regulations governing the use of other vehicles owned by a district or operated under contract with any school district in this state and used for the purpose of transporting school children. The operator of such vehicle shall be licensed in accordance with section 302.272, and such vehicle shall transport no more children than the manufacturer suggests as appropriate for such vehicle. The state board of education may also adopt rules and regulations governing the use of authorized common carriers for the transportation of students on field trips or other special trips for educational purposes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The state board of education shall cooperate with the state transportation department and the state highway patrol in placing suitable warning signs at intervals on the highways of the state.

**2. Notwithstanding the provisions of subsection 1 of this section, any school board in the state of Missouri in an urban district containing the greater part of the population of a city which has more than three hundred thousand inhabitants may contract with any municipality, bi-state agency, or other governmental entity for the purpose of transporting school children attending a grade or grades not lower than the ninth nor higher than the twelfth grade, provided that such contract shall be for additional transportation services, and shall not replace or fulfill any of the school district’s obligations pursuant to section 167.231. The school district may notify students of the option to use district contracted transportation services.**

3. Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district

shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district.

[3.] **4.** Any other provision of the law to the contrary notwithstanding, in any county of the first class with a charter form of government adjoining a city not within a county, school buses may bear the word “special”.; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 5, Section 21.795, Line 120, by inserting after all of said section and line the following:

“68.075. 1. This section shall be known and may be cited as the “Advanced Industrial Manufacturing Zones Act”.

2. As used in this section, the following terms shall mean:

(1) “AIM zone”, an area identified through a resolution passed by the port authority board of commissioners appointed under section 68.045 that is being developed or redeveloped for any purpose so long as any infrastructure and building built or improved is in the development area. The port authority board of commissioners shall file an annual report indicating the established AIM zones with the department of revenue;

(2) “County average wage”, the average wage in each county as determined by the Missouri department of economic development for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility;

(3) “New job”, the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job. An employee that spends less than fifty percent of the employee’s work time at the facility is still considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility’s payroll, one hundred percent of the employee’s income from such employment is Missouri income, and the employee is paid at or above the county average wage;

**(4) “Related facility”, a facility operated by a company or a related company prior to the establishment of the AIM zone in question located within any port district, as defined under section 68.015, which is directly related to the operations of the facility within the new AIM zone.**

3. Any port authority located in this state may establish an AIM zone. Such zone may only include the area within the port authority’s jurisdiction, ownership, or control, and may include any such area. The port authority shall determine the boundaries for each AIM zone, and more than one AIM zone may exist within the port authority’s jurisdiction or under the port authority’s ownership or control, and may be expanded or contracted by resolution of the port authority board of commissioners.

4. Fifty percent of the state tax withholdings imposed by sections 143.191 to 143.265 on new jobs within

such zone after development or redevelopment has commenced shall not be remitted to the general revenue fund of the state of Missouri. Such moneys shall be deposited into the port authority AIM zone fund established under subsection 5 of this section for the purpose of continuing to expand, develop, and redevelop AIM zones identified by the port authority board of commissioners and may be used for managerial, engineering, legal, research, promotion, planning, satisfaction of bonds issued under section 68.040, and any other expenses.

5. There is hereby created in the state treasury the “Port Authority AIM Zone Fund”, which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180 to the port authorities from which the funds were collected, less the pro-rata portion appropriated by the general assembly to be used solely for the administration of this section which shall not exceed ten percent of the total amount collected within the zones of a port authority. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

6. The port authority shall approve any projects that begin construction and disperse any money collected under this section. The port authority shall submit an annual budget for the funds to the department of economic development explaining how and when such money will be spent.

7. The provision of section 23.253 notwithstanding, no AIM zone may be established after August 28, 2023. Any AIM zone created prior to that date shall continue to exist and be coterminous with the retirement of all debts incurred under subsection 4 of this section. No debts may be incurred or reauthorized using AIM zone revenue after August 28, 2023.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 41, Section 307.350, Line 49, by inserting immediately after said line the following:

**“Section 1. The department of transportation shall have the authority to allow, by permit, the installation and operation of systems of one or more fixed cameras combined with computer algorithms to convert images or registration plates into data readable by a computer for law enforcement purposes on the right of way, overpasses, bridges, of all highways in this state. Such permits may be issued for a period of not less than one year. All existing systems as of August 28, 2018, shall have one year from the passage of this section to obtain the new permit established by this section. The department shall not be required to pay any costs arising from the installation, use, or removal of permitted systems.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 22, Section 301.010, Line 301, by inserting after all of said section and line the following:

“301.030. 1. The director shall provide for the retention of license plates by the owners of motor

vehicles, other than commercial motor vehicles, and shall establish a system of registration on a monthly series basis to distribute the work of registering motor vehicles as uniformly as practicable throughout the twelve months of the calendar year. For the purpose of assigning license plate numbers, each type of motor vehicle shall be considered a separate class. Commencing July 1, 1949, motor vehicles, other than commercial motor vehicles, shall be registered for a period of twelve consecutive calendar months. There are established twelve registration periods, each of which shall start on the first day of each calendar month of the year and shall end on the last date of the twelfth month from the date of beginning.

2. Motor vehicles, other than commercial motor vehicles, operated for the first time upon the public highways of this state, to and including the fifteenth day of any given month, shall be subject to registration and payment of a fee for the twelve-month period commencing the first day of the month of such operation; motor vehicles, other than commercial motor vehicles, operated for the first time on the public highways of this state after the fifteenth day of any given month shall be subject to registration and payment of a fee for the twelve-month period commencing the first day of the next following calendar month.

3. All commercial motor vehicles and trailers, except those licensed under section 301.035 and those operated under agreements as provided for in sections 301.271 to 301.279, shall be registered either on a calendar year basis or on a prorated basis as provided in this section. The fees for commercial motor vehicles, trailers, semitrailers, and driveaway vehicles, other than those to be operated under agreements as provided for in sections 301.271 to 301.279 shall be payable not later than the last day of February of each year, except when such vehicle is licensed between April first and July first the fee shall be three-fourths the annual fee, when licensed between July first and October first the fee shall be one-half the annual fee and when licensed on or after October first the fee shall be one-fourth the annual fee. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Local commercial motor vehicle license plates may also be so stamped, marked or designed as to indicate they are to be used only on local commercial motor vehicles and, in addition to such stamp, mark or design, the letter "F" shall also be displayed on local commercial motor vehicle license plates issued to motor vehicles used for farm or farming transportation operations as defined in section 301.010 in the manner prescribed by the advisory committee established in section 301.129. In addition, all commercial motor vehicle license plates may be so stamped or marked with a letter, figure or other emblem as to indicate the gross weight for which issued.

4. The director shall, upon application, issue registration and license plates for nine thousand pounds gross weight for property-carrying commercial motor vehicles referred to herein, upon payment of the fees prescribed for twelve thousand pounds gross weight as provided in section 301.057.

**5. Notwithstanding any other provision of law to the contrary, any motorcycle or motortricycle registration issued by the Missouri department of revenue shall expire biennially on June 30.”; and**

Further amend said bill, Page 26, Section 301.140, Line 102, by deleting all of said line and inserting in lieu thereof the following:

“[8. The provisions of subsections 4, 5, and 6 of this section shall expire July 1, 2019.]”; and

Further amend said bill and section, by renumbering subsequent subsections accordingly; and

Further amend said bill, Page 27, Section 301.145, Line 17, by inserting after all of said section and line the following:

“302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person’s control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **under eighteen years of age who is** operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion; **except that, any person eighteen years of age or older operating any motorcycle or motortricycle who has been issued an instruction permit shall wear protective headgear at all times the vehicle is in motion.** The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class D misdemeanor. A second violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class E felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first violation punishable as a class D misdemeanor, a second or subsequent violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021.

**302.026. 1. Any qualified motorcycle operator who is eighteen years of age or older may operate a motorcycle or motortricycle upon any highway of this state without wearing protective headgear if he or she has medical payment insurance in addition to maintaining proof of financial responsibility in accordance with chapter 303 and he or she is covered by a health insurance policy or other form of insurance providing medical payment benefits in the minimum amount of one million dollars for injuries incurred as a result of an accident while operating a motorcycle or motortricycle.**

**2. Proof of coverage required by subsection 1 of this section shall be provided, upon request by authorized law enforcement, by showing a copy of the qualified operator’s insurance card.”; and**

Further amend said bill, Page 39, Section 304.190, Line 86, by inserting after all of said section and line the following:

“304.232. 1. The Missouri state highway patrol shall approve procedures for the certification of municipal police officers, sheriffs, deputy sheriffs, and other law enforcement officials that enforce sections 304.170 to 304.230.

2. The certification procedures shall meet the requirements of the memorandum of understanding between the state of Missouri and the commercial vehicle safety alliance or any successor organization, as periodically adopted or amended.

3. Commercial motor vehicle safety data collection, management, and distribution by law enforcement officials shall be compatible with the information systems of the Missouri state highway patrol.

4. The Missouri state highway patrol shall establish reasonable fees sufficient to recover the cost of training, recurring training, data collection and management, certifying, and additional administrative functions for law enforcement officials approved under this section.

5. The agencies for which law enforcement officials approved under this section shall adhere to the Motor Carrier Safety Assistance Program requirements under 49 Code of Federal Regulations Part 350 of the Federal Motor Carrier Safety Regulations.

6. The agencies for which law enforcement officials approved under this section shall be subject to periodic program reviews and be required to submit a commercial vehicle safety plan that is consistent with and incorporated into the statewide enforcement plan.

7. Beginning January 1, 2009, no local law enforcement officer may conduct a random commercial motor vehicle roadside inspection to determine compliance with the provisions of sections 304.170 to 304.230 unless the law enforcement officer has satisfactorily completed, as a part of his or her training, the basic course of instruction developed by the commercial vehicle safety alliance and has been approved by the Missouri state highway patrol under this section. Law enforcement officers authorized to enforce the provisions of sections 304.170 to 304.230 shall annually receive in-service training related to commercial motor vehicle operations, including but not limited to training in current federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria. The annual training requirements shall be approved by the superintendent of the state highway patrol.

8. Law enforcement officers who have received commercial vehicle safety alliance certification prior to January 1, 2009, shall be exempt from the provisions of this section and such officers shall be qualified to conduct random roadside inspections described under this section and section 304.230.

**9. No safety inspection shall be performed on the shoulder of any highway with a posted speed limit in excess of forty miles per hour, except that safety inspections may be permitted on the shoulder at any entrance or exit of such highway where there is adequate space on the shoulder to safely perform such inspection.**

**10.** The superintendent of the state highway patrol shall promulgate rules and regulations necessary to administer the certification procedures and any other provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested

with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 28, Section 301.145, Line 17, by inserting immediately after said section and line the following:

“301.218. 1. No person shall, except as an incident to the sale, repair, rebuilding or servicing of vehicles by a licensed franchised motor vehicle dealer, carry on or conduct the following business unless licensed to do so by the department of revenue under sections 301.217 to 301.229:

(1) Selling used parts of or used accessories for vehicles as a used parts dealer, as defined in section 301.010;

(2) Salvaging, wrecking or dismantling vehicles for resale of the parts thereof as a salvage dealer or dismantler, as defined in section 301.010;

(3) Rebuilding and repairing four or more wrecked or dismantled vehicles in a calendar year as a rebuilder or body shop, as defined in section 301.010;

(4) Processing scrapped vehicles or vehicle parts as a scrap processor, as defined in section 301.010.

2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to persons actually engaged in and holding a current license under sections 301.217 to 301.221 and 301.550 to 301.573 or any person from another state or jurisdiction who is legally allowed in his or her state of domicile to purchase for resale, rebuild, dismantle, crush, or scrap either motor vehicles or salvage vehicles, and to persons who reside in a foreign country that are purchasing salvage vehicles for export outside of the United States. Operators of salvage pools or salvage disposal sales shall:

(1) Keep [a] **an electronic** record, for three years, of sales of [salvage vehicles with the purchasers’ name and address, and the year, make, and vehicle identification number for each vehicle] **a vehicle whose title is branded as salvage, junk, wrecked, nonrepairable, or carries a similar brand.** These records shall be open for inspection as **allowed for records** provided in section 301.225. Such records shall be submitted to the department on a quarterly basis **and made available to the National Motor Vehicle Information System (NMTVTIS).** The electronic record shall:

(a) **Include the make, model, and year of the vehicle; the vehicle identification number; and current odometer reading;**

(b) **The names and addresses of the purchaser;**

(c) **A copy of the purchaser’s driver’s license or other government-issued identification; and**

(d) **The names and addresses of the seller of such vehicle; and**

(2) **Obtain from any purchaser of such vehicle documented proof of any required license or other authorization to do business under this chapter or, for any person residing in a state, jurisdiction, or country that does not hold a similar license, a declaration under penalty of perjury that the purchaser**



is authorized to purchase salvage vehicles in that person's state, jurisdiction, or country.

**Any person who knowingly violates this subsection by failing to report all transactions of a vehicle whose title is branded as salvage, junk, wrecked, nonrepairable, or carries a similar brand to the statewide database shall be guilty of a civil infraction, punishable by a fine of up to one thousand dollars per infraction.**

**3. The department shall maintain an accurate record of all reported transactions.**

**4. The department shall assign a unique identifier number of its choosing for all purchasers, as described in subsection 2 of this section, of salvage, wrecked, nonrepairable, junked, or other similarly branded vehicles, for such purchasers to use when submitting the sales transaction information required under this section.**

**5. The department shall make the information received under this section available, without charge, to any state or local law enforcement agency upon request when the person acting on behalf of any of these entities is acting within the course and scope of the entity's duties. Vehicular information on the make, model, and year of the vehicle; the vehicle identification number; and the current odometer reading received by the department under this section may be released to third parties under contract with the department.**

**6. Any person who is licensed under sections 301.217 to 301.229 who is selling a vehicle whose title is branded as total loss, salvage, junk, derelict, or carries a similar brand shall report to the department within ten days all transactions involving the acquisition, transfer of ownership, or disposal of a total loss, salvage, junk, derelict, or other similarly branded vehicle.**

**7. The department shall maintain an electronic record of all purchases of a vehicle whose title is branded as total loss, salvage, junk, derelict, or carries a similar brand, and report each transaction without personal identifying information to NMVTIS within two business days after receiving report of the transaction.**

**8. The operator of a salvage pool or salvage disposal sale, or subsequent purchaser, who sells a nonrepairable motor vehicle or a salvage motor vehicle to a person who is not a resident of the United States at a salvage pool or a salvage disposal sale shall:**

**(1) Stamp on the face of the title so as not to obscure any name, date, or mileage statement on the title the words "FOR EXPORT ONLY" in capital letters that are black; and**

**(2) Stamp in each unused reassignment space on the back of the title the words "FOR EXPORT ONLY" and print the number of the dealer's salvage vehicle license, name of the salvage pool, or the name of the governmental entity, as applicable.**

The words "FOR EXPORT ONLY" required under subdivisions (1) and (2) of this subsection shall be at least two inches wide and clearly legible. Copies of the stamped titles shall be forwarded to the department.

**[4.] 9. The director of revenue shall issue a separate license for each kind of business described in subsection 1 of this section, to be entitled and designated as either "used parts dealer"; "salvage dealer or dismantler"; "rebuilder or body shop"; or "scrap processor" license."; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 26, Section 301.140, Line 102, by deleting all of said line and inserting in lieu thereof the following:

“[8. The provisions of subsections 4, 5, and 6 of this section shall expire July 1, 2019.]”; and

Further amend said bill and section by renumbering all of said section accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 32, Section 302.170, Line 163, by inserting after all of said section and line the following:

“304.153. 1. As used in this section, the following terms shall mean:

(1) “Law enforcement officer”, any public servant, other than a patrol officer, who is defined as a law enforcement officer under section 556.061;

(2) “Motor club”, an organization which motor vehicle drivers and owners may join that provide certain benefits relating to driving a motor vehicle;

(3) **“Nonconsensual tow”, the transportation of a motor vehicle by tow truck if such transportation is performed without the prior consent or authorization of the owner or operator of the motor vehicle. For purposes of this section, all law enforcement-ordered tows are considered nonconsensual;**

(4) “Patrol officer”, a Missouri state highway patrol officer;

[(4)] (5) “Tow list”, a list of approved towing companies compiled, maintained, and utilized by the Missouri state highway patrol or its designee;

[(5)] (6) “Tow management company”, any sole proprietorship, partnership, corporation, fiduciary, association, or other business entity that manages towing logistics for government agencies or motor clubs;

[(6)] (7) “Tow truck”, a rollback or car carrier, wrecker, or tow truck as defined under section 301.010;

[(7)] (8) “Towing”, moving or removing, or the preparation therefor, of a vehicle by another vehicle for which a service charge is made, either directly or indirectly, including any dues or other charges of clubs or associations which provide towing services;

[(8)] (9) “Towing company”, any person, partnership, corporation, fiduciary, association, or other entity that operates a wrecker or towing service as defined under section 301.010.

2. In authorizing a towing company to perform services, any patrol officer or law enforcement officer within the officer’s jurisdiction, or Missouri department of transportation employee, may utilize the services of a tow management company or tow list, provided:

(1) The Missouri state highway patrol is under no obligation to include or retain the services of any towing company in any contract or agreement with a tow management company or any tow list established pursuant to this section. A towing company is subject to removal from a tow list at any time;

(2) Notwithstanding any other provision of law or any regulation established pursuant to this section,

an owner or operator's request for a specific towing company shall be honored by the Missouri state highway patrol unless:

(a) The requested towing company cannot or does not respond in a reasonable time, as determined by a law enforcement officer; or

(b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law enforcement officer.

3. A patrol officer shall not use a towing company located outside of Missouri under this section except under the following circumstances:

(1) A state or federal emergency has been declared; or

(2) The driver or owner of the vehicle, or a motor club of which the driver or owner is a member, requests a specific out-of-state towing company.

4. A towing company shall not tow a vehicle to a location outside of Missouri without the consent of the driver or owner of the motor vehicle, or without the consent of a motor club of which the driver or owner of the motor vehicle is a member.

5. Any towing company or tow truck arriving at the scene of an accident that has not been called by a patrol officer, a law enforcement officer, a Missouri department of transportation employee, the driver or owner of the motor vehicle or his or her authorized agent, including a motor club of which the driver or owner is a member, shall be prohibited from towing the vehicle from the scene of the accident, unless the towing company or tow truck operator is rendering emergency aid in the interest of public safety, or is operating during a declared state of emergency under section 44.100.

6. A tow truck operator that stops and tows a vehicle from the scene of an accident in violation of subsection 5 of this section shall be guilty of a class D misdemeanor upon conviction or pleading guilty for the first violation, and such tow truck shall be subject to impounding. The penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or subsequent violation shall be a class D felony. A violation of this section shall not preclude the tow truck operator from being charged with tampering under chapter 569.

7. The provisions of this section shall also apply to motor vehicles towed under section 304.155 or 304.157.

8. The provisions of **subsections 1 to 7** of this section shall not apply to counties of the third or fourth classification.

**9. (1) The Towing Task Force is hereby created. The task force shall make recommendations as provided in this subsection with respect to tows involving vehicles with a gross vehicle weight rating in excess of twenty-six thousand pounds. The task force shall consist of nine members who shall be appointed as follows:**

**(a) One member of the general assembly appointed by the president pro tempore of the senate;**

**(b) One member of the general assembly appointed by the speaker of the house of representatives;**

**(c) One member, or the member's designee, appointed by the governor to represent the department of revenue;**

**(d) One member, or the member's designee, appointed by the superintendent of the Missouri state highway patrol;**

**(e) One member, or the member's designee, appointed by the governor to represent towing companies within the state but who does not represent a towing association;**

**(f) One member who insures commercial motor vehicles, or the member's designee, appointed by the governor to represent insurance companies within the state;**

**(g) One member, or the member's designee, appointed by the governor to represent an association of motor carriers within the state;**

**(h) One member, or the member's designee, appointed by the director of the Missouri department of revenue; and**

**(i) One member, appointed by the governor, who is a truck driver that resides in Missouri.**

**(2) The task force shall have the following duties and powers:**

**(a) To make comprehensive recommendations on matters related to the investigation of overcharges made by towing companies in violation of the rules promulgated under this subsection, including:**

**a. A process for the adjudication of consumer complaints regarding nonconsensual tow charges; and**

**b. Factors to consider in determining whether a charge levied by a towing company is just, fair, and reasonable; provided that, it shall be a violation of the rules promulgated under this subsection for a towing company to charge for the use of unnecessary equipment and labor;**

**c. A process for the removal of towing companies from rotation lists for violations of the rules; and**

**(b) To make comprehensive recommendations regarding information that should be included on every invoice with respect to a nonconsensual tow.**

**(3) The task force shall make its first comprehensive recommendations in a report to the general assembly no later than March 1, 2020.**

**(4) The members of the towing task force shall elect a chair from among their membership. The chair shall set the times and frequency of the task force's meetings.**

**(5) The task force established under this subsection shall expire on January 1, 2021.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 881, Page 14, Section 227.240, Line 44, by inserting immediately after said section and line the following:

**“227.601. 1. Notwithstanding any provision of sections 227.600 to 227.669 to the contrary, the process and approval for concession agreements to build, maintain, operate, or finance projects owned by a political subdivision shall be approved by the governing body of such political subdivision and shall not be subject to approval by the commission. Notwithstanding the provisions of subsection**

**5 of this section, the sale or conveyance of any project owned by a political subdivision shall be subject to voter approval if required by law.**

**2. As used in this section, the following terms shall mean:**

**(1) “Competitive bidding process”, a request for proposal for the financing, development, or operation of the project, including any deadline for submission of such proposals, and notice of the request, which shall be published once a week for two consecutive weeks in:**

**(a) A newspaper of general circulation in the city where the proposed project is located;**

**(b) At least one construction industry trade publication that is nationally distributed; and**

**(c) Such other publications or manner as the governing body of the political subdivision may determine;**

**(2) “Concession agreement”, a license or lease between a private partner and a political subdivision for the development, finance, operation, or maintenance of a project, as such term is defined in section 227.600.**

**3. Notwithstanding any provision of law to the contrary, political subdivisions may enter into concession agreements, provided that:**

**(1) The term of the concession agreement shall be for a term not exceeding thirty years;**

**(2) The political subdivision shall retain oversight of operations of any such project;**

**(3) The political subdivision shall retain oversight of rate setting methodology;**

**(4) The political subdivision shall have the right to terminate the agreement if the private partner does not comply with the concession agreement; and**

**(5) The concession agreement is supported by a preliminary engineering and financial feasibility study, including an estimate of the costs of the project and the rate impact on customers during the life of the agreement.**

**4. The commission shall not be required to oversee, or issue an annual report under section 227.669 for, projects approved by political subdivisions, provided that any political subdivision entering into a concession agreement shall use a public-private partnership framework that shall include a competitive bidding process.**

**5. Except as provided in subsection 1 of this section, the provisions of sections 71.530, 71.550, 78.190, 78.630, 81.190, 88.251, 88.633, 88.770, 88.773, 91.550, and 91.600 shall not apply to concession agreements that are approved as provided in this section.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 575**, entitled:

An Act to repeal sections 191.1145, 208.670, 208.671, 208.673, 208.675, 208.677, 354.603, 376.427, 376.1350, and 376.1367, RSMo, and to enact in lieu thereof nine new section relating to reimbursement of health care services.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 575, Page 8, Section 376.690, Line 12, by deleting the word “**shall**” and inserting in lieu thereof the word “**may**”; and

Further amend said bill, page, and section, Line 13, by inserting immediately after the word “**carrier**” the following:

“**within one hundred and eighty days of the delivery of the unanticipated out-of-network care**”; and

Further amend said bill and section, Page 9, Line 39, by inserting immediately after the word “**professional**” the following:

“who sends a claim to a health carrier under subsection 2 of section 376.690”; and

Further amend said bill, page, and section, Line 43, by inserting immediately after the word “**professional**” the following:

“**who sends a claim to a health carrier under subsection 2 of section 376.690**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Rowden moved that **HCS** for **HB 1796**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **HCS** for **HB 1796** was again taken up.

At the request of Senator Rowden, **SS** for **HCS** for **HB 1796** was withdrawn.

Senator Rowden offered **SS No. 2** for **HCS** for **HB 1796**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1796

An Act to amend chapters 143, 442, and 443, RSMo, by adding thereto eight new sections relating to the process for the conveyance of real estate, with a penalty provision.

Senator Rowden moved that **SS No. 2** for **HCS** for **HB 1796** be adopted.

Senator Wallingford assumed the Chair.

President Parson assumed the Chair.

Senator Hoskins offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 1796, Page 4, Section 442.055, Line 14, by inserting at the end of said line the following: **“As used in this section, the term “knowledge” shall require the receipt by the owner, seller, landlord, or other transferor of a report stating affirmatively that the premises is or was previously contaminated with radioactive material.”.**

Senator Hoskins moved that the above amendment be adopted.

Senator Chappelle-Nadal offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 1796, Page 4, Section 442.055, Line 5, by inserting after the word “material” the following: **“or other hazardous material”**; and further amend line 9 by inserting after the word “material” the following: **“or other hazardous material”**; and further amend line 10 by inserting after “radioactive” the following: **“or other hazardous”**; and further amend line 13 by inserting after “radioactive” the following: **“or other hazardous”**; and further amend line 14 by inserting at the end of said line the following: **“As used in this section, the term “knowledge” shall require the receipt by the owner, seller, landlord, or other transferor of a report stating affirmatively that the premises is or was previously contaminated with radioactive material or other hazardous material.”.**

Senator Chappelle-Nadal moved that the above substitute amendment be adopted, which motion prevailed.

Senator Rowden moved that **SS No. 2** for **HCS** for **HB 1796**, as amended, be adopted, which motion prevailed.

On motion of Senator Rowden, **SS No. 2** for **HCS** for **HB 1796**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schatz	Schupp	Sifton	Wallingford	Walsh	Wasson

Wieland—29

NAYS—Senators

Emery	Koenig	Libla	Schaaf—4
-------	--------	-------	----------

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Rowden, title to the bill was agreed to.

Senator Rowden moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 655**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 773**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 843**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SRBs 975 & 1024**.

Bill ordered enrolled.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 655**, as amended. Representatives: Bahr, Corlew, Evans, Ellebracht, Washington.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 773**, as amended. Representatives: Swan, Cornejo, Evans, Roberts, Lavender.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS** for **SCS** for **HB 1719**, as amended. Representatives: Grier, Ross, Helms, Carpenter, McGee.

Also,



Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 49**.

Concurrent Resolution ordered enrolled.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 655**, as amended: Senators Sifton, Rizzo, Dixon, Emery and Koenig.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 773**, as amended: Senators Hoskins, Cunningham, Schaaf, Sifton and Rizzo.

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 808**, as amended: Senators Brown, Munzlinger, Wasson, Rizzo and Sifton.

### HOUSE BILLS ON THIRD READING

**HB 1809**, introduced by Representative Tate, entitled:

An Act to repeal section 70.370, RSMo, and to enact in lieu thereof one new section relating to the bi-state metropolitan development district.

Was called from the Informal Calendar and taken up by Senator Schatz.

Senator Schatz offered **SS** for **HB 1809**, entitled:

#### SENATE SUBSTITUTE FOR HOUSE BILL NO. 1809

An Act to repeal section 70.370, RSMo, and to enact in lieu thereof two new sections relating to infrastructure projects.

Senator Schatz moved that **SS** for **HB 1809** be adopted.

Senator Sifton offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1809, Page 8, Section 226.145, Line 2, by inserting immediately after said line the following:

**“227.601. 1. Notwithstanding any provision of sections 227.600 to 227.669 to the contrary, the process and approval for concession agreements to build, maintain, operate, or finance projects owned by a political subdivision shall be approved by the governing body of such political subdivision and shall not be subject to approval by the commission. Notwithstanding the provisions of subsection 5 of this section, the sale or conveyance of any project owned by a political subdivision shall be subject to voter approval if required by law.**

**2. As used in this section, the following terms shall mean:**

**(1) “Competitive bidding process”, a request for proposal for the financing, development, or operation of the project, including any deadline for submission of such proposals, and notice of the request, which shall be published once a week for two consecutive weeks in:**

**(a) A newspaper of general circulation in the city where the proposed project is located;**

(b) At least one construction industry trade publication that is nationally distributed; and

(c) Such other publications or manner as the governing body of the political subdivision may determine;

(2) “Concession agreement”, a license or lease between a private partner and a political subdivision for the development, finance, operation, or maintenance of a project, as such term is defined in section 227.600.

3. Notwithstanding any provision of law to the contrary, political subdivisions may enter into concession agreements, provided that:

(1) The term of the concession agreement shall be for a term not exceeding thirty years;

(2) The political subdivision shall retain oversight of operations of any such project;

(3) The political subdivision shall retain oversight of rate setting methodology;

(4) The political subdivision shall have the right to terminate the agreement if the private partner does not comply with the concession agreement; and

(5) The concession agreement is supported by a preliminary engineering and financial feasibility study, including an estimate of the costs of the project and the rate impact on customers during the life of the agreement.

4. The commission shall not be required to oversee, or issue an annual report under section 227.669 for, projects approved by political subdivisions, provided that any political subdivision entering into a concession agreement shall use a public-private partnership framework that shall include a competitive bidding process.

5. Except as provided in subsection 1 of this section, the provisions of sections 71.530, 71.550, 78.190, 78.630, 81.190, 88.251, 88.633, 88.770, 88.773, 91.550, and 91.600 shall not apply to concession agreements that are approved as provided in this section.”; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted.

At the request of Senator Schatz, **HB 1809**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

**HCS** for **HB 1713**, with **SCS**, entitled:

An Act to repeal section 193.128, RSMo, and to enact in lieu thereof one new section relating to the Missouri adoptee rights act.

Was called from the Informal Calendar and taken up by Senator Sater.

**SCS** for **HCS** for **HB 1713**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1713

An Act to repeal section 193.128, RSMo, and to enact in lieu thereof one new section relating to birth certificates.

Was called from the Informal Calendar and taken up.

Senator Sater moved that **SCS** for **HCS** for **HB 1713** be adopted, which motion prevailed.

On motion of Senator Sater, **SCS** for **HCS** for **HB 1713** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Wallingford
Wasson	Wieland—30					

NAYS—Senators

Schupp      Sifton      Walsh—3

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Eigel moved that the Senate refuse to concur in **HCS** for **SS** for **SB 881**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Schatz moved that the Senate refuse to concur in **HAs 1, 3, 4, 5, 6, 8 and 9** for **SB 757**, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 843**, as amended: Senators Riddle, Munzlinger, Rowden, Sifton and Holsman.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SBs 627 & 925**.

Bill ordered enrolled.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 843**, as amended. Representatives: Ross, Bernskoetter, Walker (3), Carpenter, Conway (10).

### **REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **HCS** for **HB 1300**, with **SCS**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### **RESOLUTIONS**

Senator Hegeman offered Senate Resolution No. 2168, regarding Hannah M. Ankenbauer, Massena, Iowa, which was adopted.

Senator Schupp offered Senate Resolution No. 2169, regarding the death of Ron Olshwanger, which was adopted.

Senators Nasheed and Rowden offered Senate Resolution No. 2170, regarding Elder Melvin Stapleton Sr., which was adopted.

Senator Sater offered Senate Resolution No. 2171, regarding Donell Kleiboeker, Stutts City, which was adopted.

Senator Sater offered Senate Resolution No. 2172, regarding Laura Hazelton, which was adopted.

Senator Sater offered Senate Resolution No. 2173, regarding Diane Shiveley, Cassville, which was adopted.

Senator Sater offered Senate Resolution No. 2174, regarding the Fiftieth Wedding Anniversary of John and Adell Bremer, Monett, which was adopted.

Senator Sater offered Senate Resolution No. 2175, regarding Payton Varner, Cassville, which was adopted.

On motion of Senator Kehoe, the Senate recessed until 2:45 p.m.

### **RECESS**

The time of recess having expired, the Senate was called to order by President Parson.

Senator Kehoe announced photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber.

### **PRIVILEGED MOTIONS**

Senator Sifton, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 655**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 655

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 655, with House Amendment Nos. 1, 2 and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 655, as amended;
2. That the Senate recede from its position on Senate Bill No. 655;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 655 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Scott Sifton

/s/ John Rizzo

/s/ Bob Dixon

/s/ Ed Emery

/s/ Andrew Koenig

FOR THE HOUSE:

/s/ Kurt Bahr

/s/ Jean Evans

/s/ Kevin Corlew

/s/ Mark Ellebracht

Barbara Washington

Senator Sifton moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Hummel—1

Absent—Senator Richard—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Sifton, **CCS** for **HCS** for **SB 655**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 655

An Act to repeal sections 43.650, 451.090, 556.037, 589.400, 589.402, 589.403, 589.405, 589.407, 589.414, RSMo, and to enact in lieu thereof eleven new sections relating to the protection of children.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Hummel—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Sifton, title to the bill was agreed to.

Senator Sifton moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

**HB 1460**, introduced by Representative Evans, entitled:

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to a tax deduction for certain Olympic athletes.

Was called from the Informal Calendar and taken up by Senator Rowden.

Senator Schatz offered **SS** for **HB 1460**, entitled:

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 1460**

An Act to repeal sections 142.803 and 143.121, RSMo, and to enact in lieu thereof two new sections relating to taxation, with a referendum clause.

Senator Schatz moved that **SS** for **HB 1460** be adopted.

Senator Chappelle-Nadal offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for House Bill No. 1460, Page 12, Section B, Line 28 of said page, by striking “November” and inserting in lieu thereof “August”.

Senator Chappelle-Nadal moved that the above amendment be adopted.

President Pro Tem Richard assumed the Chair.

At the request of Senator Rowden, **HB 1460**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 884**.

With House Amendment No. 1, House Amendment No. 2 to House Amendment No. 2 and House Amendment No. 2, as amended.

**HOUSE AMENDMENT NO. 1**

Amend Senate Bill No. 884, Page 1, In the Title, Line 3, by deleting the words “bonding requirements of retail sales licensees” and inserting in lieu thereof the word “taxation”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 2 TO  
HOUSE AMENDMENT NO. 2**

Amend House Amendment No. 2 to Senate Bill No. 884, Page 10 Line 27 by deleting the year “**2020**” and inserting in lieu thereof the year “**2019**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**HOUSE AMENDMENT NO. 2**

Amend Senate Bill No. 884, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

“32.200. The “Multistate Tax Compact” is hereby enacted into law and entered into with all jurisdictions legally joining therein, in the form substantially as follows:

**MULTISTATE TAX COMPACT****Article I**

The purposes of this compact are to:

1. Facilitate proper determination of state and local tax liability of multistate taxpayers, including the equitable apportionment of tax bases and settlement of apportionment disputes.
2. Promote uniformity or compatibility in significant components of tax systems.
3. Facilitate taxpayer convenience and compliance in the filing of tax returns and in other phases of tax administration.
4. Avoid duplicative taxation.

**Article II**

As used in this compact:

1. “State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.
2. “Subdivision” means any governmental unit or special district of a state.
3. “Taxpayer” means any corporation, partnership, firm, association, governmental unit or agency or

person acting as a business entity in more than one state.

4. “Income tax” means a tax imposed on or measured by net income including any tax imposed on or measured by an amount arrived at by deducting expenses from gross income, one or more forms of which expenses are not specifically and directly related to particular transactions.

5. “Capital stock tax” means a tax measured in any way by the capital of a corporation considered in its entirety.

6. “Gross receipts tax” means a tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax an income tax.

7. “Sales tax” means a tax imposed with respect to the transfer for a consideration of ownership, possession or custody of tangible personal property or the rendering of services measured by the price of the tangible personal property transferred or services rendered and which is required by state or local law to be separately stated from the sales price by the seller, or which is customarily separately stated from the sales price, but does not include a tax imposed exclusively on the sale of a specifically identified commodity or article or class of commodities or articles.

8. “Use tax” means a nonrecurring tax, other than a sales tax, which

(a) is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership, possession or custody of that property or the leasing of that property from another including any consumption, keeping, retention, or other use of tangible personal property; and

(b) is complementary to a sales tax.

9. “Tax” means an income tax, capital stock tax, gross receipts tax, sales tax, use tax, and any other tax which has a multistate impact, except that the provisions of articles III, IV and V of this compact shall apply only to the taxes specifically designated therein and the provisions of article IX of this compact shall apply only in respect to determinations pursuant to article IV.

### Article III

1. Any taxpayer subject to an income tax whose income is subject to apportionment and allocation for tax purposes pursuant to the laws of a party state or pursuant to the laws of subdivisions in two or more party states may elect to apportion and allocate his income in the manner provided by the laws of such state or by the laws of such states and subdivisions without reference to this compact, or may elect to apportion and allocate in accordance with article IV; **except that for tax years beginning on or after January 1, 2020, any taxpayer subject to the tax imposed by section 143.071 shall apportion and allocate in accordance with the provisions of Chapter 143 and shall not apportion or allocate in accordance with article IV.** This election for any tax year may be made in all party states or subdivisions thereof or in any one or more of the party states or subdivisions thereof without reference to the election made in the others. For the purposes of this paragraph, taxes imposed by subdivisions shall be considered separately from state taxes and the apportionment and allocation also may be applied to the entire tax base. In no instance wherein article IV is employed for all subdivisions of a state may the sum of all apportionments and allocations to subdivisions within a state be greater than the apportionment and allocation that would be assignable to that state if the apportionment or allocation were being made with respect to a state income tax.



2. Each party state or any subdivision thereof which imposes an income tax shall provide by law that any taxpayer required to file a return, whose only activities within the taxing jurisdiction consist of sales and do not include owning or renting real estate or tangible personal property, and whose dollar volume of gross sales made during the tax year within the state or subdivision, as the case may be, is not in excess of \$100,000 may elect to report and pay any tax due on the basis of a percentage of such volume, and shall adopt rates which shall produce a tax which reasonably approximates the tax otherwise due. The multistate tax commission, not more than once in five years, may adjust the \$100,000 figure in order to reflect such changes as may occur in the real value of the dollar, and such adjusted figure, upon adoption by the commission, shall replace the \$100,000 figure specifically provided herein. Each party state and subdivision thereof may make the same election available to taxpayers additional to those specified in this paragraph.

3. Nothing in this article relates to the reporting or payment of any tax other than an income tax.

#### Article IV

1. As used in this article, unless the context otherwise requires:

(1) "Business income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations.

(2) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(3) "Compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

(4) "Financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, small loan company, sales finance company, investment company, or any type of insurance company.

(5) "Nonbusiness income" means all income other than business income.

(6) "Public utility" means any business entity

(a) which owns or operates any plant, equipment, property, franchise, or license for the transmission of communications, transportation of goods or persons, except by pipeline, or the production, transmission, sale, delivery, or furnishing of electricity, water or steam; and

(b) whose rates of charges for goods or services have been established or approved by a federal, state or local government or governmental agency.

(7) "Sales" means all gross receipts of the taxpayer not allocated under paragraphs of this article.

(8) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

(9) "This state" means the state in which the relevant tax return is filed or, in the case of application of this article, to the apportionment and allocation of income for local tax purposes, the subdivision or local taxing district in which the relevant tax return is filed.

2. Any taxpayer having income from business activity which is taxable both within and without this state, other than activity as a financial organization or public utility or the rendering of purely personal services by an individual, shall allocate and apportion his net income as provided in this article. If a taxpayer has income from business activity as a public utility but derives the greater percentage of his income from activities subject to this article, the taxpayer may elect to allocate and apportion his entire net income as provided in this article.

3. For purposes of allocation and apportionment of income under this article, a taxpayer is taxable in another state if

(1) in that state he is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or

(2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

4. Rents and royalties from real or tangible personal property, capital gains, interest, dividends or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in paragraphs 5 through 8 of this article.

5. (1) Net rents and royalties from real property located in this state are allocable to this state.

(2) Net rents and royalties from tangible personal property are allocable to this state:

(a) if and to the extent that the property is utilized in this state; or

(b) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(3) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

6. (1) Capital gains and losses from sales of real property located in this state are allocable to this state.

(2) Capital gains and losses from sales of tangible personal property are allocable to this state if

(a) the property had a situs in this state at the time of the sale; or

(b) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(3) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

7. Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state.

8. (1) Patent and copyright royalties are allocable to this state:

(a) if and to the extent that the patent or copyright is utilized by the payer in this state; or

(b) if and to the extent that the patent copyright is utilized by the payer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(3) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

9. All business income shall be apportioned to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three.

10. The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax period.

11. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

12. The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the tax administrator may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

13. The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the tax period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the tax period.

14. Compensation is paid in this state if:

(1) the individual's service is performed entirely within the state;

(2) the individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or

(3) some of the service is performed in the state; and

(a) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in the state; or

(b) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

15. The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period.

16. Sales of tangible personal property are in this state if:

(1) the property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of the f.o.b. point or other conditions of the sale; or

(2) the property is shipped from an office, store, warehouse, factory, or other place of storage in this state; and

(a) the purchaser is the United States government; or

(b) the taxpayer is not taxable in the state of the purchaser.

17. Sales, other than sales of tangible personal property, are in this state if:

(1) the income-producing activity is performed in this state; or

(2) the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

18. If the allocation and apportionment provisions of this article do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for or the tax administrator may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

(1) separate accounting;

(2) the exclusion of any one or more of the factors;

(3) the inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in this state; or

(4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

#### Article V

1. Each purchaser liable for a use tax on tangible personal property shall be entitled to full credit for the combined amount or amounts of legally imposed sales or use taxes paid by him with respect to the same property to another state and any subdivision thereof. The credit shall be applied first against the amount of any use tax due the state, and any unused portion of the credit shall then be applied against the amount of any use tax due a subdivision.

2. Whenever a vendor receives and accepts in good faith from a purchaser a resale or other exemption certificate or other written evidence of exemption authorized by the appropriate state or subdivision taxing authority, the vendor shall be relieved of liability for a sales or use tax with respect to the transaction.

#### Article VI

1. (a) The multistate tax commission is hereby established. It shall be composed of one "member" from each party state who shall be the head of the state agency charged with the administration of the types of taxes to which this compact applies. If there is more than one such agency the state shall provide by law for the selection of the commission member from the heads of the relevant agencies. State law may provide that a member of the commission be represented by an alternate but only if there is on file with the commission written notification of the designation and identity of the alternate. The attorney general of each party state or his designee, or other counsel if the laws of the party state specifically provide, shall be entitled to attend

the meetings of the commission, but shall not vote. Such attorneys general, designees, or other counsel shall receive all notices of meetings required under paragraph 1 (e) of this article.

(b) Each party state shall provide by law for the selection of representatives from its subdivisions affected by this compact to consult with the commission member from that state.

(c) Each member shall be entitled to one vote. The commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the total number of members.

(d) The commission shall adopt an official seal to be used as it may provide.

(e) The commission shall hold an annual meeting and such other regular meetings as its bylaws may provide and such special meetings as its executive committee may determine. The commission bylaws shall specify the dates of the annual and any other regular meetings, and shall provide for the giving of notice of annual, regular and special meetings. Notices of special meetings shall include the reasons therefor and an agenda of the items to be considered.

(f) The commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The commission shall appoint an executive director who shall serve at its pleasure, and it shall fix his duties and compensation. The executive director shall be secretary of the commission. The commission shall make provision for the bonding of such of its officers and employees as it may deem appropriate.

(g) Irrespective of the civil service, personnel or other merit system laws of any party state, the executive director shall appoint or discharge such personnel as may be necessary for the performance of the functions of the commission and shall fix their duties and compensation. The commission bylaws shall provide for personnel policies and programs.

(h) The commission may borrow, accept or contract for the services of personnel from any state, the United States, or any other governmental entity.

(i) The commission may accept for any of its purposes and functions any and all donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any governmental entity, and may utilize and dispose of the same.

(j) The commission may establish one or more offices for the transacting of its business.

(k) The commission shall adopt bylaws for the conduct of its business. The commission shall publish its bylaws in convenient form, and shall file a copy of the bylaws and any amendments thereto with the appropriate agency or officer in each of the party states.

(l) The commission annually shall make to the governor and legislature of each party state a report covering its activities for the preceding year. Any donation or grant accepted by the commission or services borrowed shall be reported in the annual report of the commission, and shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender. The commission may make additional reports as it may deem desirable.

2. (a) To assist in the conduct of its business when the full commission is not meeting, the commission shall have an executive committee of seven members, including the chairman, vice chairman, treasurer and four other members elected annually by the commission. The executive committee, subject to the provisions of this compact and consistent with the policies of the commission, shall function as provided in the bylaws

of the commission.

(b) The commission may establish advisory and technical committees, membership on which may include private persons and public officials, in furthering any of its activities. Such committees may consider any matter of concern to the commission, including problems of special interest to any party state and problems dealing with particular types of taxes.

(c) The commission may establish such additional committees as its bylaws may provide.

3. In addition to powers conferred elsewhere in this compact, the commission shall have power to:

(a) Study state and local tax systems and particular types of state and local taxes.

(b) Develop and recommend proposals for an increase in uniformity or compatibility of state and local tax laws with a view toward encouraging the simplification and improvement of state and local tax law and administration.

(c) Compile and publish information as in its judgment would assist the party states in implementation of the compact and taxpayers in complying with state and local tax laws.

(d) Do all things necessary and incidental to the administration of its functions pursuant to this compact.

4. (a) The commission shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

(b) Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amounts to be appropriated by each of the party states. The total amount of appropriations requested under any such budget shall be apportioned among the party states as follows: one-tenth in equal shares; and the remainder in proportion to the amount of revenue collected by each party state and its subdivisions from income taxes, capital stock taxes, gross receipts taxes, sales and use taxes. In determining such amounts, the commission shall employ such available public sources of information as, in its judgment, present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the sources used in obtaining information employed in applying the formula contained in this paragraph.

(c) The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under paragraph 1 (i) of this article; provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under paragraph 1 (i), the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained in this article shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

#### Article VII

1. Whenever any two or more party states, or subdivisions of party states, have uniform or similar provisions of law relating to an income tax, capital stock tax, gross receipts tax, sales or use tax, the commission may adopt uniform regulations for any phase of the administration of such law, including assertion of jurisdiction to tax, or prescribing uniform tax forms. The commission may also act with respect to the provisions of article IV of this compact.

2. Prior to the adoption of any regulation, the commission shall:

(a) As provided in its bylaws, hold at least one public hearing on due notice to all affected party states and subdivisions thereof and to all taxpayers and other persons who have made timely request of the commission for advance notice of its regulation-making proceedings.

(b) Afford all affected party states and subdivisions and interested persons an opportunity to submit relevant written data and views, which shall be considered fully by the commission.

3. The commission shall submit any regulations adopted by it to the appropriate officials of all party states and subdivisions to which they might apply. Each such state and subdivision shall consider any such regulation for adoption in accordance with its own laws and procedures.

#### Article VIII

1. This article shall be in force only in those party states that specifically provide therefor by statute.

2. Any party state or subdivision thereof desiring to make or participate in an audit of any accounts, books, papers, records or other documents may request the commission to perform the audit on its behalf. In responding to the request, the commission shall have access to and may examine, at any reasonable time, such accounts, books, papers, records, and other documents and any relevant property or stock of merchandise. The commission may enter into agreements with party states or their subdivisions for assistance in performance of the audit. The commission shall make charges, to be paid by the state or local government or governments for which it performs the service, for any audits performed by it in order to reimburse itself for the actual costs incurred in making the audit.

3. The commission may require the attendance of any person within the state where it is conducting an audit or part thereof at a time and place fixed by it within such state for the purpose of giving testimony with respect to any account, book, paper, document, other record, property or stock of merchandise being examined in connection with the audit. If the person is not within the jurisdiction, he may be required to attend for such purpose at any time and place fixed by the commission within the state of which he is a resident; provided that such state has adopted this article.

4. The commission may apply to any court having power to issue compulsory process for orders in aid of its powers and responsibilities pursuant to this article and any and all such courts shall have jurisdiction to issue such orders. Failure of any person to obey any such order shall be punishable as contempt of the issuing court. If the party or subject matter on account of which the commission seeks an order is within the jurisdiction of the court to which application is made, such application may be to a court in the state or subdivision on behalf of which the audit is being made or a court in the state in which the object of the order

being sought is situated. The provisions of this paragraph apply only to courts in a state that has adopted this article.

5. The commission may decline to perform any audit requested if it finds that its available personnel or other resources are insufficient for the purpose or that, in the terms requested, the audit is impracticable of satisfactory performance. If the commission, on the basis of its experience, has reason to believe that an audit of a particular taxpayer, either at a particular time or on a particular schedule, would be of interest to a number of party states or their subdivisions, it may offer to make the audit or audits, the offer to be contingent on sufficient participation therein as determined by the commission.

6. Information obtained by any audit pursuant to this article shall be confidential and available only for tax purposes to party states, their subdivisions or the United States. Availability of information shall be in accordance with the laws of the states or subdivisions on whose account the commission performs the audit, and only through the appropriate agencies or officers of such states or subdivisions. Nothing in this article shall be construed to require any taxpayer to keep records for any period not otherwise required by law.

7. Other arrangements made or authorized pursuant to law for cooperative audit by or on behalf of the party states or any of their subdivisions are not superseded or invalidated by this article.

8. In no event shall the commission make any charge against a taxpayer for an audit.

9. As used in this article, “tax” in addition to the meaning ascribed to it in article II, means any tax or license fee imposed in whole or in part for revenue purposes.

#### Article IX

1. Whenever the commission finds a need for settling disputes concerning apportionments and allocations by arbitration, it may adopt a regulation placing this article in effect, notwithstanding the provisions of article VII.

2. The commission shall select and maintain an arbitration panel composed of officers and employees of state and local governments and private persons who shall be knowledgeable and experienced in matters of tax law and administration.

3. Whenever a taxpayer who has elected to employ article IV, or whenever the laws of the party state or subdivision thereof are substantially identical with the relevant provisions of article IV, the taxpayer, by written notice to the commission and to each party state or subdivision thereof that would be affected, may secure arbitration of an apportionment or allocation, if he is dissatisfied with the final administrative determination of the tax agency of the state or subdivision with respect thereto on the ground that it would subject him to double or multiple taxation by two or more party states or subdivisions thereof. Each party state and subdivision thereof hereby consents to the arbitration as provided herein, and agrees to be bound thereby.

4. The arbitration board shall be composed of one person selected by the taxpayer, one by the agency or agencies involved, and one member of the commission’s arbitration panel. If the agencies involved are unable to agree on the person to be selected by them, such person shall be selected by lot from the total membership of the arbitration panel. The two persons selected for the board in the manner provided by the foregoing provisions of this paragraph shall jointly select the third member of the board. If they are unable to agree on the selection, the third member shall be selected by lot from among the total membership of the arbitration panel. No member of a board selected by lot shall be qualified to serve if he is an officer or



employee or is otherwise affiliated with any party to the arbitration proceeding. Residence within the jurisdiction of a party to the arbitration proceeding shall not constitute affiliation within the meaning of this paragraph.

5. The board may sit in any state or subdivision party to the proceeding, in the state of the taxpayer's incorporation, residence or domicile, in any state where the taxpayer does business, or in any place that it finds most appropriate for gaining access to evidence relevant to the matter before it.

6. The board shall give due notice of the times and places of its hearings. The parties shall be entitled to be heard, to present evidence, and to examine and cross-examine witnesses. The board shall act by majority vote.

7. The board shall have power to administer oaths, take testimony, subpoena and require the attendance of witnesses and the production of accounts, books, papers, records, and other documents, and issue commissions to take testimony. Subpoenas may be signed by any member of the board. In case of failure to obey a subpoena, and upon application by the board, any judge of a court of competent jurisdiction of the state in which the board is sitting or in which the person to whom the subpoena is directed may be found may make an order requiring compliance with the subpoena, and the court may punish failure to obey the order as a contempt. The provisions of this paragraph apply only in states that have adopted this article.

8. Unless the parties otherwise agree the expenses and other costs of the arbitration shall be assessed and allocated among the parties by the board in such manner as it may determine. The commission shall fix a schedule of compensation for members of arbitration boards and of other allowable expenses and costs. No officer or employee of a state or local government who serves as a member of a board shall be entitled to compensation therefor unless he is required on account of his service to forego the regular compensation attaching to his public employment, but any such board member shall be entitled to expenses.

9. The board shall determine the disputed apportionment or allocation and any matters necessary thereto. The determinations of the board shall be final for purposes of making the apportionment or allocation, but for no other purpose.

10. The board shall file with the commission and with each tax agency represented in the proceeding: the determination of the board; the board's written statement of its reasons therefor; the record of the board's proceedings; and any other documents required by the arbitration rules of the commission to be filed.

11. The commission shall publish the determinations of boards together with the statements of the reasons therefor.

12. The commission shall adopt and publish rules of procedure and practice and shall file a copy of such rules and of any amendment thereto with the appropriate agency or officer in each of the party states.

13. Nothing contained herein shall prevent at any time a written compromise of any matter or matters in dispute, if otherwise lawful, by the parties to the arbitration proceeding.

#### Article X

1. This compact shall enter into force when enacted into law by any seven states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof. The commission shall arrange for notification of all party states whenever there is a new enactment of the compact.

2. Any party state may withdraw from this compact by enacting a statute repealing the same. No

withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

3. No proceeding commenced before an arbitration board prior to the withdrawal of a state and to which the withdrawing state or any subdivision thereof is a party shall be discontinued or terminated by the withdrawal, nor shall the board thereby lose jurisdiction over any of the parties to the proceeding necessary to make a binding determination therein.

#### Article XI

Nothing in this compact shall be construed to:

(a) Affect the power of any state or subdivision thereof to fix rates of taxation, except that a party state shall be obligated to implement article III 2 of this compact.

(b) Apply to any tax or fixed fee imposed for the registration of a motor vehicle or any tax on motor fuel, other than a sales tax; provided that the definition of “tax” in article VIII 9 may apply for the purposes of that article and the commission’s powers of study and recommendation pursuant to article VI 3 may apply.

(c) Withdraw or limit the jurisdiction of any state or local court or administrative officer or body with respect to any person, corporation or other entity or subject matter, except to the extent that such jurisdiction is expressly conferred by or pursuant to this compact upon another agency or body.

(d) Supersede or limit the jurisdiction of any court of the United States.

#### Article XII

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

143.011. 1. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:

The tax is:

Not over \$1,000.00

1 ½% of the Missouri taxable income

Over \$1,000 but not over \$2,000 \$15 plus 2% of excess over \$1,000

Over \$2,000 but not over \$3,000 \$35 plus 2 1/2% of excess over \$2,000

Over \$3,000 but not over \$4,000 \$60 plus 3% of excess over \$3,000

Over \$4,000 but not over \$5,000 \$90 plus 3 1/2% of excess over \$4,000

Over \$5,000 but not over \$6,000 \$125 plus 4% of excess over \$5,000

Over \$6,000 but not over \$7,000 \$165 plus 4 1/2% of excess over \$6,000

Over \$7,000 but not over \$8,000    \$210 plus 5% of excess over \$7,000

Over \$8,000 but not over \$9,000    \$260 plus 5 ½% of excess over \$8,000

Over \$9,000    \$315 plus 6% of excess over \$9,000

2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of this section may be reduced over a period of years. Each reduction in the top rate of tax shall be by one-tenth of a percent and no more than one reduction shall occur in a calendar year. The top rate of tax shall not be reduced below five and one-half percent. Reductions in the rate of tax shall take effect on January first of a calendar year and such reduced rates shall continue in effect until the next reduction occurs.

(2) A reduction in the rate of tax shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

(3) Any modification of tax rates under this subsection shall only apply to tax years that begin on or after a modification takes effect.

(4) The director of the department of revenue shall, by rule, adjust the tax tables under subsection 1 of this section to effectuate the provisions of this subsection. The bracket for income subject to the top rate of tax shall be eliminated once the top rate of tax has been reduced to five and one-half [of a] percent, **and the top remaining rate of tax shall apply to all income in excess of the income in the second highest remaining income bracket.**

3. Beginning with the 2017 calendar year, the brackets of Missouri taxable income identified in subsection 1 of this section shall be adjusted annually by the percent increase in inflation. The director shall publish such brackets annually beginning on or after October 1, 2016. Modifications to the brackets shall take effect on January first of each calendar year and shall apply to tax years beginning on or after the effective date of the new brackets.

4. As used in this section, the following terms mean:

(1) "CPI", the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index;

(2) "CPI for the preceding calendar year", the average of the CPI as of the close of the twelve month period ending on August thirty-first of such calendar year;

(3) **"Net general revenue collected", all revenue deposited into the general revenue fund, less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;**

(4) "Percent increase in inflation", the percentage, if any, by which the CPI for the preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending August 31, 2015.

143.071. 1. For all tax years beginning before September 1, 1993, a tax is hereby imposed upon the Missouri taxable income of corporations in an amount equal to five percent of Missouri taxable income.

2. For all tax years beginning on or after September 1, 1993, **and ending on or before December 31, 2020**, a tax is hereby imposed upon the Missouri taxable income of corporations in an amount equal to six and one-fourth percent of Missouri taxable income.

3. For all tax years beginning on or after January 1, 2020, a tax is hereby imposed upon the Missouri taxable income of corporations in an amount equal to three and nine-tenths percent of Missouri taxable income.

4. The provisions of this section shall not apply to out-of-state businesses operating under sections 190.270 to 190.285.

143.431. 1. The Missouri taxable income of a corporation taxable under sections 143.011 to 143.996 shall be so much of its federal taxable income for the taxable year, with the modifications specified in subsections 2 to 4 of this section, as is derived from sources within Missouri as provided in section 143.451. The tax of a corporation shall be computed on its Missouri taxable income at the rates provided in section 143.071.

2. There shall be added to or subtracted from federal taxable income the modifications to adjusted gross income provided in section 143.121, with the exception of subdivision (5) of subsection 2 of section 143.121, and the applicable modifications to itemized deductions provided in section 143.141. There shall be subtracted the federal income tax deduction provided in section 143.171. There shall be subtracted, to the extent included in federal taxable income, corporate dividends from sources within Missouri.

3. (1) If an affiliated group of corporations files a consolidated income tax return for the taxable year for federal income tax purposes [and fifty percent or more of its income is derived from sources within this state as determined in accordance with section 143.451], then it may elect to file a Missouri consolidated income tax return. The federal consolidated taxable income of the electing affiliated group for the taxable year shall be its federal taxable income. **All transactions between affiliated members of the affiliated group shall be eliminated on the Missouri consolidated income tax return.**

(2) So long as a federal consolidated income tax return is filed, an election made by an affiliated group of corporations to file a Missouri consolidated income tax return may be withdrawn or revoked only upon substantial change in the law or regulations adversely changing tax liability under this chapter, or with permission of the director of revenue upon the showing of good cause for such action. After such a withdrawal or revocation with respect to an affiliated group, it may not file a Missouri consolidated income tax return for five years thereafter, except with the approval of the director of revenue, and subject to such terms and conditions as he may prescribe.

(3) No corporation which is part of an affiliated group of corporations filing a Missouri consolidated income tax return shall be required to file a separate Missouri corporate income tax return for the taxable year.

(4) For each taxable year an affiliated group of corporations filing a federal consolidated income tax return does not file a Missouri consolidated income tax return, for purposes of computing the Missouri income tax, the federal taxable income of each member of the affiliated group shall be determined as if a separate federal income tax return had been filed by each such member.

(5) The director of revenue may prescribe such regulations not inconsistent with the provisions of this chapter as he may deem necessary in order that the tax liability of any affiliated group of corporations making a Missouri consolidated income tax return, and of each corporation in the group, before, during, and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the Missouri taxable income derived from sources within this state and in order to prevent avoidance of such tax liability.

4. If a net operating loss deduction is allowed for the taxable year, there shall be added to federal taxable income the amount of the net operating loss modification for each loss year as to which a portion of the net operating loss deduction is attributable. As used in this subsection, the following terms mean:

(1) “Loss year”, the taxable year in which there occurs a federal net operating loss that is carried back or carried forward in whole or in part to another taxable year;

(2) “Net addition modification”, for any taxable year, the amount by which the sum of all required additions to federal taxable income provided in this chapter, except for the net operating loss modification, exceeds the combined sum of the amount of all required subtractions from federal taxable income provided in this chapter;

(3) “Net operating loss deduction”, a net operating loss deduction allowed for federal income tax purposes under Section 172 of the Internal Revenue Code of 1986, as amended, or a net operating loss deduction allowed for Missouri income tax purposes under paragraph (d) of subsection 2 of section 143.121, but not including any net operating loss deduction that is allowed for federal income tax purposes but disallowed for Missouri income tax purposes under paragraph (d) of subsection 2 of section 143.121;

(4) “Net operating loss modification”, an amount equal to the lesser of the amount of the net operating loss deduction attributable to that loss year or the amount by which the total net operating loss in the loss year is less than the sum of:

(a) The net addition modification for that loss year; and

(b) The cumulative net operating loss deductions attributable to that loss year allowed for the taxable year and all prior taxable years.

5. For all tax years ending on or after July 1, 2002, federal taxable income may be a positive or negative amount. Subsection 4 of this section shall be effective for all tax years with a net operating loss deduction attributable to a loss year ending on or after July 1, 2002, and the net operating loss modification shall only apply to loss years ending on or after July 1, 2002.

143.451. 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. **For all tax years ending on or before December 31, 2019**, a corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and the other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner, or the manner set forth in subdivision (3) of this subsection:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the

amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. “Wholly in this state” if both the seller’s shipping point and the purchaser’s destination point are in this state;

b. “Partly within this state and partly without this state” if the seller’s shipping point is in this state and the purchaser’s destination point is outside this state, or the seller’s shipping point is outside this state and the purchaser’s destination point is in this state;

c. Not “wholly in this state” or not “partly within this state and partly without this state” only if both the seller’s shipping point and the purchaser’s destination point are outside this state.

(d) For purposes of this subdivision:

a. The purchaser’s destination point shall be determined without regard to the FOB point or other conditions of the sale; and

b. The seller’s shipping point is determined without regard to the location of the seller’s principle office or place of business.

(3) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state;

(b) The amount of sales which are transactions in this state shall be divided by the total sales, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction;

(c) For the purposes of this subdivision, a transaction involving the sale of tangible property is:

a. “In this state” if the purchaser’s destination point is in this state;

b. Not “in this state” if the purchaser’s destination point is outside this state;

(d) For purposes of this subdivision, the purchaser’s destination point shall be determined without regard to the FOB point or other conditions of the sale and shall not be in this state if the purchaser received the tangible personal property from the seller in this state for delivery to the purchaser’s location outside this state;

(e) For the purposes of this subdivision, a transaction involving the sale other than the sale of tangible

property is “in this state” if the taxpayer’s market for the sales is in this state. The taxpayer’s market for sales is in this state:

a. In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this state;

b. In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this state;

c. In the case of sale of a service, if and to the extent the ultimate beneficiary of the service is located in this state and shall not be in this state if the ultimate beneficiary of the service rendered by the taxpayer or the taxpayer’s designee is located outside this state; and

d. In the case of intangible property:

(i) That is rented, leased, or licensed, if and to the extent the property is used in this state by the rentee, lessee, or licensee, provided that intangible property utilized in marketing a good or service to a consumer is “used in this state” if that good or service is purchased by a consumer who is in this state. Franchise fees or royalties received for the rent, lease, license, or use of a trade name, trademark, service mark, or franchise system or provides a right to conduct business activity in a specific geographic area are “used in this state” to the extent the franchise location is in this state; and

(ii) That is sold, if and to the extent the property is used in this state, provided that:

i. A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is “used in this state” if the geographic area includes all or part of this state;

ii. Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under item (i) of this subparagraph; and

iii. All other receipts from a sales of intangible property shall be excluded from the numerator and denominator of the sales factor;

(f) If the state or states of assignment under paragraph (e) of this subdivision cannot be determined, the state or states of assignment shall be reasonably approximated;

(g) If the state of assignment cannot be determined under paragraph (e) of this subdivision or reasonably approximated under paragraph (f) of this subdivision, such sales shall be excluded from the denominator of the sales factor;

(h) The director may prescribe such rules and regulations as necessary or appropriate to carry out the purposes of this section.

(4) For purposes of this subsection, the following words shall, unless the context otherwise requires, have the following meaning:

(a) “Administration services” include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for an investment company;

(b) “Affiliate”, the meaning as set forth in 15 U.S.C. Section 80a-2(a)(3)(C), as may be amended from

time to time;

(c) “Distribution services” include, but are not limited to, the services of advertising, servicing, marketing, underwriting or selling shares of an investment company, but, in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a closed end company, was, either engaged in the services of underwriting or selling investment company shares or affiliated with a person that is engaged in the service of underwriting or selling investment company shares. In the case of an open end company, such service of underwriting or selling shares must be performed pursuant to a contract entered into pursuant to 15 U.S.C. Section 80a-15(b), as from time to time amended;

(d) “Investment company”, any person registered under the federal Investment Company Act of 1940, as amended from time to time, (the act) or a company which would be required to register as an investment company under the act except that such person is exempt to such registration pursuant to Section 80a-3(c)(1) of the act;

(e) “Investment funds service corporation” includes any corporation or S corporation doing business in the state which derives more than fifty percent of its gross income in the ordinary course of business from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. An investment funds service corporation shall include any corporation or S corporation providing management services as an investment advisory firm registered under Section 203 of the Investment Advisors Act of 1940, as amended from time to time, regardless of the percentage of gross revenues consisting of fees from management services provided to or on behalf of an investment company;

(f) “Management services” include but are not limited to, the rendering of investment advice directly or indirectly to an investment company making determinations as to when sales and purchases of securities are to be made on behalf of the investment company, or the selling or purchasing of securities constituting assets of an investment company, and related activities, but only where such activity or activities are performed:

a. Pursuant to a contract with the investment company entered into pursuant to 15 U.S.C. Section 80a-15(a), as from time to time amended;

b. For a person that has entered into such contract with the investment company; or

c. For a person that is affiliated with a person that has entered into such contract with an investment company;

(g) “Qualifying sales”, gross income derived from the provision directly or indirectly of management, distribution or administration services to or on behalf of an investment company or from trustees, sponsors and participants of employee benefit plans which have accounts in an investment company. For purposes of this section, “gross income” is defined as that amount of income earned from qualifying sources without deduction of expenses related to the generation of such income;

(h) “Residence”, presumptively the fund shareholder’s mailing address on the records of the investment company. If, however, the investment company or the investment funds service corporation has actual knowledge that the fund shareholder’s primary residence or principal place of business is different than the fund shareholder’s mailing address such presumption shall not control. To the extent an investment funds



service corporation does not have access to the records of the investment company, the investment funds service corporation may employ reasonable methods to determine the investment company fund shareholder's residence.

(5) Notwithstanding other provisions of law to the contrary, qualifying sales of an investment funds service corporation, or S corporation, shall be considered wholly in this state only to the extent that the fund shareholders of the investment companies, to which the investment funds service corporation, or S corporation, provide services, are resided in this state. Wholly in this state qualifying sales of an investment funds service corporation, or S corporation, shall be determined as follows:

(a) By multiplying the investment funds service corporation's total dollar amount of qualifying sales from services provided to each investment company by a fraction, the numerator of which shall be the average of the number of shares owned by the investment company's fund shareholders resided in this state at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year, and the denominator of which shall be the average of the number of shares owned by the investment company's fund shareholders everywhere at the beginning of and at the end of the investment company's taxable year that ends with or within the investment funds service corporation's taxable year;

(b) A separate computation shall be made to determine the wholly in this state qualifying sales from each investment company. The qualifying sales for each investment company shall be multiplied by the respective percentage of each fund, as calculated pursuant to paragraph (a) of this subdivision. The product of this equation shall result in the wholly in this state qualifying sales. The qualifying sales for each investment company which are not wholly in this state will be considered wholly without this state;

(c) To the extent an investment funds service corporation has sales which are not qualifying sales, those nonqualified sales shall be apportioned to this state based on the methodology utilized by the investment funds service corporation without regard to this subdivision.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December

thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

9. Any investment funds service corporation organized as a corporation or S corporation which has any

shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter.

10. The provisions of this section do not impact any other apportionment election available to a taxpayer under Missouri statutes.

**143.455. 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.**

**2. For all tax years beginning on or after January 1, 2020, a corporation described in subdivision (1) of subsection 1 of section 143.441 shall determine its income derived from sources within this state by allocating and apportioning its net income as provided in this section.**

**3. As used in this section, unless the context otherwise requires, the following terms mean:**

**(1) “Apportionable income”:**

**(a) All income that is apportionable under the Constitution of the United States and is not allocated under the laws of this state, including:**

**a. Income arising from transactions and activity in the regular course of the corporation’s trade or business; and**

**b. Income arising from tangible and intangible property if the acquisition, management, employment, development, or disposition of the property is or was related to the operation of the corporation’s trade or business; and**

**(b) Any income that would be allocable to this state under the Constitution of the United States, but that is apportioned rather than allocated pursuant to the laws of this state;**

**(2) “Commercial domicile”, the principal place from which the trade or business of the corporation is directed or managed;**

**(3) “Financial organization”, any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, small loan company, sales finance company, investment company, or any type of insurance company;**

**(4) “Non-apportionable income”, all income other than apportionable income;**

**(5) “Public utility”, any business entity:**

**(a) Which owns or operates any plant, equipment, property, franchise, or license for the transmission of communications, transportation of goods or persons, except by pipeline, or the production, transmission, sale, delivery, or furnishing of electricity, water or steam; and**

**(b) Whose rates of charges for goods or services have been established or approved by a federal, state, or local government or governmental agency;**

**(6) “Receipts”, all gross receipts of the corporation that are not allocated under the provisions of this section, and that are received from transactions and activity in the regular course of the corporation’s trade or business; except that receipts of a corporation from hedging transactions and from the maturity, redemption, sale, exchange, loan or other disposition of cash or securities, shall be excluded.**

**4. For purposes of allocation and apportionment of income under this section, a corporation is taxable in another state if:**

**(1) In that state it is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or**

**(2) That state has jurisdiction to subject the corporation to a net income tax regardless of whether, in fact, the state does or does not do so.**

**5. Rents and royalties from real or tangible personal property, capital gains, interest, dividends or patent or copyright royalties, to the extent that they constitute nonapportionable income, shall be allocated as provided in subsections 6 to 9 of this section.**

**6. (1) Net rents and royalties from real property located in this state are allocable to this state.**

**(2) Net rents and royalties from tangible personal property are allocable to this state:**

**(a) If and to the extent the property is utilized in this state; or**

**(b) In their entirety if the corporation's commercial domicile is in this state and the corporation is not organized under the laws of or taxable in the state in which the property is utilized.**

**(3) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the corporation, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.**

**7. (1) Capital gains and losses from sales of real property located in this state are allocable to this state.**

**(2) Capital gains and losses from sales of tangible personal property are allocable to this state if:**

**(a) The property had a situs in this state at the time of the sale; or**

**(b) The corporation's commercial domicile is in this state and the corporation is not taxable in the state in which the property had a situs.**

**(3) Capital gains and losses from sales of intangible personal property are allocable to this state if the corporation's commercial domicile is in this state.**

**8. Interest and dividends are allocable to this state if the corporation's commercial domicile is in this state.**

**9. (1) Patent and copyright royalties are allocable to this state:**

**(a) If and to the extent that the patent or copyright is utilized by the payer in this state; or**

**(b) If and to the extent that the patent or copyright is utilized by the payer in a state in which the corporation is not taxable and the corporation's commercial domicile is in this state.**

**(2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which**

the corporation's commercial domicile is located.

(3) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the corporation's commercial domicile is located.

10. All apportionable income shall be apportioned to this state by multiplying the net income by a fraction, the numerator of which is the total receipts of the corporation in this state during the tax period and the denominator of which is the total receipts of the corporation everywhere during the tax period.

11. Receipts from the sale of tangible personal property are in this state if the property is received in this state by the purchaser. In the case of the delivery of goods by common carrier or by other means of transportation, including transportation by the purchaser, the place at which the goods are ultimately received after all transportation has been completed shall be considered as the place at which the goods are received by the purchaser. Direct delivery into this state by the taxpayer to a person or firm designated by a purchaser from within or without the state shall constitute delivery to the purchaser in this state.

12. (1) Receipts, other than receipts described in subsection 11 of this section, are in this state if the corporation's market for the sales is in this state. The corporation's market for sales is in this state:

(a) In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this state;

(b) In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this state;

(c) In the case of sale of a service, if and to the extent the ultimate beneficiary of the service is located in this state and shall not be in this state if the ultimate beneficiary of the service rendered by the corporation or the corporation's designee is located outside this state; and

(d) In the case of intangible property:

a. That is rented, leased, or licensed, if and to the extent the property is used in this state, provided that intangible property utilized in marketing a good or service to a consumer is "used in this state" if that good or service is purchased by a consumer who is in this state. Franchise fees or royalties received for the rent, lease, license, or use of a trade name, trademark, service mark, or franchise system or provides a right to conduct business activity in a specific geographic area "are used in this state" to the extent the franchise is located in this state; and

b. That is sold, if and to the extent the property is used in this state, provided that:

(i) A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is "used in this state" if the geographic area includes all or part of this state;

(ii) Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under subparagraph a. of this paragraph; and

(iii) All other receipts from a sale of intangible property shall be excluded from the numerator and denominator of the receipts factor.

(2) If the state or states of assignment under subdivision (1) of this subsection cannot be determined, the state or states of assignment shall be reasonably approximated.

(3) The director may prescribe regulations as necessary or appropriate to carry out the purposes of this section.

13. (1) In the case of certain industries where unusual factual situations produce inequitable results under the apportionment and allocation provisions of this section, the director shall promulgate rules for determining the apportionment and allocation factors for each such industry, but such rules shall be applied uniformly.

(2) If the allocation and apportionment provisions of this section do not fairly represent the extent of the corporation's income applicable to this state, the corporation may petition for or the director may require:

(a) Separate accounting;

(b) The inclusion of one or more additional factors which will fairly represent the corporation's income applicable to this state; or

(c) The employment of any other method to effectuate an equitable allocation and apportionment of the corporation's income.

(3) The party petitioning for, or the director requiring, the use of any method to effectuate an equitable allocation and apportionment of the corporation's income pursuant to subdivision (2) of this subsection shall prove by a preponderance of evidence:

(a) That the allocation and apportionment provisions of this section do not fairly represent the extent of the corporation's income applicable to this state; and

(b) That the alternative to such provisions is reasonable.

The same burden of proof shall apply whether the corporation is petitioning for, or the director is requiring, the use of any reasonable method to effectuate an equitable allocation and apportionment of the corporation's income. Notwithstanding the previous sentence, if the director can show that in any two of the prior five tax years, the corporation had used an allocation or apportionment method at variance with its allocation or apportionment method or methods used for such other tax years, then the director shall not bear the burden of proof in imposing a different method pursuant to subdivision (2) of this subsection.

(4) If the director requires any method to effectuate an equitable allocation and apportionment of the corporation's income, the director cannot impose any civil or criminal penalty with reference to the tax due that is attributable to the corporation's reasonable reliance solely on the allocation and apportionment provisions of this section.

(5) A corporation that has received written permission from the director to use a reasonable method to effectuate an equitable allocation and apportionment of the corporation's income shall not have that permission revoked with respect to transactions and activities that have already occurred unless there has been a material change in, or a material misrepresentation of, the facts provided by

the corporation upon which the director reasonably relied.

14. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state. Such report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. This subsection shall not apply to a railroad.

15. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only rails and lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the rails and lines of such corporation in the state shall bear to the total mileage used over the rails and lines of such corporation. The corporation may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

16. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting the same to or from another net income or loss shown by the return.

17. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The corporation may elect to compute the portion

of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the corporation shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

18. From the income determined in this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

19. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the deduction.

20. Any investment funds service corporation organized as a corporation or S corporation which has any shareholders resided in this state shall be subject to Missouri income tax as provided in this chapter.

143.461. 1. A corporation shall elect to determine income applicable to this state by multiplying the total income from all sources by the fraction determined in the manner in section 143.451 **for all tax years ending on or before December 31, 2019, and for all tax years beginning on or before January 1, 2020, in the manner set forth in section 143.455**; first, by filing written notice with the director of revenue on or before the due date of the return (including extensions of time) of the taxpayer's election, or, second, by failing to keep its books and records in such manner as to show the income applicable to this state, including gross income and deductions applicable thereto.

2. If the corporation shall keep its books and records so as to show **the income applicable to this state** by any other method of allocation between this state and other states [involved of income from transactions partially within and partially without this state], including gross income and deductions applicable thereto, and such method shows the income applicable to this state, including gross income and deductions applicable thereto, then it may, on or before sixty days before the end of any taxable year, petition the director of revenue, in writing, to be permitted in its return required to be filed to apportion to this state according to the method shown by such books or records. If the director of revenue finds that such method does show the income applicable to this state including gross income and the deductions applicable thereto, he **or she** shall notify the corporation, at least thirty days prior to the last day on which such corporation's return for that taxable year is to be filed, that it may use that method **for the shorter of five years or** as long as such method shows the income applicable to this state, including gross income and deductions applicable thereto.



3. The corporation shall cease using such method **after the shorter of five years or** whenever the director of revenue finds and notifies such corporation on or before ninety days before the end of the taxable year, that such method does not so show. Upon and after such **expiration or** revocation the corporation shall be permitted to petition to use **the same or** another method of allocation that will show such income including gross income and deductions applicable thereto as though no petition had ever been filed.

4. Failure, after a method has **expired or** been revoked by the director of revenue, to submit a method which the director of revenue finds will show such income applicable to this state including gross income and deductions applicable thereto, on or before sixty days before the end of any taxable year, or failure to make a return on the basis, which has been approved by the director of revenue on petition of the corporation and which stands unrevoked **or unexpired**, shall constitute an election to accept the determination of income applicable to this state by multiplying the total income from all sources by the fraction determined in the manner set forth in section 143.451 **for all tax years ending on or before December 31, 2019, and for all tax years beginning on or before January 1, 2020, in the manner set forth in section 143.455.**

143.471. 1. An S corporation, as defined by Section 1361 (a)(1) of the Internal Revenue Code, shall not be subject to the taxes imposed by section 143.071, or other sections imposing income tax on corporations.

2. A shareholder of an S corporation shall determine such shareholder's S corporation modification and pro rata share, including its character, by applying the following:

(1) Any modification described in sections 143.121 and 143.141 which relates to an item of S corporation income, gain, loss, or deduction shall be made in accordance with the shareholder's pro rata share, for federal income tax purposes, of the item to which the modification relates. Where a shareholder's pro rata share of any such item is not required to be taken into account separately for federal income tax purposes, the shareholder's pro rata share of such item shall be determined in accordance with his pro rata share, for federal income tax purposes, of S corporation taxable income or loss generally;

(2) Each item of S corporation income, gain, loss, or deduction shall have the same character for a shareholder pursuant to sections 143.005 to 143.998 as it has for federal income tax purposes. Where an item is not characterized for federal income tax purposes, it shall have the same character for a shareholder as if realized directly from the source from which realized by the S corporation or incurred in the same manner as incurred by the S corporation.

3. A nonresident shareholder of an S corporation shall determine such shareholder's Missouri nonresident adjusted gross income and his or her nonresident shareholder modification by applying the provisions of this subsection. Items shall be determined to be from sources within this state pursuant to regulations of the director of revenue in a manner consistent with the division of income provisions of section 143.451, section 143.461, or section 32.200 (Multistate Tax Compact). In determining the adjusted gross income of a nonresident shareholder of any S corporation, there shall be included only that part derived from or connected with sources in this state of the shareholder's pro rata share of items of S corporation income, gain, loss or deduction entering into shareholder's federal adjusted gross income, as such part is determined pursuant to regulations prescribed by the director of revenue in accordance with the general rules in section 143.181. Any modification described in subsections 2 and 3 of section 143.121 and in section 143.141, which relates to an item of S corporation income, gain, loss, or deduction shall be made in accordance with the shareholder's pro rata share, for federal income tax purposes, of the item to which the modification relates, but limited to the portion of such item derived from or connected with sources in

this state.

**4. Notwithstanding subsection 3 of this section to the contrary, for all tax years beginning on or after January 1, 2020, the items referred to in that subsection shall be determined to be from sources within this state pursuant to regulations of the director of revenue in a manner consistent with the division of income provisions of section 143.455 and section 143.461.**

5. The director of revenue shall permit S corporations to file composite returns and to make composite payments of tax on behalf of its nonresident shareholders not otherwise required to file a return. If the nonresident shareholder's filing requirements result solely from one or more interests in any other partnerships or subchapter S corporations, that nonresident shareholder may be included in the composite return.

[5.] 6. If an S corporation pays or credits amounts to any of its nonresident individual shareholders as dividends or as their share of the S corporation's undistributed taxable income for the taxable year, the S corporation shall either timely file with the department of revenue an agreement as provided in subsection [6] 7 of this section or withhold Missouri income tax as provided in subsection [7] 8 of this section. An S corporation that timely files an agreement as provided in subsection [6] 7 of this section with respect to a nonresident shareholder for a taxable year shall be considered to have timely filed such an agreement for each subsequent taxable year. An S corporation that does not timely file such an agreement for a taxable year shall not be precluded from timely filing such an agreement for subsequent taxable years. An S corporation is not required to deduct and withhold Missouri income tax for a nonresident shareholder if:

(1) The nonresident shareholder not otherwise required to file a return agrees to have the Missouri income tax due paid as part of the S corporation's composite return;

(2) The nonresident shareholder not otherwise required to file a return had Missouri assignable federal adjusted gross income from the S corporation of less than twelve hundred dollars;

(3) The S corporation is liquidated or terminated;

(4) Income was generated by a transaction related to termination or liquidation; or

(5) No cash or other property was distributed in the current and prior taxable year.

[6.] 7. The agreement referred to in subdivision (1) of subsection [5] 6 of this section is an agreement of a nonresident shareholder of the S corporation to:

(1) File a return in accordance with the provisions of section 143.481 and to make timely payment of all taxes imposed on the shareholder by this state with respect to income of the S corporation; and

(2) Be subject to personal jurisdiction in this state for purposes of the collection of income taxes, together with related interest and penalties, imposed on the shareholder by this state with respect to the income of the S corporation.

The agreement will be considered timely filed for a taxable year, and for all subsequent taxable years, if it is filed at or before the time the annual return for such taxable year is required to be filed pursuant to section 143.511.

[7.] 8. The amount of Missouri income tax to be withheld is determined by multiplying the amount of dividends or undistributed income allocable to Missouri that is paid or credited to a nonresident shareholder during the taxable year by the highest rate used to determine a Missouri income tax liability for an

individual, except that the amount of the tax withheld may be determined based on withholding tables provided by the director of revenue if the shareholder submits a Missouri withholding allowance certificate.

[8.] **9.** An S corporation shall be entitled to recover for a shareholder on whose behalf a tax payment was made pursuant to this section, if such shareholder has no tax liability.

[9.] **10.** With respect to S corporations that are banks or bank holding companies, a pro rata share of the tax credit for the tax payable pursuant to chapter 148 shall be allowed against each S corporation shareholders' state income tax as follows, provided the bank otherwise complies with section 148.112:

(1) The credit allowed by this subsection shall be equal to the bank tax calculated pursuant to chapter 148 based on bank income in 1999 and after, on a bank that makes an election pursuant to 26 U.S.C. Section 1362, and such credit shall be allocated to the qualifying shareholder according to stock ownership, determined by multiplying a fraction, where the numerator is the shareholder's stock, and the denominator is the total stock issued by such bank or bank holding company;

(2) The tax credit authorized in this subsection shall be permitted only to the shareholders that qualify as S corporation shareholders, provided the stock at all times during the taxable period qualifies as S corporation stock as defined in 26 U.S.C. Section 1361, and such stock is held by the shareholder during the taxable period. The credit created by this section on a yearly basis is available to each qualifying shareholder, including shareholders filing joint returns. A bank holding company is not allowed this credit, except that, such credit shall flow through to such bank holding company's qualified shareholders, and be allocated to such shareholders under the same conditions; and

(3) In the event such shareholder cannot use all or part of the tax credit in the taxable period of receipt, such shareholder may carry forward such tax credit for a period of the lesser of five years or until used, provided such credits are used as soon as the taxpayer has Missouri taxable income.

[10.] **11.** With respect to S corporations that are associations, a pro rata share of the tax credit for the tax payable under chapter 148 shall be allowed against each S corporation shareholders' state income tax as follows, provided the association otherwise complies with section 148.655:

(1) The credit allowed by this subsection shall be equal to the savings and loan association tax calculated under chapter 148 based on the computations provided in section 148.630 on an association that makes an election under 26 U.S.C. Section 1362, and such credit shall be allocated to the qualifying shareholder according to stock ownership, determined by multiplying a fraction, where the numerator is the shareholder's stock, and the denominator is the total stock issued by the association;

(2) The tax credit authorized in this subsection shall be permitted only to the shareholders that qualify as S corporation shareholders, provided the stock at all times during the taxable period qualifies as S corporation stock as defined in 26 U.S.C. Section 1361, and such stock is held by the shareholder during the taxable period. The credit created by this section on a yearly basis is available to each qualifying shareholder, including shareholders filing joint returns. A savings and loan association holding company is not allowed this credit, except that, such credit shall flow through to such savings and loan association holding company's qualified shareholders, and be allocated to such shareholders under the same conditions; and

(3) In the event such shareholder cannot use all or part of the tax credit in the taxable period of receipt, such shareholder may carry forward such tax credit for a period of the lesser of five years or until used, provided such credits are used as soon as the taxpayer has Missouri taxable income.

[11.] **12.** With respect to S corporations that are credit institutions, a pro rata share of the tax credit for the tax payable under chapter 148 shall be allowed against each S corporation shareholders' state income tax as follows, provided the credit institution otherwise complies with section 148.657:

(1) The credit allowed by this subsection shall be equal to the credit institution tax calculated under chapter 148 based on the computations provided in section 148.150 on a credit institution that makes an election under 26 U.S.C. Section 1362, and such credit shall be allocated to the qualifying shareholder according to stock ownership, determined by multiplying a fraction, where the numerator is the shareholder's stock, and the denominator is the total stock issued by such credit institution;

(2) The tax credit authorized in this subsection shall be permitted only to the shareholders that qualify as S corporation shareholders, provided the stock at all times during the taxable period qualifies as S corporation stock as defined in 26 U.S.C. Section 1361, and such stock is held by the shareholder during the taxable period. The credit created by this section on a yearly basis is available to each qualifying shareholder, including shareholders filing joint returns. A credit institution holding company is not allowed this credit, except that, such credit shall flow through to such credit institution holding company's qualified shareholders, and be allocated to such shareholders under the same conditions; and

(3) In the event such shareholder cannot use all or part of the tax credit in the taxable period of receipt, such shareholder may carry forward such tax credit for a period of the lesser of five years or until used, provided such credits are used as soon as the taxpayer has Missouri taxable income.”; and

Further amend said bill, Page 2, Section 144.087, Line 38, by inserting after all of said section and line the following:

“620.1350. 1. The words used in this section and sections 620.1355 and 620.1360 shall, unless the context otherwise requires, have the meaning provided in subdivision (4) of subsection 2 of section 143.451, and in addition, the following words shall have the following meanings:

- (1) “Department”, the department of economic development;
- (2) “Director”, the director of the department of economic development.

2. An investment funds service corporation or S corporation, certified pursuant to this section and sections 620.1355 and 620.1360, may make an annual election to compute the portion of income derived from sources within this state either pursuant to section 143.451 or pursuant to section 32.200 relating to the multistate tax compact. The annual election shall be made by the filing of a corporate income tax return reflecting the use of such election and by filing a copy of the certificate issued by the director pursuant to the provisions of this section and sections 620.1355 and 620.1360. The annual election may be made regardless of whether the corporation filed its income tax return on a single entity basis or was included in a consolidated income tax return in any year.

**3. Notwithstanding the provisions of subsection 2 of this section to the contrary, for all tax years beginning on or after January 1, 2020, an investment funds service corporation or S corporation, certified pursuant to this section and sections 620.1355 and 620.1360, shall compute the portion of income derived from sources within this state pursuant to section 143.455.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Titling change adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1, HA 3, HA 4, HA 5, HA 6, HA 8 and HA 9** to **SB 757** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 608**, and has taken up and passed **CCS** for **HCS** for **SS** for **SB 608**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 1633**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HB 1633**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 881**, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 870**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SB 870**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 806**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 806**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS No. 2**, as amended for **SCS** for **HB 1413** and has taken up and passed **SS No. 2** for **SCS** for **HB 1413**, as amended.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SB 881**, as amended. Representatives: Davis, Korman, Reiboldt, McCreery, Razer.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SB 757**, as amended. Representatives: Tate, Eggleston, Reiboldt, Adams, Franks Jr.

**HOUSE BILLS ON THIRD READING**

**HB 1250**, introduced by Representative Plocher, with **SCS**, entitled:

An Act to repeal sections 456.4-414 and 456.4-420, RSMo, and to enact in lieu thereof twenty-two new sections relating to trust and estates.

Was called from the Informal Calendar and taken up by Senator Dixon.

**SCS** for **HB 1250**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1250**

An Act to repeal sections 456.985, 456.1035, 456.1080, 456.4-414, 474.150, 515.575, and 515.635, RSMo, and to enact in lieu thereof twenty-seven new sections relating to trusts and estates.

Was taken up.

Senator Dixon moved that **SCS** for **HB 1250** be adopted.

Senator Cunningham offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Bill No. 1250, Page 1, Section 456.006, Lines 2-3, by striking “in the Internal Revenue Code of 1986, as amended” and inserting in lieu thereof the following: “**under 26 U.S.C. Section 223(d)(1)**”; and

Further amend said bill and section, Page 2, Lines 14-15, by striking “in the Internal Revenue Code of 1986, as amended” and inserting in lieu thereof the following: “**under 26 U.S.C. Section 223(c)(1)**”; and

Further amend said bill, Page 3, Section 456.1080, Line 4, by inserting after all of said line the following:

“456.1-103. In sections 456.1-101 to 456.11-1106, **the following terms shall mean**:

(1) “Action[.]”, with respect to an act of a trustee, includes a failure to act;

(2) “Ascertainable standard” [means], a standard relating to an individual’s health, education, support, or maintenance within the meaning of Section 2041(b)(1)(A) or Section 2541(c)(1) of the Internal Revenue Code;

(3) “Beneficiary” [means], a person that:

(a) Has a present or future beneficial interest in a trust, vested or contingent; or

(b) In a capacity other than that of trustee, holds a power of appointment over trust property;

(4) “Charitable trust” [means], a trust, or portion of a trust, created for a charitable purpose described in subsection 1 of section 456.4-405;

(5) “Conservator” [means], a person described in subdivision (3) of section 475.010. This term does not include a conservator ad litem;

(6) “Conservator ad litem” [means], a person appointed by the court pursuant to the provisions of section 475.097;

(7) **“Directed trust”, any trust, including a split interest trust, in which the trust instrument:**

**(a) Authorizes a trust protector to instruct or direct the trustee;**

**(b) Charges a trust protector with any responsibilities regarding the trust;**

**(c) Grants the trust protector one or more powers over the trust; or**

**(d) Directs one or more powers over the trust to a person, who is not serving as a trustee, and is not a settlor or a beneficiary;**

(8) **“Environmental law” [means],** a federal, state, or local law, rule, regulation, or ordinance relating to protection of the environment;

[(8)] (9) **“Financial institution” [means],** a non-foreign bank, savings and loan or trust company chartered, regulated and supervised by the Missouri division of finance, the office of the comptroller of the currency, the office of thrift supervision, the National Credit Union Administration, or the Missouri division of credit union supervision. The term “non-foreign bank” shall mean a bank that is not a foreign bank within the meaning of subdivision (1) of section 361.005;

[(9)] (10) **“Guardian” [means],** a person described in subdivision (7) of section 475.010. The term does not include a guardian ad litem;

[(10)] (11) **“Interested persons”,** include beneficiaries and any others having a property right in or claim against a trust estate which may be affected by a judicial proceeding. It also includes fiduciaries and other persons representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding;

[(11)] (12) **“Interests of the beneficiaries” [means],** the beneficial interests provided in the terms of the trust;

[(12)] (13) **“Internal Revenue Code” [means],** the United States Internal Revenue Code of 1986, as in effect on January 1, 2005, or as later amended;

[(13)] (14) **“Jurisdiction[,],”** with respect to a geographic area, includes a state or country;

[(14)] (15) **“Person” [means],** an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity;

[(15)] (16) **“Permissible distributee” [means],** a beneficiary who is currently eligible to receive distributions of trust income or principal, whether mandatory or discretionary;

[(16)] (17) **“Power of withdrawal” [means],** a presently exercisable power of a beneficiary to withdraw assets from the trust without the consent of the trustee or any other person;

[(17)] (18) **“Principal place of administration”,** of a trust is the trustee’s usual place of business where the records pertaining to the trust are kept, or the trustee’s residence if the trustee has no such place of business, unless otherwise designated by the terms of the trust as provided in section 456.1-108. In the case of cotrustees, the principal place of administration is, in the following order of priority:

**(a) The usual place of business of the corporate trustee if there is but one corporate cotrustee;**

**(b) The usual place of business or residence of the trustee who is a professional fiduciary if there is but**

one such trustee and no corporate cotrustee; or

(c) The usual place of business or residence of any of the cotrustees;

[(18)] (19) “Professional fiduciary” [means], an individual who represents himself or herself to the public as having specialized training, experience or skills in the administration of trusts;

[(19)] (20) “Property” [means], anything that may be the subject of ownership, whether real or personal, legal or equitable, or any interest therein;

[(20)] (21) “Qualified beneficiary” [means], a beneficiary who, on the date the beneficiary’s qualification is determined:

(a) Is a permissible distributee;

(b) Would be a permissible distributee if the interests of the permissible distributees described in paragraph (a) of this subdivision terminated on that date; or

(c) Would be a permissible distributee if the trust terminated on that date;

[(21)] (22) “Record” [means], information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

[(22)] (23) “Revocable[.]”, as applied to a trust, means that the settlor has the legal power to revoke the trust without the consent of the trustee or a person holding an adverse interest, regardless of whether the settlor has the mental capacity to do so in fact;

[(23)] (24) “Settlor” [means], a person, including a testator, who creates, or contributes property to, a trust. If more than one person creates or contributes property to a trust, each person is a settlor of the portion of the trust property attributable to that person’s contribution except to the extent another person has the power to revoke or withdraw that portion pursuant to the terms of the trust;

[(24)] (25) “Sign” [means], with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic sound, symbol, or process;

[(25)] (26) “Spendthrift provision” [means], a term of a trust which restrains either the voluntary or involuntary transfer or both the voluntary and involuntary transfer of a beneficiary’s interest;

[(26)] (27) “State” [means], a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band recognized by federal law or formally acknowledged by a state;

[(27)] (28) “Terms of a trust” [means], the manifestation of the settlor’s intent regarding a trust’s provisions as expressed in the trust instrument or as may be established by other evidence that would be admissible in a judicial proceeding;

[(28)] (29) “Trust instrument” [means], an instrument executed by the settlor that contains terms of the trust, including any amendments thereto;

**(30) “Trust protector”, any person, group of persons, or entity not serving as a trustee and not the settlor or a beneficiary, designated in a trust instrument to instruct or direct the trustee or charged**



**in the trust instrument with any responsibilities regarding the trust or expressly granted in the trust instrument one or more powers over the trust. The term “trust protector” includes, but is not limited to, persons or entities identified in the trust instrument as trust advisors, trust directors, distribution advisors, or investment advisors;**

[(29)] **(31)** “Trustee”, includes an original, additional, and successor trustee, and a cotrustee.”; and

Further amend said bill and page, Section 456.4-414, Line 13, by inserting after all of said line the following:

“456.8-808. 1. While a trust is revocable, the trustee may follow a direction of the settlor that is contrary to the terms of the trust.

2. A trust instrument may provide for [the appointment of a trust protector. For purposes of this section, a “trust protector”, whether referred to in the trust instrument by that name or by some other name, is a person, other than the settlor, a trustee, or a beneficiary, who is expressly granted in the trust instrument one or more powers over the trust] **one or more persons, not then serving as a trustee and not the settlor or a beneficiary, to be given any powers over the trust as expressly granted in the trust instrument. Any such person may be identified and appointed as a trust protector or similar term. Whenever a trust instrument names, appoints, authorizes, or otherwise designates a trust protector, the trust shall be deemed a directed trust.**

3. A trust protector appointed in the trust instrument shall have only the powers granted to the trust protector by the express terms of the trust instrument, and a trust protector is only authorized to act within the scope of the authority expressly granted in the trust instrument. Without limiting the authority of the settlor to grant powers to a trust protector, the express powers that may be granted include, but are not limited to, the following:

(1) Remove and appoint a trustee **or a trust protector** or name a successor trustee or trust protector;

(2) Modify or amend the trust instrument to:

(a) Achieve favorable tax status or respond to changes in the Internal Revenue Code or state law, or the rulings and regulations under such code or law;

(b) Reflect legal changes that affect trust administration;

(c) Correct errors or ambiguities that might otherwise require court construction; or

(d) Correct a drafting error that defeats a grantor’s intent;

(3) Increase, decrease, modify, or restrict the interests of the beneficiary or beneficiaries of the trust;

(4) Terminate the trust in favor of the beneficiary or beneficiaries of the trust;

(5) Change the applicable law governing the trust and the trust situs; or

(6) Such other powers as are expressly granted to the trust protector in the trust instrument.

4. Notwithstanding any provision in the trust instrument to the contrary, a trust protector shall have no power to modify a trust to:

(1) Remove a requirement from a trust created to meet the requirements of 42 U.S.C. Section 1396p(d)(4) to pay back a governmental entity for benefits provided to the permissible beneficiary of the trust at the death of that beneficiary; or

(2) Reduce or eliminate an income interest of the income beneficiary of any of the following types of trusts:

(a) A trust for which a marital deduction has been taken for federal tax purposes under Section 2056 or 2523 of the Internal Revenue Code or for state tax purposes under any comparable provision of applicable state law, during the life of the settlor's spouse;

(b) A charitable remainder trust under Section 664 of the Internal Revenue Code, during the life of the noncharitable beneficiary;

(c) A grantor retained annuity trust under Section 2702 of the Internal Revenue Code, during any period in which the settlor is a beneficiary; or

(d) A trust for which an election as a qualified Sub-Chapter S Trust under Section 1361(d) of the Internal Revenue Code is currently in place.

5. Except to the extent otherwise provided in a trust instrument specifically referring to this subsection, the trust protector shall not exercise a power in a way that would result in a taxable gift for federal gift tax purposes or cause the inclusion of any assets of the trust in the trust protector's gross estate for federal estate tax purposes.

6. Except to the extent otherwise provided in the trust instrument and in subsection 7 of this section, and notwithstanding any provision of sections 456.1-101 to 456.11-1106 to the contrary:

(1) A trust protector shall act in a fiduciary capacity in carrying out the powers granted to the trust protector in the trust instrument, and shall have such duties to the beneficiaries, the settlor, or the trust as set forth in the trust instrument, **provided that the trust instrument may provide that the trust protector shall act in a nonfiduciary capacity.** A trust protector is not a trustee, and is not liable or accountable as a trustee when performing or declining to perform the express powers given to the trust protector in the trust instrument. A trust protector is not liable for the acts or omissions of any fiduciary or beneficiary under the trust instrument;

(2) A trust protector is exonerated from any and all liability for the trust protector's acts or omissions, or arising from any exercise or nonexercise of the powers expressly conferred on the trust protector in the trust instrument, unless it is established by a preponderance of the evidence that the acts or omissions of the trust protector were done or omitted in breach of the trust protector's duty, in bad faith or with reckless indifference;

(3) A trust protector is authorized to exercise the express powers granted in the trust instrument at any time and from time to time after the trust protector acquires knowledge of their appointment as trust protector and of the powers granted. **The trust protector may take any action, judicial or otherwise, necessary to carry out the duties given to the trust protector in the trust instrument;**

(4) A trust protector is entitled to receive, from the assets of the trust for which the trust protector is acting, reasonable compensation, and reimbursement of the reasonable costs and expenses incurred, in determining whether to carry out, and in carrying out, the express powers given to the trust protector in the trust instrument;

(5) A trust protector is entitled to receive, from the assets of the trust for which the trust protector is acting, reimbursement of the reasonable costs and expenses, including attorney's fees, of defending any claim made against the trust protector arising from the acts or omissions of the trust protector acting in that

capacity unless it is established by clear and convincing evidence that the trust protector was acting in bad faith or with reckless indifference; and

(6) The express powers granted in the trust instrument shall not be exercised by the trust protector for the trust protector's own personal benefit.

7. If a trust protector is granted a power in the trust instrument to direct, consent to, or disapprove a trustee's actual or proposed investment decision, distribution decision, or other decision of the trustee required to be performed under applicable trust law in carrying out the duties of the trustee in administering the trust, then only with respect to such power, excluding the powers identified in subsection 3 of this section, the trust protector shall have the same duties and liabilities as if serving as a trustee under the trust instrument **unless the trust instrument expressly provides otherwise. In carrying out any written directions given to the trustee by the trust protector concerning actual or proposed investment decisions, the trustee shall not be subject to the provisions of sections 469.900 to 469.913. For purposes of this subsection, "investment decisions" means, with respect to any investment, decisions to retain, purchase, sell, exchange, tender, or otherwise engage in transactions affecting the ownership of investments or rights therein and, with respect to nonpublicly traded investments, the valuation thereof.**

8. **Any trustee of a directed trust shall not be accountable under the law or equity for any act or omission of a trust protector and shall stand absolved from liability for executing the decisions or instructions from a trust protector or for monitoring the actions or inactions of a trust protector. A trustee shall take reasonable steps to facilitate the activity of a trust protector in a directed trust. A trustee shall carry out the written directions given to the trustee by a trust protector acting within the scope of the powers expressly granted to the trust protector in the trust instrument. Except [in cases of bad faith or reckless indifference on the part of the trustee, or] as otherwise provided in the trust instrument, the trustee shall not be liable for any loss resulting directly or indirectly from any act taken or omitted as a result of the written direction of the trust protector or the failure of the trust protector to provide consent. Except as otherwise provided in the trust instrument, the trustee shall have no duty to monitor the conduct of the trust protector, provide advice to or consult with the trust protector, or communicate with or warn or apprise any beneficiary concerning instances in which the trustee would or might have exercised the trustee's own discretion in a manner different from the manner directed by the trust protector. Except as otherwise provided in the trust instrument, any actions taken by the trustee at the trust protector's direction shall be deemed to be administrative actions taken by the trustee solely to allow the trustee to carry out the instructions of the trust protector and shall not be deemed to constitute an act by the trustee to monitor the trust protector or otherwise participate in actions within the scope of the trust protector's authority. Whenever a directed trust reserves to a person or vests in an advisory or investment committee authority to direct the making or retention of any investment, to the exclusion of the trustee or trustees, the excluded trustee or trustees shall not be liable, individually or as a trustee, for any loss resulting from the making or retention of any investment pursuant to such direction.**

9. Except to the extent otherwise expressly provided in the trust instrument, the trust protector shall be entitled to receive information regarding the administration of the trust as follows:

(1) Upon the request of the trust protector, unless unreasonable under the circumstances, the trustee shall promptly provide to the trust protector any and all information related to the trust that may relate to the

exercise or nonexercise of a power expressly granted to the trust protector in the trust instrument. The trustee has no obligation to provide any information to the trust protector except to the extent a trust protector requests information under this section;

(2) The request of the trust protector for information under this section shall be with respect to a single trust that is sufficiently identified to enable the trustee to locate the records of the trust; and

(3) If the trustee is bound by any confidentiality restrictions with respect to an asset of a trust, a trust protector who requests information under this section about such asset shall agree to be bound by the confidentiality restrictions that bind the trustee before receiving such information from the trustee.

10. A trust protector may resign by giving thirty days' written notice to the trustee and any successor trust protector. A successor trust protector, if any, shall have all the powers expressly granted in the trust instrument to the resigning trust protector unless such powers are expressly modified for the successor trust protector.

11. A trust protector of a trust having its principal place of administration in this state submits personally to the jurisdiction of the courts of this state during any period that the principal place of administration of the trust is located in this state and the trust protector is serving in such capacity. **The trust instrument may also provide that a trust protector is subject to the personal jurisdiction of the courts of this state as a condition of appointment.**"; and

Further amend the title and enacting clause accordingly.

Senator Cunningham moved that the above amendment be adopted, which motion prevailed.

Senator Dixon moved that **SCS for HB 1250**, as amended, be adopted, which motion prevailed.

On motion of Senator Dixon, **SCS for HB 1250**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Schaaf—1

Absent—Senator Sater—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

President Parson assumed the Chair.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 881**, as amended: Senators Eigel, Schatz, Libla, Hummel and Curls.

### PRIVILEGED MOTIONS

Senator Koenig moved that the Senate refuse to concur in **HA 1**, **HA 2** to **HA 2** and **HA 2**, as amended, to **SB 884** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 1456**, with **SCS**, entitled:

An Act to repeal sections 43.401, 70.210, 190.300, 190.307, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, and 650.330, RSMo, and to enact in lieu thereof nineteen new sections relating to emergency communication services, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Wallingford.

**SCS** for **HCS** for **HB 1456**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1456

An Act to repeal sections 43.401, 70.210, 190.300, 190.307, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, and 650.330, RSMo, and to enact in lieu thereof nineteen new sections relating to emergency communication services, with penalty provisions.

Was taken up.

Senator Wallingford moved that **SCS** for **HCS** for **HB 1456** be adopted.

Senator Wallingford offered **SS** for **SCS** for **HCS** for **HB 1456**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1456

An Act to repeal sections 43.401, 70.210, 190.300, 190.308, 190.325, 190.327, 190.328, 190.329, 190.334, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.330, and 650.340, RSMo, and to enact in lieu thereof twenty new sections relating to emergency communication services, with penalty provisions.

Senator Wallingford moved that **SS** for **SCS** for **HCS** for **HB 1456** be adopted.

Senator Curls offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 32, Section 190.455, Lines 11-12 of said page, by striking all of said lines and inserting in lieu thereof the following: **“inhabitants and located in more than one county and any county in which it is located shall establish an agreement regarding”**.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

Senator Hegeman offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 1, In the Title, Line 6 by striking the word “emergency”; and

Further amend said bill, page 43, section 190.475, line 21, by inserting after all of said line the following:

**“620.2450. 1. A grant program is hereby established under sections 620.2450 to 620.2458 to award grants to applicants who seek to expand access to broadband internet service in unserved and underserved areas of the state. The department of economic development shall administer and act as the fiscal agent for the grant program and shall be responsible for receiving and reviewing grant applications and awarding grants under sections 620.2450 to 620.2458. Funding for the grant program established under this section shall be subject to appropriation by the general assembly.**

**2. As used in sections 620.2450 to 620.2458, the following terms shall mean:**

**(1) “Underserved area”, a project area without access to wireline or fixed wireless broadband internet service of speeds of at least twenty-five megabits per second download and three megabits per second upload;**

**(2) “Unserved area”, a project area without access to wireline or fixed wireless broadband internet service of speeds of at least ten megabits per second download and one megabit per second upload.**

**620.2451. Grants awarded under sections 620.2450 to 620.2458 shall fund the acquisition and installation of retail broadband internet service at speeds of at least twenty-five megabits per second download and three megabits per second upload, but that is scalable to higher speeds.**

**620.2452. Applicants eligible for grants awarded shall include:**

**(1) Corporations, or their affiliates, registered in this state;**

**(2) Incorporated businesses or partnerships;**

**(3) Limited liability companies registered in this state;**

**(4) Nonprofit organizations registered in this state;**

**(5) Political subdivisions; and**

**(6) Rural electric cooperatives organized under chapter 394 and their broadband affiliates.**

**620.2453. An eligible applicant shall submit an application to the department of economic development on a form prescribed by the department. An application for a grant under sections 620.2450 to 620.2458 shall include the following information:**

- (1) A description of the project area;**
- (2) A description of the kind and amount of broadband internet infrastructure that is proposed to be deployed;**
- (3) Evidence demonstrating the unserved or underserved nature of the project area;**
- (4) The number of households that would have new access to broadband internet service, or whose broadband internet service would be upgraded, as a result of the grant;**
- (5) A list of significant community institutions that would benefit from the proposed grant;**
- (6) The total cost of the proposal and the timeframe in which it will be completed;**
- (7) A list identifying sources of funding or in-kind contributions, including government funding, that would supplement any awarded grant; and**
- (8) Any other information required by the department of economic development.**

**620.2454. 1. At least thirty days prior to the first day applications may be submitted each fiscal year, the department of economic development shall publish on its website the specific criteria and any quantitative weighting scheme or scoring system the department will use to evaluate or rank applications and award grants under section 620.2455. Such criteria and quantitative scoring system shall include the criteria set forth in section 620.2455.**

**2. Within three business days of the close of the grant application process, the department of economic development shall publish on its website the proposed unserved and underserved areas, and the proposed broadband internet speeds for each application submitted. Upon request, the department shall provide a copy of any application to an interested party.**

**3. A broadband internet service provider that provides existing service in or adjacent to the proposed project area may submit to the department of economic development, within forty-five days of publication of the information under subsection 2 of this section, a written challenge to an application. Such challenge shall contain information demonstrating that:**

- (1) The provider currently provides broadband internet service to retail customers within the proposed unserved or underserved area;**
- (2) The provider has begun construction to provide broadband internet service to retail customers within the proposed unserved or underserved area; or**
- (3) The provider commits to providing broadband internet service to retail customers within the proposed unserved or underserved areas within the timeframe proposed by the applicant.**

**4. Within three business days of the submission of a written challenge, the department of economic development shall notify the applicant of such challenge.**

**5. The department of economic development shall evaluate each challenge submitted under this section. If the department determines that the provider currently provides, has begun construction to provide, or commits to provide broadband internet service at speeds of at least twenty-five megabits per second download and three megabits per second upload, but scalable to higher speeds, in the proposed project area, the department shall not fund the challenged project.**

**6. If the department of economic development denies funding to an applicant as a result of a**

**broadband internet service provider challenge under this section and such broadband internet service provider does not fulfill its commitment to provide broadband internet service in the unserved or underserved area, the department of economic development shall not consider another challenge from such broadband internet service provider for the next two grant cycles, unless the department determines the failure to fulfill the commitment was due to circumstances beyond the broadband internet service provider's control.**

**620.2455. 1. The department of economic development shall give first priority to grant applications that serve unserved areas.**

**2. The department of economic development shall give secondary priority to grant applications that demonstrate the ability to receive matching funds that serve unserved areas, whether such matching funds are government funds or other funds.**

**3. The department shall give third priority to grant applications that serve underserved areas.**

**4. The department of economic development shall use a quantitative weighing scheme or scoring system including, at a minimum, the following elements to rank the applications:**

**(1) Financial, technical, and legal capability of the applicant to deploy and operate broadband internet service;**

**(2) The number of locations served in the most cost-efficient manner possible considering the project area density;**

**(3) Available minimum broadband speeds;**

**(4) Ability of the infrastructure to be scalable to higher broadband internet speeds;**

**(5) Commitment of the applicant to fund at least fifty percent of the project from private sources;**

**(6) Length of time the provider has been operating broadband internet services in the state;**

**(7) The offering of new or substantially upgraded broadband internet service to important community institutions including, but not limited to, libraries, educational institutions, public safety facilities, and health care facilities;**

**(8) The offering of service to economically distressed areas of the state, as measured by indices of unemployment, poverty, or population loss that are significantly greater than the statewide average;**

**(9) The ability to provide technical support and training to residents, businesses, and institutions in the community of the proposed project to utilize broadband internet service;**

**(10) Plans to actively promote the adoption of the newly available broadband internet service in the community; and**

**(11) Strong support for the proposed project from citizens, businesses, and institutions in the community.**

**620.2456. 1. The department of economic development shall not award any grant to an otherwise eligible grant applicant where funding from the Connect America Fund has been awarded, where high cost support from the federal Universal Service Fund has been received by rate of return carriers, or where any other federal funding has been awarded which did not require any matching fund component, for any portion of the proposed project area, nor shall any grant money be used to**



serve any retail end user that already has access to wireline or fixed wireless broadband internet service of speeds of at least twenty-five megabits per second download and three megabits per second upload.

2. No grant awarded under sections 620.2450 to 620.2458, when combined with any federal, state, or local funds, shall fund more than fifty percent of the total cost of a project.

3. No single project shall be awarded grants under sections 620.2450 to 620.2458 whose cumulative total exceeds five million dollars.

4. The department of economic development shall endeavor to award grants under sections 620.2450 to 620.2458 to qualified applicants in all regions of the state.

5. An award granted under sections 620.2450 to 620.2458 shall not:

(1) Require an open access network;

(2) Impose rates, terms, and conditions that differ from what a provider offers in other areas of its service area;

(3) Impose any rate, service, or any other type of regulation beyond speed requirements set forth in section 620.2451; or

(4) Impose an unreasonable time constraint on the time to build the service.

620.2457. By June thirtieth of each year, the department of economic development shall publish on its website and provide to the general assembly:

(1) A list of all applications for grants under sections 620.2450 to 620.2458 received during the previous year and, for each application:

(a) The results of any quantitative weighting scheme or scoring system the department of economic development used to award grants or rank the applications;

(b) The grant amount requested;

(c) The grant amount awarded, if any;

(2) All written challenges.

620.2458. The department of economic development shall develop administrative rules governing the eligibility, application and grant award process, and to implement the provisions of sections 620.2450 to 620.2458. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.”; and

Further amend said bill, page 57, section 190.440, line 50 of said page, by inserting immediately after said line the following:

“Section B. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall sunset automatically three years after the effective date of sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall sunset automatically six years after the effective date of the reauthorization of sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458; and

(3) Sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Nasheed offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 24, Section 190.455, Lines 14-15, by striking the words “, city not within a county,”; and

Further amend said bill and section, page 33, line 3, by inserting after all of said line the following:

**“17. The provisions of this section shall not apply to any city not within a county.”; and**

Further amend said bill, page 37, section 190.460, line 1, by striking the words “and any city not within a county”; and further amend lines 3-4, by striking the words “or city not within a county”; and further amend line 5, by striking the words “or city not within a county”; and further amend line 7, by striking the words “and any city not within a county”; and further amend lines 12-13, by striking the words “and any city not within a county”; and further amend line 14, by striking the words “or city”; and

Further amend said bill and section, page 38, line 14, by inserting after all of said line the following:

**“6. The provisions of this section shall not apply to a city not within a county.”; and further renumber the remaining subsection accordingly.**

Senator Nasheed moved that the above amendment be adopted, which motion failed.

At the request of Senator Wallingford, **HCS** for **HB 1456**, with **SCS**, and **SS** for **SCS** (pending), was placed on the Informal Calendar.

**HCS** for **HB 1388**, with **SCS**, entitled:

An Act to repeal sections 317.006, 317.011, 317.013, 317.014, and 317.019, RSMo, and to enact in lieu thereof six new sections relating to certain sports contests.

Was called from the Informal Calendar and taken up by Senator Riddle.

**SCS** for **HCS** for **HB 1388**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1388

An Act to repeal sections 67.3000, 67.3005, 313.940, 317.006, 317.011, 317.013, 317.014, and 317.019, RSMo, and to enact in lieu thereof nine new sections relating to sports contests.

Was taken up.

Senator Riddle moved that **SCS** for **HCS** for **HB 1388** be adopted.

Senator Riddle offered **SS** for **SCS** for **HCS** for **HB 1388**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1388

An Act to repeal sections 67.3000, 67.3005, 313.940, 317.006, 317.011, 317.013, 317.014, and 317.019, RSMo, and to enact in lieu thereof nine new sections relating to sports contests.

Senator Riddle moved that **SS** for **SCS** for **HCS** for **HB 1388** be adopted, which motion prevailed.

Senator Rowden assumed the Chair.

On motion of Senator Riddle, **SS** for **SCS** for **HCS** for **HB 1388** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Schaaf—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 850**, entitled:

An Act to repeal sections 193.265, 210.145, 210.150, 210.152, 210.498, 453.015, 453.030, 453.080, 453.121, and 610.021, RSMo, and to enact in lieu thereof eleven new sections relating to records involving children, with penalty provisions.

With House Amendment Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 850, Page 13, Section 210.150, Lines 135-142, by deleting all of said lines and inserting in lieu thereof the following:

**“necessary for another agency to have access to in order to protect a child. Documents other than substantiated reports and materials from files regarding substantiated reports shall only be shared under this subsection if the department of social services receives a written, signed certification that the receiving agency is prohibited by law from sharing such documents or materials with anyone other than the receiving agency, law enforcement, or court personnel; or in accordance with a court order. In the event that the laws of the receiving state do not provide a basis for such certification, the department may share the information with an agency of another state under a memorandum of understanding between the department and the receiving agency, which limits dissemination of the shared material by the receiving agency to employees of that agency, law enforcement, or court personnel; or as ordered by a court.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 850, Page 1, Section 193.265, Line 6, by deleting said lines and inserting in lieu thereof the following:

**“for certification is made by the children’s division, division of youth services, guardian ad litem, or juvenile officer on behalf”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 850, Page 21, Section 453.080, Lines 2 to 3, by deleting such lines and inserting in lieu thereof the following:

**“be finalized. If their attorney appears in person, out-of-state adoptive petitioners may appear by video conference. During such hearing, the court shall ascertain”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 850, Page 20, Section 453.030, Lines 32 to 53, by deleting said lines and inserting in lieu thereof the following:

**“a notary public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting birth parent of the consequences of the consent. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons**

whose signatures and addresses shall be plainly written thereon. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding **other than the attorney representing the party signing the consent**. The notary public or witnesses shall verify the identity of the party signing the consent. **Notwithstanding any other provision of law to the contrary, a properly executed written consent under this subsection shall be considered irrevocable.**

5. The written consent required in subdivision (1) of subsection 3 of this section by the birth [parent] **mother** shall not be executed anytime before the child is forty-eight hours old. Such written consent shall be executed in front of a judge or acknowledged before a notary public. If consent is executed in front of a judge, it shall be the duty of the judge to advise the consenting party of the consequences of the consent. In lieu of [such] acknowledgment **before a notary public**, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding **other than the attorney representing the party signing the consent**. The notary public or witnesses shall verify the identity of the party signing the consent.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

### REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **SS for SCS for HCS for HBs 2280, 2120, 1468 and 1616**, begs leave to report that it has considered the same and recommends that the bill do pass.

### HOUSE BILLS ON THIRD READING

Senator Sater moved that **SS for SCS for HCS for HBs 2280, 2120, 1468 and 1616** be taken up for 3rd reading and final passage, which motion prevailed.

**SS for SCS for HCS for HBs 2280, 2120, 1468 and 1616**, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senator Koenig—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

President Parson assumed the Chair.

**HCS for HB 1872**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto nine new sections relating to broadband internet service.

Was called from the Informal Calendar and taken up by Senator Hegeman.

Senator Hegeman offered **SS for HCS for HB 1872**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1872

An Act to amend chapter 620, RSMo, by adding thereto nine new sections relating to broadband internet service.

Senator Hegeman moved that **SS for HCS for HB 1872** be adopted, which motion prevailed.

On motion of Senator Hegeman, **SS for HCS for HB 1872** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Eigel—1

Absent—Senator Sifton—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**PRIVILEGED MOTIONS**

Senator Onder, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SBs 603, 576 and 898**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 603, 576 & 898

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 603, 576, & 898, with House Amendment Nos. 1, 3 and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 603, 576, & 898, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 603, 576, & 898;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 603, 576, & 898, be Third Read and Finally Passed.

**FOR THE SENATE:**

/s/ Bob Onder  
/s/ Gary Romine  
/s/ Denny Hoskins  
/s/ Jill Schupp  
/s/ Scott Sifton

**FOR THE HOUSE:**

/s/ Bryan Spencer  
Rebecca Roeber  
/s/ Kathryn Swan  
/s/ Judy Morgan  
/s/ Courtney Allen Curtis

Senator Onder moved that the above conference committee report be adopted, which motion prevailed by the following vote:

**YEAS—Senators**

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Emery
Hegeman	Hoskins	Hummel	Kehoe	Koenig	Libla	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

**NAYS—Senators—None****Absent—Senators**

Chappelle-Nadal	Eigel	Holsman—3
-----------------	-------	-----------

**Absent with leave—Senators—None****Vacancies—1**

On motion of Senator Onder, **CCS** for **HCS** for **SS** for **SCS** for **SBs 603, 576 and 898**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 603, 576 & 898

An Act to repeal sections 161.670, 167.121, 173.234, 173.616, 173.1101, 173.1102, 173.1104, 173.1105, 173.1107, 173.1150, and 173.1153, RSMo, and to enact in lieu thereof eleven new sections relating to virtual education.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators

Chappelle-Nadal      Holsman—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Onder, title to the bill was agreed to.

Senator Onder moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**CONCURRENT RESOLUTIONS**

**HCR 63**, introduced by Representative Haefner, entitled:

An Act relating to DeMolay Day.

Was taken up by Senator Wieland.

On motion of Senator Wieland, **HCR 63** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford



Senator Kehoe moved that motion lay on the table, which motion prevailed.

Curls                      Dixon                      Koenig                      Schaaf                      Schupp                      Walsh—6

Absent—Senators

Chappelle-Nadal      Nasheed      Richard—3

Absent with leave—Senators—None

Vacancies—1

The President declared the concurrent resolution passed.

On motion of Senator Hoskins, title to the concurrent resolution was agreed to.

Senator Hoskins moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 2140**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 2** to **HA 2**, **HA 2** as amended to **SB 884**, and grants the Senate a conference thereon.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SB 884**, as amended. Representatives: Wiemann, Haahr, Fitzpatrick, Carpenter, Kendrick.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 582**.

With House Amendment Nos. 1, 2 and 3.

#### HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 582, Page 1, In the Title, Line 3, by deleting the words “of students”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 582, Page 1, Section 162.1475, Line 9, by inserting immediately after said section and line the following:

**“407.431. The attorney general shall have all powers, rights, and duties regarding violations of sections 407.430 to 407.436 as are provided in sections 407.010 to 407.130, in addition to rulemaking**

**authority under section 407.145.**

407.432. As used in sections 407.430 to 407.436, the following terms shall mean:

(1) “Acquirer”, a business organization, financial institution, or an agent of a business organization or financial institution that authorizes a merchant to accept payment by credit card for merchandise;

(2) “Cardholder”, the person’s name on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer[, ] or any agent, authorized signatory, or employee of such person;

(3) “Chip”, **an integrated circuit imbedded in a card that stores data so that the card may use the EMV payment method for transactions;**

(4) “Contactless payment”, **any payment method that uses a contactless smart card, a near field communication (NFC) antenna, radio-frequency identification (RFID) technology, or other method to remotely communicate data to a scanning device for transactions;**

(5) “Counterfeit credit card”, any credit card which is fictitious, altered, or forged, any false representation, depiction, facsimile or component of a credit card, or any credit card which is stolen, obtained as part of a scheme to defraud, or otherwise unlawfully obtained, and which may or may not be embossed with account information or a company logo;

[(4)] (6) “Credit card” [or “debit card”], any instrument or device, whether known as a credit card, credit plate, bank service card, banking card, check guarantee card, or debit card or by any other name, **that is** issued with or without a fee by an issuer for the use of the cardholder in obtaining money or merchandise on credit[, ] **or by transferring payment from the cardholder’s checking account** or for use in an automated banking device to obtain any of the services offered through the device. The presentation of a credit card account number is deemed to be the presentation of a credit card. **“Credit card” shall include credit or debit cards whose information is stored in a digital wallet for use in in-app purchases or contactless payments;**

[(5)] (7) “Expired credit card”, a credit card for which the expiration date shown on it has passed;

[(6)] (8) “Issuer”, the business organization [or] , financial institution, or [its] duly authorized agent[, which] **thereof that** issues a credit card;

[(7)] (9) “Merchandise”, any objects, wares, goods, commodities, intangibles, real estate, services, or anything else of value;

[(8)] (10) “Merchant”, an owner or operator of any retail mercantile establishment, or any agent, employee, lessee, consignee, officer, director, franchisee, or independent contractor of such owner or operator. A merchant includes a person who receives from [an authorized user of a payment card] **a cardholder**, or an individual the person believes to be [an authorized user] **a cardholder**, a [payment] **credit** card or information from a [payment] **credit** card as the instrument for obtaining, purchasing, or receiving goods, services, money, or anything of value from the person;

[(9)] (11) “Person”, any natural person or his legal representative, partnership, firm, for-profit or not-for-profit corporation, whether domestic or foreign, company, foundation, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestui que trust thereof;

[(10)] **(12)** “Reencoder”, an electronic device that places encoded information from the **chip or** magnetic strip or stripe of a credit [or debit] card onto the **chip or** magnetic strip or stripe of a different credit [or debit] card;

[(11)] **(13)** “Revoked credit card”, a credit card for which permission to use it has been suspended or terminated by the issuer;

[(12)] **(14)** “Scanning device”, a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information **stored in the chip or** encoded on the magnetic strip or stripe of a credit [or debit] card. **“Scanning device” shall include devices used by a merchant for contactless payments.**

407.433. 1. No person, other than the cardholder, shall:

(1) Disclose more than the last five digits of a credit card [or debit card] account number on any sales receipt provided to the cardholder for merchandise sold in this state[;

(2) Use a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a credit or debit card without the permission of the cardholder and with the intent to defraud any person, the issuer, or a merchant; or

(3) Use a reencoder to place information encoded on the magnetic strip or stripe of a credit or debit card onto the magnetic strip or stripe of a different card without the permission of the cardholder from which the information is being reencoded and with the intent to defraud any person, the issuer, or a merchant].

2. Any person who knowingly violates this section is guilty of an infraction and any second or subsequent violation of this section is a class A misdemeanor.

3. It shall not be a violation of subdivision (1) of subsection 1 of this section if:

(1) The sole means of recording the credit card number [or debit card number] is by handwriting or, prior to January 1, 2005, by an imprint of the credit card [or debit card]; and

(2) For handwritten or imprinted copies of credit card [or debit card] receipts, only the merchant’s copy of the receipt lists more than the last five digits of the account number.

4. This section shall become effective on January 1, 2003, and applies to any cash register or other machine or device that prints or imprints receipts of credit card [or debit card] transactions and which is placed into service on or after January 1, 2003. Any cash register or other machine or device that prints or imprints receipts on credit card [or debit card] transactions and which is placed in service prior to January 1, 2003, shall be subject to the provisions of this section on or after January 1, 2005.

**407.435. 1. A person commits the offense of illegal use of a card scanner if the person:**

**(1) Directly or indirectly uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information stored in the chip or encoded on the magnetic strip or stripe of a credit card without the permission of the cardholder, the credit card issuer, or a merchant;**

**(2) Possesses a scanning device with the intent to defraud a cardholder, credit card issuer, or merchant or possesses a scanning device with the knowledge that some other person intends to use the scanning device to defraud a cardholder, credit card issuer, or merchant;**

**(3) Directly or indirectly uses a reencoder to copy a credit card without the permission of the cardholder of the card from which the information is being reencoded and does so with the intent to defraud the cardholder, the credit card issuer, or a merchant; or**

**(4) Possesses a reencoder with the intent to defraud a cardholder, credit card issuer, or merchant or possesses a reencoder with the knowledge that some other person intends to use the reencoder to defraud a cardholder, credit card issuer, or merchant.**

**2. The offense of illegal use of a card scanner is a class D felony. However, a second or subsequent offense arising from a separate incident is a class C felony.**

407.436. [1. Any person who willfully and knowingly, and with the intent to defraud, engages in any practice declared to be an unlawful practice in sections 407.430 to 407.436 of this credit user protection law shall be guilty of a class E felony.

2. The violation of any provision of sections 407.430 to 407.436 of this credit user protection law constitutes an unlawful practice pursuant to sections 407.010 to 407.130, and the violator shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130. The attorney general shall have all powers, rights, and duties regarding violations of sections 407.430 to 407.436 as are provided in sections 407.010 to 407.130, in addition to rulemaking authority as provided in section 407.145.] **A person commits the offense of defacing a credit card reader if a person damages, defaces, alters, or destroys a scanning device and the person has no right to do so. The offense of defacing a credit card reader is a class A misdemeanor.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 582, Page 1, Section 162.1475, Line 1, by inserting after the numeral “1.” the numeral “**(1)**”; and

Further amend said bill, page, and section, Line 2, by deleting said line and inserting in lieu thereof the following:

**“as defined in section 407.1500;**

**(2) “Education records” shall have the same meaning as defined in 20 U.S.C Section 1232g (a)(4).”; and**

Further amend said bill, page, and section, Line 4, by inserting immediately after the word “**information**” the phrase “**or education records**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Titling change adopted.

In which the concurrence of the Senate is respectfully requested.

#### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SB 884**, as amended: Senators Koenig, Eigel, Onder, Rizzo and Holsman.

# PRIVILEGED MOTIONS

Senator Crawford, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 951**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

## CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 951

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 951, with House Amendment Nos. 1, 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3 as amended, House Amendment Nos. 4, 5, and 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 951, as amended;
2. That the Senate recede from its position on Senate Bill No. 951;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 951, be Third Read and Finally Passed.

### FOR THE SENATE:

/s/ Sandy Crawford  
/s/ David Sater  
/s/ Paul Wieland  
/s/ Jason Holsman  
/s/ Jill Schupp

### FOR THE HOUSE:

/s/ Jack Bondon  
/s/ Donna Pfautsch  
/s/ Robert Ross  
/s/ Cora Faith Walker  
/s/ Kip Kendrick

Senator Crawford moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

#### NAYS—Senators—None

#### Absent—Senators

Chappelle-Nadal—1

#### Absent with leave—Senators—None

#### Vacancies—1

On motion of Senator Crawford, **CCS** for **HCS** for **SB 951**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 951

An Act to repeal sections 191.227, 191.1145, 195.070, 197.052, 197.305, 208.217, 208.670, 208.671, 208.673, 208.675, 208.677, 210.070, 334.036, 334.037, 334.104, 334.735, 334.747, 337.025, 337.029, 337.033, 374.426, 376.811, 376.1550, 536.031, 577.029, and 632.005, RSMo, and to enact in lieu thereof twenty-seven new sections relating to health care, with an existing penalty provision.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senators

Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Crawford, title to the bill was agreed to.

Senator Crawford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

**HB 1832**, introduced by Representative Cornejo, with **SCS**, entitled:

An Act to repeal sections 407.300, 407.432, 407.433, 407.436, and 407.1500, RSMo, and to enact in lieu thereof seven new sections relating to merchandising practices, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Riddle.

**SCS** for **HB 1832**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1832

An Act to repeal sections 407.300, 407.432, 407.433, and 407.436, RSMo, and to enact in lieu thereof six new section relating to merchandising practices, with penalty provisions.

Was taken up.

Senator Riddle moved that **SCS** for **HB 1832** be adopted.

Senator Riddle offered **SS** for **SCS** for **HB 1832**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1832

An Act to repeal sections 407.300, 407.432, 407.433, and 407.436, RSMo, and to enact in lieu thereof seven new sections relating to merchandising practices, with penalty provisions.

Senator Riddle moved that **SS** for **SCS** for **HB 1832** be adopted, which motion prevailed.

On motion of Senator Riddle, **SS** for **SCS** for **HB 1832** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

NAYS—Senators—None

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

On motion of Senator Kehoe, the Senate recessed until 8:50 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Richard.

**RESOLUTIONS**

Senator Wieland offered Senate Resolution No. 2176, regarding Justin Tanner Young, Fulton, which was adopted.

Senator Hummel offered Senate Resolution No. 2127, regarding Nicholas Eberle, Saint Louis, which was adopted.



**PRIVILEGED MOTIONS**

Senator Nasheed moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 2140**, as amended, and grant the House a conference thereon, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 2140**, as amended: Senators Nasheed, Rowden, Brown, Munzlinger and Hummel.

**PRIVILEGED MOTIONS**

Senator Cunningham, on behalf of the conference committee appointed to act with a like committee from the House on **SB 819**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 819**

The Conference Committee appointed on Senate Bill No. 819, with House Amendment Nos. 1 and 2 to House Amendment No. 1, House Amendment No. 1 as amended, and House Amendment Nos. 2 and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 819, as amended;
2. That the Senate recede from its position on Senate Bill No. 819;
3. That the attached Conference Committee Substitute for Senate Bill No. 819 be Third Read and Finally Passed.

**FOR THE SENATE:**

/s/ Mike Cunningham  
/s/ David Sater  
/s/ Jeanie Riddle  
/s/ Gina Walsh  
/s/ Jill Schupp

**FOR THE HOUSE:**

/s/ Jim Neely  
/s/ Robert Cornejo  
/s/ Cody Smith  
/s/ Lauren Arthur  
/s/ Ingrid Burnett

Senator Cunningham moved that the above conference committee report be adopted, which motion prevailed by the following vote:

**YEAS—Senators**

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson—30					

**NAYS—Senators—None****Absent—Senators**

Chappelle-Nadal      Libla      Wieland—3

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Cunningham, **CCS** for **SB 819**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 819

An Act to repeal sections 191.737, 191.739, 193.265, 210.003, 210.101, 210.102, 210.103, 210.110, 210.112, 210.115, 210.145, 210.152, 210.487, 210.498, 211.447, 431.056, 453.015, 453.030, 453.080, 453.121, 475.024, 556.036, 556.037, and 610.021, RSMo, and to enact in lieu thereof twenty-six new sections relating to the protection of children.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson—30					

NAYS—Senators—None

Absent—Senators

Chappelle-Nadal      Libla      Wieland—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

Senator Wallingford moved that **HCS** for **HB 1456**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HCS** for **HB 1456** was again taken up.

Senator Wallingford offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House

Bill No. 1456, Page 38, Section 190.460, Line 14, by inserting after all of said line the following:

**“6. The provisions of this section shall become effective unless the governing body of a county or city adopts an ordinance, order, rule, resolution, or regulation by at least a two-thirds vote prohibiting the charge established under this section from becoming effective in the county or city at least forty-five days prior to the effective date of this section. If the governing body does adopt such ordinance, order, rule, resolution, or regulation by at least a two-thirds vote, the charge shall not be collected and the county or city shall not be allowed to obtain funds from the Missouri 911 service trust fund that are remitted to the fund under the charge established under this section.”**; and further renumber the remaining subsection accordingly.

Senator Wallingford moved that the above amendment be adopted.

At the request of Senator Wallingford, **HCS** for **HB 1456**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

Senator Rowden moved that **HB 1460**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

At the request of Senator Schatz, **SS** for **HB 1460** was withdrawn, rendering **SA 1** moot.

Senator Schatz offered **SS No. 2** for **HB 1460**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
HOUSE BILL NO. 1460

An Act to repeal sections 142.803 and 143.121, RSMo, and to enact in lieu thereof three new sections relating to state revenues, with a referendum clause.

Senator Schatz moved that **SS No. 2** for **HB 1460** be adopted, which motion prevailed.

On motion of Senator Rowden, **SS No. 2** for **HB 1460** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Crawford	Cunningham	Curls	Dixon	Hegeman	Holsman
Hoskins	Hummel	Kehoe	Libla	Munzlinger	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Wallingford
Walsh	Wasson	Wieland—24				

NAYS—Senators

Cierpiot	Eigel	Emery	Koenig	Nasheed	Onder	Schaaf
Sifton—8						

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Rowden, title to the bill was agreed to.

Senator Rowden moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Hoskins, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 773**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 773

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 773, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendment Nos. 6, 7, 8, 9, 10, 11, 12, and 13, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 773, as amended;
2. That the Senate recede from its position on Senate Bill No. 773;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 773, be Third Read and Finally Passed.

#### FOR THE SENATE:

/s/ Denny Hoskins  
/s/ Mike Cunningham  
/s/ Rob Schaaf  
/s/ Scott Sifton  
/s/ John Rizzo

#### FOR THE HOUSE:

/s/ Kathryn Swan  
/s/ Robert Cornejo  
/s/ Jean Evans  
/s/ Steven Roberts  
/s/ Deb Lavender

Senator Hoskins moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Libla
Munzlinger	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford	Walsh

Wasson—29

#### NAYS—Senators

Koenig                      Nasheed—2

Absent—Senators

Chappelle-Nadal      Wieland—2

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Hoskins, **CCS** for **HCS** for **SB 773**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 773

An Act to repeal sections 32.087, 67.3000, 67.3005, 143.183, 143.451, 253.545, 253.550, 253.559, and 620.1900, RSMo, and to enact in lieu thereof ten new sections relating to taxation.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Hummel	Kehoe	Libla	Munzlinger	Onder
Richard	Riddle	Rizzo	Romine	Rowden	Sater	Schaaf
Schatz	Wallingford	Walsh	Wasson	Wieland—26		

NAYS—Senators

Curls	Holsman	Koenig	Nasheed	Schupp	Sifton—6
-------	---------	--------	---------	--------	----------

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

Senator Wallingford moved that **HCS** for **HB 1456**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage.

**SA 4** was again taken up.

At the request of Senator Wallingford, the above amendment was withdrawn.

Senator Wallingford offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1456, Page 38, Section 190.460, Line 14, by inserting after all of said line the following:

**“6. The provisions of this section shall become effective unless the governing body of a county or city adopts an ordinance, order, rule, resolution, or regulation by at least a two-thirds vote prohibiting the charge established under this section from becoming effective in the county or city at least forty-five days prior to the effective date of this section. If the governing body does adopt such ordinance, order, rule, resolution, or regulation by at least a two-thirds vote, the charge shall not be collected and the county or city shall not be allowed to obtain funds from the Missouri 911 service trust fund that are remitted to the fund under the charge established under this section. The Missouri 911 service board shall, by September 1, 2018, notify all counties and cities of the implementation of the charge established under this section, and the procedures set forth under this subsection for prohibiting the charge from becoming effective.”;** and further renumber the remaining subsection accordingly.

Senator Wallingford moved that the above amendment be adopted, which motion prevailed.

Senator Wallingford moved that **SS** for **SCS** for **HCS** for **HB 1456**, as amended, be adopted, which motion prevailed.

On motion of Senator Wallingford, **SS** for **SCS** for **HCS** for **HB 1456**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Crawford	Cunningham	Dixon	Hegeman	Holsman	Hoskins
Hummel	Kehoe	Libla	Munzlinger	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—26		

NAYS—Senators

Cierpiot	Curls	Eigel	Emery	Koenig	Nasheed—6
----------	-------	-------	-------	--------	-----------

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Rowden assumed the Chair.

PRIVILEGED MOTIONS

Senator Koenig, on behalf of the conference committee appointed to act with a like committee from the House on **SB 884**, as amended, moved that the following conference committee report be taken up, which

motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE BILL NO. 884

The Conference Committee appointed on Senate Bill No. 884, with House Amendment No. 1, House Amendment No. 2 to House Amendment No. 2, and House Amendment No. 2 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 884, as amended;
2. That the Senate recede from its position on Senate Bill No. 884;
3. That the attached Conference Committee Substitute for Senate Bill No. 884, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Andrew Koenig  
/s/ Bill Eigel  
/s/ Bob Onder  
/s/ John Rizzo  
/s/ Jason Holsman

FOR THE HOUSE:

/s/ John Wiemann  
/s/ Elijah Haahr  
/s/ Scott Fitzpatrick  
Jon Carpenter  
Kip Kendrick

Senator Koenig moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Eigel	Emery	Hegeman
Holsman	Hoskins	Kehoe	Koenig	Munzlinger	Onder	Richard
Riddle	Rowden	Sater	Schaaf	Schatz	Wallingford	Wasson

Wieland—22

NAYS—Senators

Curls	Dixon	Hummel	Libla	Nasheed	Rizzo	Romine
Schupp	Sifton	Walsh—10				

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Koenig, **CCS for SB 884**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 884

An Act to repeal sections 32.200, 143.011, 143.071, 143.431, 143.451, 143.461, 143.471, 144.087, and 620.1350, RSMo, and to enact in lieu thereof ten new section relating to taxation.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Holsman	Hoskins	Kehoe	Koenig	Munzlinger	Onder
Richard	Riddle	Rowden	Sater	Schaaf	Schatz	Wallingford
Wasson	Wieland—23					

## NAYS—Senators

Curls	Hummel	Libla	Nasheed	Rizzo	Romine	Schupp
Sifton	Walsh—9					

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Dixon moved that the Senate request the House grant further conference on **HB 1633**, with **SS** for **SCS**, as amended, which motion prevailed.

Senator Eigel, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 718**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 718

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, with House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3 as amended, House Amendment Nos. 4, 5, 6, 7, 8, 10, and 11, House Amendment No. 1 to House Amendment No. 12, House Amendment No. 12 as amended, House Amendment Nos. 13 and 14, House Amendment No. 1 to House Amendment No. 15, House Amendment No. 15 as amended, and House Amendment No. 16, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 718;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 718 be Third Read and Finally Passed.



## FOR THE SENATE:

/s/ Bill Eigel

/s/ Bob Onder

/s/ David Sater

/s/ Jason Holsman

/s/ Jamilah Nasheed

## FOR THE HOUSE:

/s/ Shawn Rhoads

/s/ Jay Barnes

/s/ Holly Rehder

/s/ Martha Stevens

/s/ Cora Faith Walker

Senator Eigel moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Nasheed—1

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Eigel, **CCS** for **HCS** for **SCS** for **SB 718**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 718

An Act to repeal sections 191.227, 192.947, 195.070, 210.070, 334.036, 334.037, 334.104, 334.735, 334.747, 337.025, 337.029, 337.033, 338.202, 374.426, 376.811, 376.1237, 376.1550, and 632.005, RSMo, and to enact in lieu thereof twenty-four new sections relating to health care, with an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Nasheed—1

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Nasheed—1

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Eigel, title to the bill was agreed to.

Senator Eigel moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

President Pro Tem Richard assumed the Chair.

### HOUSE BILLS ON THIRD READING

**HCS for HBs 1729, 1621 and 1436**, entitled:

An Act to repeal sections 8.675, 8.683, 34.217, 89.410, 285.500, 290.095, 290.210, 290.220, 290.230, 290.240, 290.250, 290.260, 290.262, 290.263, 290.265, 290.270, 290.280, 290.290, 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, 290.335, 290.340, 290.550, 292.630, 393.715, 516.130, and 630.546, RSMo, and to enact in lieu thereof eleven new sections relating to the prevailing wage on public works.

Was called from the Informal Calendar and taken up by Senator Brown.

Senator Schatz offered **SS** for **HCS for HBs 1729, 1621 and 1436**, entitled:

### SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 1729, 1621 and 1436

An Act to repeal sections 290.095, 290.210, 290.220, 290.230, 290.240, 290.250, 290.262, 290.263, 290.265, 290.270, 290.290, 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, and 630.546, RSMo, and to enact in lieu thereof twenty new sections relating to public contracts.

Senator Schatz moved that **SS** for **HCS** for **HBs 1729, 1621 and 1436** be adopted, which motion prevailed.

On motion of Senator Brown, **SS** for **HCS** for **HBs 1729, 1621 and 1436** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder
Richard	Riddle	Romine	Rowden	Sater	Schatz	Wallingford
Wasson—22						

NAYS—Senators

Curls	Holsman	Hummel	Nasheed	Rizzo	Schupp	Sifton
Walsh	Wieland—9					

Absent—Senators

Chappelle-Nadal	Schaaf—2
-----------------	----------

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS**, as amended for **HCS** for **HB 2540** and has taken up and passed **SCS** for **HCS** for **HB 2540**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1007**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 826**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 826**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has

taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 775**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 775**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 708**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 3** for **SCS** for **HCS** for **HB 1617**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 660**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 660**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 743**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 743**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 687**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 687**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1** to **SS No. 2** for **SCS** for **SB 590**, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SBs 603, 576 and 898**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SBs 603, 576 and 898**.

Bill ordered enrolled.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **SS No. 2** for **SCS** for **SB 590**, as amended. Representatives: Rehder, Engler, Taylor, Roberts, Washington.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HB 1428**, as amended, and request the Senate recede from their position and take up and pass **HB 1428**.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Richard appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **SCS** for **SB 590**, as amended: Senators Hegeman, Koenig, Cunningham, Rizzo and Hummel.

On motion of Senator Kehoe, the Senate adjourned until 11:00 a.m., Friday, May 18, 2018.

### SENATE CALENDAR

---

SEVENTY-FOURTH DAY—FRIDAY, MAY 18, 2018

---

### FORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

SS for SB 579-Libla (In Fiscal Oversight)

SS for SB 699-Sifton (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

1. SJR 36-Schatz, with SCS
2. SB 678-Eigel
3. SB 1102-Kehoe, with SCS
4. SB 1015-Wieland, with SCS
5. SB 709-Schatz, with SCS
6. SB 640-Sater
7. SB 963-Wieland, with SCS
8. SB 952-Rowden

9. SB 864-Hoskin
10. SB 998-Schatz, with SCS
11. SB 703-Hegeman
12. SB 915-Crawford
13. SB 934-Hegeman
14. SB 988-Rowden, with SCS
15. SB 790-Cierpiot, with SCS
16. SB 734-Schatz, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HB 1300, with SCS (Schatz)

### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

SS#2 for SCS for SBs 617, 611 &  
667-Eigel (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 546-Munzlinger, with SS#4 (pending)  
SB 550-Wasson, with SCS  
SBs 555 & 609-Brown, with SCS  
SB 556-Brown, with SA 1 (pending)  
SB 561-Sater, with SA 1 (pending)  
SB 567-Cunningham, with SCS, SS for SCS,  
SA 1 & SA 1 to SA 1 (pending)  
SB 578-Romine  
SB 591-Hegeman, with SCS  
SB 596-Riddle, with SCS  
SB 599-Schatz  
SB 602-Onder, with SCS  
SB 612-Koenig, with SCS, SS#2 for SCS,  
SA 2, SSA 1 for SA 2 & SA 1 to SSA 1  
for SA 2 (pending)  
SB 663-Schatz, with SCS, SS for SCS & SA 1  
(pending)  
SB 730-Wallingford, with SCS & SA 1  
(pending)  
SB 751-Schatz  
SB 767-Hoskins, with SCS, SS for SCS &  
SA 2 (pending)  
SB 774-Munzlinger

SB 813-Riddle, with SCS & SA 1 (pending)  
SB 822-Hegeman, with SCS & SS for SCS  
(pending)  
SB 832-Rowden, with SCS, SS#2 for SCS &  
point of order (pending)  
SB 837-Rowden  
SB 848-Riddle  
SB 849-Kehoe and Schupp, with SCS, SA 1  
& SA 1 to SA 1 (pending)  
SB 859-Koenig, with SCS & SS for SCS  
(pending)  
SB 860-Koenig, with SCS, SS for SCS & SA 1  
(pending)  
SB 861-Hegeman, with SCS  
SB 865-Kehoe  
SB 893-Sater, with SCS, SS for SCS & SA 1  
(pending)  
SB 912-Rowden, with SCS & SS#3 for SCS  
(pending)  
SB 920-Riddle, with SS & SA 2 (pending)  
SB 928-Onder, with SCS  
SB 1003-Wasson, with SS & SA 1 (pending)  
SB 1021-Dixon and Wallingford, with SCS

HOUSE BILLS ON THIRD READING

HB 1247-Pike (Onder)  
HB 1249-Plocher, with SCS (Dixon)  
HCS for HB 1251, with SCS (Crawford)  
HCS for HB 1264 (Hegeman)  
HB 1265-Schroer (Onder)  
HB 1267-Lichtenegger (Munzlinger)  
HB 1303-Alferman, with SCS (Rowden)  
HB 1329-Remole, with SCS, SS for SCS &  
SA 5 (pending) (Munzlinger)  
HB 1349-Black (Hoskins)  
HB 1389-Fitzpatrick, with SCS (Schatz)  
HB 1409-Fitzpatrick (Kehoe)  
HB 1421 & HB 1371-Pfautsch, with SCS  
(Romine)

HB 1442-Alferman, with SCS, SS for SCS &  
SA 1 (pending) (Schatz)  
HCS for HB 1443, with SCS (Sater)  
HB 1446-Eggleston, with SCS (Koenig)  
HB 1469-Davis (Wallingford)  
HB 1578-Kolkmeyer (Munzlinger)  
HCS for HB 1597, with SCS (Dixon)  
HCS for HB 1605, with SCS (Kehoe)  
HCS for HB 1611 (Riddle)  
HCS for HB 1614 (Hegeman)  
HB 1625-Morris (Curls)  
HB 1630-Evans (Rowden)  
HCS for HB 1645 (Rowden)  
HCS for HB 1667, with SCS (Wallingford)

HB 1675-Redmon (Emery)  
 HB 1691-Miller, with SCS & SS for SCS  
 (pending) (Emery)  
 HCS for HB 1710, with SCS (Eigel)  
 HB 1800-Miller, with SCS (Emery)  
 HB 1809-Tate, with SS & SA 1 (pending) (Schatz)  
 HB 1831-Ruth, with SA 1 & SA 1 to SA 1  
 (pending) (Wieland)  
 HCS for HB 1868, with SCS (Riddle)  
 HB 1892-Wilson (Cierpiot)  
 HB 1968-Grier (Schatz)  
 HB 1998-Bondon, with SCS (Emery)  
 HB 2026-Wilson, with SCS (Rowden)  
 HCS for HB 2031 (Hoskins)  
 HB 2039-Fraker (Cunningham)

HCS for HB 2042, with SCS (Dixon)  
 HB 2043-Tate (Wasson)  
 HB 2044-Taylor, with SCS (pending) (Dixon)  
 HCS for HB 2079, with SCS (Crawford)  
 HB 2117-Pfautsch (Emery)  
 HCS for HB 2119 (Rowden)  
 HB 2122-Engler, with SCS (Schatz)  
 HB 2179-Richardson (Kehoe)  
 HB 2208-Curtman, with SCS (Eigel)  
 HCS for HB 2216, with SCS (Emery)  
 HCS for HB 2249, with SCS (Riddle)  
 HCS for HBs 2277 & 1983, with SCS  
 (Schatz)  
 HCS for HBs 2337 & 2272, with SCS (Wieland)

#### SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 549-Wasson, with HA 1,  
 HA 3, HA 4, HA 5, as amended, HA 6,  
 HA 7, HA 8, HA 9 & HA 10  
 SB 575-Wallingford, with HCS, as amended  
 SB 582-Walsh, with HA 1, HA 2 & HA 3

SS for SB 597-Riddle, with HCS, as amended  
 SB 850-Wallingford, with HCS, as amended  
 SS for SB 882-Hoskins, with HA 1  
 SS for SCS for SB 966-Rowden, with HCS,  
 as amended

#### BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

##### In Conference

SB 569-Cunningham, with HCS, as amended  
 (Senate adopted CCR and passed CCS)  
 SS#2 for SCS for SB 590-Hegeman, with HA 1  
 SB 655-Sifton, with HCS, as amended  
 (Senate adopted CCR and passed CCS)  
 SCS for SB 718-Eigel, with HCS, as amended  
 (Senate adopted CCR and passed CCS)  
 SB 757-Schatz, with HA 1, HA 3, HA 4,  
 HA 5, HA 6, HA 8 & HA 9  
 SB 773-Hoskins, with HCS, as amended  
 (Senate adopted CCR and passed CCS)  
 SCS for SBs 807 & 577-Wasson, with HCS,  
 as amended

SB 808-Brown, with HCS, as amended  
 SB 819-Cunningham, with HA 1, as amended,  
 HA 2 & HA 4  
 (Senate adopted CCR and passed CCS)  
 SS for SCS for SB 843-Riddle, with HCS,  
 as amended  
 SS for SB 881-Eigel, with HCS, as amended  
 SB 884-Koenig, with HA 1 & HA 2,  
 as amended  
 (Senate adopted CCR and passed CCS)  
 SB 951-Crawford, with HCS, as amended  
 (Senate adopted CCR and passed CCS)

HB 1350-Smith (163), with SS for SCS,  
as amended (Rowden)

HB 1633-Corlew, with SS for SCS,  
as amended (Dixon)  
(Senate requests House grant further  
conference)

HB 1719-Grier, with SS for SCS, as  
amended (Riddle)

HCS for HB 2140, with SS for SCS, as amended  
(Nasheed)

Requests to Recede or Grant Conference

HB 1428-Muntzel, with SS, as amended  
(Munzlinger)  
(House requests Senate recede & take up  
and pass bill)

RESOLUTIONS

SR 1137-Walsh, with SS (pending)  
SR 1487-Schaaf  
SR 2020-Schaaf  
SR 2052-Schaaf  
SR 2053-Schaaf  
SR 2054-Schaaf  
SR 2055-Schaaf  
SR 2056-Schaaf  
SR 2057-Schaaf  
SR 2058-Schaaf  
SR 2059-Schaaf  
SR 2060-Schaaf  
SR 2061-Schaaf  
SR 2062-Schaaf  
SR 2063-Schaaf  
SR 2064-Schaaf  
SR 2065-Schaaf  
SR 2066-Schaaf

SR 2130-Sifton  
SR 2131-Sifton  
SR 2132-Sifton  
SR 2133-Sifton  
SR 2134-Sifton  
SR 2135-Sifton  
SR 2136-Sifton  
SR 2137-Sifton  
SR 2138-Sifton  
SR 2139-Sifton  
SR 2140-Sifton  
SR 2141-Sifton  
SR 2142-Sifton  
SR 2143-Sifton  
SR 2144-Sifton  
SR 2145-Sifton  
SR 2146-Sifton

Reported from Committee

SCR 28-Schupp and Nasheed  
SCR 30-Wallingford, with SA 1 (pending)

HCR 69-Davis (Hoskins)  
HCR 96-Conway (Eigel)

✓



# Journal of the Senate

## SECOND REGULAR SESSION

---

SEVENTY-FOURTH DAY—FRIDAY, MAY 18, 2018

---

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord is the strength of His people.” (Psalm 28:8)

Omission God, You truly know that we need Your wisdom and strength as we enter the last day of this session. Surround us this day with Your presence and sustain us to bring our best forward so we may end this session knowing we have completed all that You have required of us. And we pray that You will bless our work that it may go forth and accomplish what You have intended it to do. And even though we know that much is yet required of us even after the gavel bang may You provide us with Your peace so our minds, bodies and spirit may rest in You knowing You have been with us throughout this year. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kehoe announced that photographers from KOMU-TV, Gasconade County Republican and Missourinet, Columbia Missourian, KMIZ and KMOV-TV were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Wieland offered Senate Resolution No. 2178, regarding the 2017-2018 graduating class of Herculaneum High School, which was adopted.

Senator Romine offered Senate Resolution No. 2179, regarding Joyce A. Reinhart, Farmington, which was adopted.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 43**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 704**.

With House Amendment No. 1.

## HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 704, Page 32, Section 105.030, Line 41, by inserting immediately after said line the following:

“105.470. As used in section 105.473, unless the context requires otherwise, the following words and terms mean:

(1) “Elected local government official lobbyist”, any natural person [employed specifically for the purpose of attempting] **who, as a part of his or her regular employment duties, attempts** to influence any action by a local government official elected in a county, city, town, or village [with an annual operating budget of over ten million dollars];

(2) “Executive lobbyist”, any natural person who acts for the purpose of attempting to influence any action by the executive branch of government or by any elected or appointed official, employee, department, division, agency or board or commission thereof and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment on behalf of or for the benefit of such person’s employer; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the executive branch of state government in connection with such activity.

An “executive lobbyist” shall not include a member of the general assembly, an elected state official, or any other person solely due to such person’s participation in any of the following activities:

- a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state board, commission, department, division or agency of the executive branch of government or any elected or appointed officer or employee thereof;
- b. Preparing, filing or inquiring, or responding to any audit, regarding any tax return, any public document, permit or contract, any application for any permit or license or certificate, or any document required or requested to be filed with the state or a political subdivision;
- c. Selling of goods or services to be paid for by public funds, provided that such person is attempting to influence only the person authorized to authorize or enter into a contract to purchase the goods or services being offered for sale;
- d. Participating in public hearings or public proceedings on rules, grants, or other matters;
- e. Responding to any request for information made by any public official or employee of the executive branch of government;
- f. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;
- g. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee; or
- h. Testifying as a witness before a state board, commission or agency of the executive branch;

(3) “Expenditure”, any payment made or charge, expense, cost, debt or bill incurred; any gift, honorarium or item of value bestowed including any food or beverage; any price, charge or fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is cancelled, reduced or otherwise forgiven; the transfer of any item with a reasonably discernible cost or fair market value from one person to another or provision of any service or granting of any opportunity for which a charge is customarily made, without charge or for a reduced charge; except that the term “expenditure” shall not include the following:

- (a) Any item, service or thing of value transferred to any person within the third degree of consanguinity of the transferor which is unrelated to any activity of the transferor as a lobbyist;
- (b) Informational material such as books, reports, pamphlets, calendars or periodicals informing a public official regarding such person’s official duties, or souvenirs or mementos valued at less than ten dollars;
- (c) Contributions to the public official’s campaign committee or candidate committee which are reported pursuant to the provisions of chapter 130;
- (d) Any loan made or other credit accommodations granted or other payments made by any person or entity which extends credit or makes loan accommodations or such payments in the regular ordinary scope and course of business, provided that such are extended, made or granted in the ordinary course of such

person's or entity's business to persons who are not public officials;

(e) Any item, service or thing of de minimis value offered to the general public, whether or not the recipient is a public official or a staff member, employee, spouse or dependent child of a public official, and only if the grant of the item, service or thing of de minimis value is not motivated in any way by the recipient's status as a public official or staff member, employee, spouse or dependent child of a public official;

(f) The transfer of any item, provision of any service or granting of any opportunity with a reasonably discernible cost or fair market value when such item, service or opportunity is necessary for a public official or employee to perform his or her duty in his or her official capacity, including but not limited to entrance fees to any sporting event, museum, or other venue when the official or employee is participating in a ceremony, public presentation or official meeting therein;

(g) Any payment, gift, compensation, fee, expenditure or anything of value which is bestowed upon or given to any public official or a staff member, employee, spouse or dependent child of a public official when it is compensation for employment or given as an employment benefit and when such employment is in addition to their employment as a public official;

(4) "Judicial lobbyist", any natural person who acts for the purpose of attempting to influence any purchasing decision by the judicial branch of government or by any elected or appointed official or any employee thereof and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment which primary purpose is to influence the judiciary in its purchasing decisions on a regular basis on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation or association; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the judicial branch of state government in connection with attempting to influence such purchasing decisions by the judiciary.

A "judicial lobbyist" shall not include a member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state court;

b. Participating in public hearings or public proceedings on rules, grants, or other matters;

c. Responding to any request for information made by any judge or employee of the judicial branch of government;

d. Preparing, distributing or publication of an editorial, a newsletter, newspaper, magazine, radio or

television broadcast, or similar news medium, whether print or electronic; or

e. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee;

(5) “Legislative lobbyist”, any natural person who acts for the purpose of attempting to influence the taking, passage, amendment, delay or defeat of any official action on any bill, resolution, amendment, nomination, appointment, report or any other action or any other matter pending or proposed in a legislative committee in either house of the general assembly, or in any matter which may be the subject of action by the general assembly and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment, which primary purpose is to influence legislation on a regular basis, on behalf of or for the benefit of such person’s employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the legislative branch of state government in connection with such activity.

A “legislative lobbyist” shall include an attorney at law engaged in activities on behalf of any person unless excluded by any of the following exceptions. A “legislative lobbyist” shall not include any member of the general assembly, an elected state official, or any other person solely due to such person’s participation in any of the following activities:

a. Responding to any request for information made by any public official or employee of the legislative branch of government;

b. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;

c. Acting within the scope of employment of the legislative branch of government when acting with respect to the general assembly or any member thereof;

d. Testifying as a witness before the general assembly or any committee thereof;

(6) “Lobbyist”, any natural person defined as an executive lobbyist, judicial lobbyist, elected local government official lobbyist, or a legislative lobbyist;

(7) “Lobbyist principal”, any person, business entity, governmental entity, religious organization, nonprofit corporation or association who employs, contracts for pay or otherwise compensates a lobbyist;

(8) “Public official”, any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any agency head, department director or division director of state government or any member of any state board or commission and any designated decision-making public servant designated by persons described in this subdivision.

[105.473. 1. Each lobbyist shall, not later than January fifth of each year or five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist’s name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works. The commission shall maintain files on all lobbyists’ filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist’s employment or representation. The filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or a lobbyist employing another person for lobbying purposes may notify the commission that a judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the lobbyist and should be removed from the commission’s files.

2. Each person shall, before giving testimony before any committee of the general assembly, give to the secretary of such committee such person’s name and address and the identity of any lobbyist or organization, if any, on whose behalf such person appears. A person who is not a lobbyist as defined in section 105.470 shall not be required to give such person’s address if the committee determines that the giving of such address would endanger the person’s physical health.

3. (1) During any period of time in which a lobbyist continues to act as an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local government official lobbyist, the lobbyist shall file with the commission on standardized forms prescribed by the commission monthly reports which shall be due at the close of business on the tenth day of the following month;

(2) Each report filed pursuant to this subsection shall include a statement, verified by a written declaration that it is made under the penalties of perjury, setting forth the following:

(a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all public officials, their staffs and employees, and their spouses and dependent children, which expenditures shall be separated into at least the following categories by the executive branch, judicial branch and legislative branch of government: printing and publication expenses; media and other advertising expenses; travel; the time, venue, and nature of any entertainment; honoraria; meals, food and beverages; and gifts;

(b) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all elected local government officials, their staffs and employees, and their spouses and children. Such expenditures shall be separated into at least the following categories: printing and publication expenses; media and other advertising expenses; travel; the time, venue, and nature of any entertainment; honoraria; meals; food and beverages; and gifts;

(c) An itemized listing of the name of the recipient and the nature and amount of each expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of value, for all expenditures made during any reporting period, paid or provided to or for a public official or elected local government official, such official's staff, employees, spouse or dependent children;

(d) The total of all expenditures made by a lobbyist or lobbyist principal for occasions and the identity of the group invited, the date, location, and description of the occasion and the amount of the expenditure for each occasion when any of the following are invited in writing:

a. All members of the senate, which may or may not include senate staff and employees under the direct supervision of a state senator;

b. All members of the house of representatives, which may or may not include house staff and employees under the direct supervision of a state representative;

c. All members of a joint committee of the general assembly or a standing committee of either the house of representatives or senate, which may or may not include joint and standing committee staff;

d. All members of a caucus of the majority party of the house of representatives, minority party of the house of representatives, majority party of the senate, or minority party of the senate;

e. All statewide officials, which may or may not include the staff and employees under the direct supervision of the statewide official;

(e) Any expenditure made on behalf of a public official, an elected local government official or such official's staff, employees, spouse or dependent children, if such expenditure is solicited by such official, the official's staff, employees, or spouse or dependent children, from the lobbyist or his or her lobbyist principals and the name of such person or persons, except any expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization or other association formed to provide for good in the order of benevolence and except for any expenditure reported under paragraph (d) of this subdivision;

(f) A statement detailing any direct business relationship or association or partnership the lobbyist has with any public official or elected local government official. The reports required by this subdivision shall cover the time periods since the filing of the last report or since the lobbyist's employment or

representation began, whichever is most recent.

4. No expenditure reported pursuant to this section shall include any amount expended by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to this section shall be valued on the report at the actual amount of the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such lobbyists. No expenditure shall be made on behalf of a state senator or state representative, or such public official's staff, employees, spouse, or dependent children for travel or lodging outside the state of Missouri unless such travel or lodging was approved prior to the date of the expenditure by the administration and accounts committee of the house or the administration committee of the senate.

5. Any lobbyist principal shall provide in a timely fashion whatever information is reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by this section.

6. All information required to be filed pursuant to the provisions of this section with the commission shall be kept available by the executive director of the commission at all times open to the public for inspection and copying for a reasonable fee for a period of five years from the date when such information was filed.

7. No person shall knowingly employ any person who is required to register as a registered lobbyist but is not registered pursuant to this section. Any person who knowingly violates this subsection shall be subject to a civil penalty in an amount of not more than ten thousand dollars for each violation. Such civil penalties shall be collected by action filed by the commission.

8. Any lobbyist found to knowingly omit, conceal, or falsify in any manner information required pursuant to this section shall be guilty of a class A misdemeanor.

9. The prosecuting attorney of Cole County shall be reimbursed only out of funds specifically appropriated by the general assembly for investigations and prosecutions for violations of this section.

10. Any public official or other person whose name appears in any lobbyist report filed pursuant to this section who contests the accuracy of the portion of the report applicable to such person may petition the commission for an audit of such report and shall state in writing in such petition the specific disagreement with the contents of such report. The commission shall investigate such allegations in the manner described in section 105.959. If the commission determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter an order requiring filing of an amended or corrected



report.

11. The commission shall provide a report listing the total spent by a lobbyist for the month and year to any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any elected local government official on or before the twentieth day of each month. For the purpose of providing accurate information to the public, the commission shall not publish information in either written or electronic form for ten working days after providing the report pursuant to this subsection. The commission shall not release any portion of the lobbyist report if the accuracy of the report has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked "Under Review".

12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose behalf the lobbyist acted, shall provide a general description of the proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed. This information shall be supplied to the commission on March fifteenth and May thirtieth of each year.

13. The provisions of this section shall supersede any contradicting ordinances or charter provisions.]

105.473. 1. Each lobbyist shall, not later than January fifth of each year or five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist's name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works; **and, for elected local government official lobbyists, the local government entity to be lobbied.** The commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist's employment or representation. The filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or a lobbyist employing another person for lobbying purposes may notify the commission that a judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the lobbyist and should be removed from the commission's files.

2. Each person shall, before giving testimony before any committee of the general assembly, give to the secretary of such committee such person's name and address and the identity of any lobbyist or organization, if any, on whose behalf such person appears. A person who is not a lobbyist as defined in section 105.470 shall not be required to give such person's address if the committee determines that the giving of such address would endanger the person's physical health.

3. (1) During any period of time in which a lobbyist continues to act as an executive lobbyist, judicial lobbyist, legislative lobbyist, or elected local government official lobbyist, the lobbyist shall file with the commission on standardized forms prescribed by the commission monthly reports which shall be due at the close of business on the tenth day of the following month;

(2) Each report filed pursuant to this subsection shall include a statement, verified by a written

declaration that it is made under the penalties of perjury, setting forth the following:

(a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all public officials, their staffs and employees, and their spouses and dependent children, which expenditures shall be separated into at least the following categories by the executive branch, judicial branch and legislative branch of government: printing and publication expenses; media and other advertising expenses; travel; the time, venue, and nature of any entertainment; honoraria; meals, food and beverages; and gifts;

(b) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all elected local government officials, their staffs and employees, and their spouses and children. Such expenditures shall be separated into at least the following categories: printing and publication expenses; media and other advertising expenses; travel; the time, venue, and nature of any entertainment; honoraria; meals; food and beverages; and gifts;

(c) An itemized listing of the name of the recipient and the nature and amount of each expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of value, for all expenditures made during any reporting period, paid or provided to or for a public official or elected local government official, such official's staff, employees, spouse or dependent children;

(d) The total of all expenditures made by a lobbyist or lobbyist principal for occasions and the identity of the group invited, the date and description of the occasion and the amount of the expenditure for each occasion when any of the following are invited in writing:

a. All members of the senate;

b. All members of the house of representatives;

c. All members of a joint committee of the general assembly or a standing committee of either the house of representatives or senate; or

d. All members of a caucus of the majority party of the house of representatives, minority party of the house of representatives, majority party of the senate, or minority party of the senate;

(e) Any expenditure made on behalf of a public official, an elected local government official or such official's staff, employees, spouse or dependent children, if such expenditure is solicited by such official, the official's staff, employees, or spouse or dependent children, from the lobbyist or his or her lobbyist principals and the name of such person or persons, except any expenditures made to any not-for-profit corporation, charitable, fraternal or civic organization or other association formed to provide for good in the order of benevolence;

(f) A statement detailing any direct business relationship or association or partnership the lobbyist has with any public official or elected local government official. The reports required by this subdivision shall cover the time periods since the filing of the last report or since the lobbyist's employment or representation began, whichever is most recent.

4. No expenditure reported pursuant to this section shall include any amount expended by a lobbyist or lobbyist principal on himself or herself. All expenditures disclosed pursuant to this section shall be valued on the report at the actual amount of the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal employs

more than one lobbyist, expenditures of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such lobbyists. No expenditure shall be made on behalf of a state senator or state representative, or such public official's staff, employees, spouse, or dependent children for travel or lodging outside the state of Missouri unless such travel or lodging was approved prior to the date of the expenditure by the administration and accounts committee of the house or the administration committee of the senate.

5. Any lobbyist principal shall provide in a timely fashion whatever information is reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by this section.

6. All information required to be filed pursuant to the provisions of this section with the commission shall be kept available by the executive director of the commission at all times open to the public for inspection and copying for a reasonable fee for a period of five years from the date when such information was filed.

7. No person shall knowingly employ any person who is required to register as a registered lobbyist but is not registered pursuant to this section. Any person who knowingly violates this subsection shall be subject to a civil penalty in an amount of not more than ten thousand dollars for each violation. Such civil penalties shall be collected by action filed by the commission.

8. No lobbyist shall knowingly omit, conceal, or falsify in any manner information required pursuant to this section.

9. The prosecuting attorney of Cole County shall be reimbursed only out of funds specifically appropriated by the general assembly for investigations and prosecutions for violations of this section.

10. Any public official or other person whose name appears in any lobbyist report filed pursuant to this section who contests the accuracy of the portion of the report applicable to such person may petition the commission for an audit of such report and shall state in writing in such petition the specific disagreement with the contents of such report. The commission shall investigate such allegations in the manner described in section 105.959. If the commission determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter an order requiring filing of an amended or corrected report.

11. The commission shall provide a report listing the total spent by a lobbyist for the month and year to any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any elected local government official on or before the twentieth day of each month. For the purpose of providing accurate information to the public, the commission shall not publish information in either written or electronic form for ten working days after providing the report pursuant to this subsection. The commission shall not release any portion of the lobbyist report if the accuracy of the report has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked "Under Review".

12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose behalf the lobbyist acted, shall provide a general description of the proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed. This information shall be supplied to the commission on March fifteenth and May thirtieth of each year.

13. The provisions of this section shall supersede any contradicting ordinances or charter provisions.”;  
and

Further amend said bill, Page 38, Section 227.601, Line 23, by deleting all of said line and inserting in lieu thereof the following:

**“agreement; and**

**(5) The concession agreement is supported by a preliminary engineering and financial feasibility study including an estimate of the costs of the project and the rate impact on customers during the life of the agreement.”; and**

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 629**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1 to HCS for HB 2171** and has taken up and passed **HCS for HB 2171**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS for HB 1953** and has taken up and passed **SS for HB 1953**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS No. 2 for SCS for HCS for HBs 1288, 1377 and 2050** and has taken up and passed **SS No. 2 for SCS for HCS for HBs 1288, 1377 and 2050**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS No. 2 for SCS for SB 802**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS for SCS for HCS for HB 1364** and has taken up and passed **SS for SCS for HCS for HB 1364**.

Senator Kehoe requested unanimous consent of the Senate to allow law enforcement members from Webster County to enter the Chamber with side arms, which request was granted.

**HOUSE BILLS ON THIRD READING**

**HB 1446**, introduced by Representative Eggleston, with **SCS**, entitled:

An Act to repeal section 115.124, RSMo, and to enact in lieu thereof one new section relating to elections.

Was called from the Informal Calendar and taken up by Senator Koenig.

**SCS** for **HB 1446**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1446**

An Act to repeal sections 65.610, 65.620, 88.770, 94.900, 115.124, 115.157, and 162.441, RSMo, and to enact in lieu thereof seven new sections relating to elections.

Was taken up.

Senator Koenig moved that **SCS** for **HB 1446** be adopted.

Senator Koenig offered **SS** for **SCS** for **HB 1446**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1446**

An Act to repeal sections 115.124, 115.157, and 321.320, RSMo, and to enact in lieu thereof four new sections relating to elections, with an emergency clause for a certain section.

Senator Koenig moved that **SS** for **SCS** for **HB 1446** be adopted.

Senator Emery offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1446, Page 1, Section A, Line 4, by inserting after all of said line the following:

“88.770. 1. The board of aldermen may provide for and regulate the lighting of streets and the erection of lamp posts, poles and lights therefor, and may make contracts with any person, association or corporation, either private or municipal, for the lighting of the streets and other public places of the city with gas, electricity or otherwise, except that each initial contract shall be ratified by a majority of the voters of the city voting on the question and any renewal contract or extension shall be subject to voter approval of the majority of the voters voting on the question, pursuant to the provisions of section 88.251. The board of aldermen may erect, maintain and operate gas works, electric light works, or light works of any other kind or name, and to erect lamp posts, electric light poles, or any other apparatus or appliances necessary to light the streets, avenues, alleys or other public places, and to supply private lights for the use of the inhabitants of the city and its suburbs, and may regulate the same, and may prescribe and regulate the rates to be paid by the consumers thereof, and may acquire by purchase, donation or condemnation suitable grounds within or without the city upon which to erect such works and the right-of-way to and from such works, and also the right-of-way for laying gas pipes, electric wires under or above the grounds, and erecting posts and poles

and such other apparatus and appliances as may be necessary for the efficient operation of such works. The board of aldermen may, in its discretion, grant the right to any person, persons or corporation, to erect such works and lay the pipe, wires, and erect the posts, poles and other necessary apparatus and appliances therefor, upon such terms as may be prescribed by ordinance. Such rights shall not extend for a longer time than twenty years, but may be renewed for another period or periods not to exceed twenty years per period. Every initial grant shall be approved by a majority of the voters of the municipality voting on the question, and each renewal or extension of such rights shall be subject to voter approval of the majority of the voters voting on the question, pursuant to the provisions of section 88.251. Nothing herein contained shall be so construed as to prevent the board of aldermen from contracting with any person, persons or corporation for furnishing the city with gas or electric lights in cities where franchises have already been granted, and where gas or electric light plants already exist, without a vote of the people, except that the board of aldermen may sell, convey, encumber, lease, abolish or otherwise dispose of any public utilities owned by the city including electric light systems, electric distribution systems or transmission lines, or any part of the electric light systems, electric or other heat systems, electric or other power systems, electric or other railways, gas plants, telephone systems, telegraph systems, transportation systems of any kind, waterworks, equipments and all public utilities not herein enumerated and everything acquired therefor, after first having passed an ordinance setting forth the terms of the sale, conveyance or encumbrance and when ratified by two-thirds of the voters voting on the question.

**2. In advance of putting a proposed water or wastewater system sale, or the sale of a gas plant, before voters, the board of aldermen may seek an appraisal from a professional engineering or certified public accounting firm with experience in utility appraisals to inform voters of the system's fair market value. The board may seek and provide additional reasonable analyses to inform voters of such sale, including but not limited to, the impact of such sale on all city funds and revenues, other city services, and annexation.**

**3.** The ballots shall be substantially in the following form and shall indicate the property, or portion thereof, and whether the same is to be sold, leased or encumbered:

Shall \_\_\_\_\_ (Indicate the property by stating whether electric distribution system, electric transmission lines or waterworks, etc.) be \_\_\_\_\_ (Indicate whether sold, leased or encumbered.)?"; and

Further amend the title and enacting clause accordingly.

Senator Emery moved that the above amendment be adopted.

President Pro Tem Richard assumed the Chair.

Senator Kehoe assumed the Chair.

President Parson assumed the Chair.

Senator Hegeman raised the point of order that **SA 1** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Emery, **SA 1** was withdrawn, rendering the point of order moot.

Senator Koenig moved that **SS** for **SCS** for **HB 1446** be adopted, which motion prevailed.

On motion of Senator Koenig, **SS** for **SCS** for **HB 1446** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senators Schaaf—1

Absent—Senators

Hummel      Schatz—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

NAYS—Senator Schaaf—1

Absent—Senators

Hummel      Schatz—2

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Koenig, title to the bill was agreed to.

Senator Koenig moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 954**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 982**.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 982, Page 1, Section A, Line 3, by inserting after all of said line the following;

“354.150. 1. Every health services corporation subject to the provisions of sections 354.010 to 354.380 shall pay [the following fees] to the director [for the administration and enforcement of the provisions of this chapter:

(1) For filing the declaration required on organization of each domestic company, two hundred fifty dollars;

(2) For filing statement and certified copy of charter required of foreign companies, two hundred fifty dollars;

(3) For filing application to renew certificate of authority, along with all required annual reports, including the annual statement, actuarial statement, risk-based capital report, report of valuation of policies or other obligations of assurance, and audited financial report of any company doing business in this state, one thousand five hundred dollars;

(4) For filing any paper, document, or report not filed under subdivision (1), (2), or (3) of this section but required to be filed in the office of the director, fifty dollars each;

(5) For affixing the seal of office of the director, ten dollars;

(6) For accepting each service of process upon the company, ten dollars] **the fees specified in section 374.230.**

2. Fees mandated in subdivision (1) of [subsection 1 of this section] **section 374.230** shall be waived if a majority shareholder, officer, or director of the organizing corporation is a member of the Missouri National Guard or any other active duty military, resides in the state of Missouri, and provides proof of such service to the secretary of state.

354.495. Every health maintenance organization subject to sections 354.400 to 354.636 shall pay to the director the [following fees:

(1) For filing the declaration required on organization of each domestic company, two hundred fifty dollars;

(2) For filing statement and certified copy of charter required of foreign companies, two hundred fifty dollars;

(3) For filing application to renew certificate of authority, along with all required annual reports, including the annual statement, actuarial statement, risk based capital report, report of valuation of policies or other obligations of assurance, and audited financial report of any company doing business in this state, one thousand five hundred dollars;

(4) For filing any paper, document, or report not filed under subdivision (1), (2), or (3) of this section



but required to be filed in the office of the director, fifty dollars each;

(5) For affixing the seal of office of the director, ten dollars;

(6) For accepting each service of process upon the company, ten dollars] **fees specified in section 374.230.**

354.603. 1. A health carrier shall maintain a network that is sufficient in number and types of providers to assure that all services to enrollees shall be accessible without unreasonable delay. In the case of emergency services, enrollees shall have access twenty-four hours per day, seven days per week. The health carrier's medical director shall be responsible for the sufficiency and supervision of the health carrier's network. Sufficiency shall be determined by the director in accordance with the requirements of this section and by reference to any reasonable criteria, including but not limited to provider-enrollee ratios by specialty, primary care provider-enrollee ratios, geographic accessibility, reasonable distance accessibility criteria for pharmacy and other services, waiting times for appointments with participating providers, hours of operation, and the volume of technological and specialty services available to serve the needs of enrollees requiring technologically advanced or specialty care.

(1) In any case where the health carrier has an insufficient number or type of participating providers to provide a covered benefit, the health carrier shall ensure that the enrollee obtains the covered benefit at no greater cost than if the benefit was obtained from a participating provider, or shall make other arrangements acceptable to the director.

(2) The health carrier shall establish and maintain adequate arrangements to ensure reasonable proximity of participating providers, including local pharmacists, to the business or personal residence of enrollees. In determining whether a health carrier has complied with this provision, the director shall give due consideration to the relative availability of health care providers in the service area under, especially rural areas, consideration.

(3) A health carrier shall monitor, on an ongoing basis, the ability, clinical capacity, and legal authority of its providers to furnish all contracted benefits to enrollees. The provisions of this subdivision shall not be construed to require any health care provider to submit copies of such health care provider's income tax returns to a health carrier. A health carrier may require a health care provider to obtain audited financial statements if such health care provider received ten percent or more of the total medical expenditures made by the health carrier.

(4) A health carrier shall make its entire network available to all enrollees unless a contract holder has agreed in writing to a different or reduced network.

2. A health carrier shall file with the director, in a manner and form defined by rule of the department of insurance, financial institutions and professional registration, an access plan meeting the requirements of sections 354.600 to 354.636 for each of the managed care plans that the health carrier offers in this state. The health carrier may request the director to deem sections of the access plan as proprietary or competitive information that shall not be made public. For the purposes of this section, information is proprietary or competitive if revealing the information will cause the health carrier's competitors to obtain valuable business information. The health carrier shall provide such plans, absent any information deemed by the director to be proprietary, to any interested party upon request. The health carrier shall prepare an access plan prior to offering a new managed care plan, and shall update an existing access plan whenever it makes any change as defined by the director to an existing managed care plan. The director shall approve or

disapprove the access plan, or any subsequent alterations to the access plan, within sixty days of filing. The access plan shall describe or contain at a minimum the following:

- (1) The health carrier's network;
- (2) The health carrier's procedures for making referrals within and outside its network;
- (3) The health carrier's process for monitoring and assuring on an ongoing basis the sufficiency of the network to meet the health care needs of enrollees of the managed care plan;
- (4) The health carrier's methods for assessing the health care needs of enrollees and their satisfaction with services;
- (5) The health carrier's method of informing enrollees of the plan's services and features, including but not limited to the plan's grievance procedures, its process for choosing and changing providers, and its procedures for providing and approving emergency and specialty care;
- (6) The health carrier's system for ensuring the coordination and continuity of care for enrollees referred to specialty physicians, for enrollees using ancillary services, including social services and other community resources, and for ensuring appropriate discharge planning;
- (7) The health carrier's process for enabling enrollees to change primary care professionals;
- (8) The health carrier's proposed plan for providing continuity of care in the event of contract termination between the health carrier and any of its participating providers, in the event of a reduction in service area or in the event of the health carrier's insolvency or other inability to continue operations. The description shall explain how enrollees shall be notified of the contract termination, reduction in service area or the health carrier's insolvency or other modification or cessation of operations, and transferred to other health care professionals in a timely manner; and
- (9) Any other information required by the director to determine compliance with the provisions of sections 354.600 to 354.636.

3. In reviewing an access plan filed pursuant to subsection 2 of this section, the director shall deem a managed care plan's network to be adequate if it meets one or more of the following criteria:

- (1) The managed care plan is a Medicare + Choice coordinated care plan offered by the health carrier pursuant to a contract with the federal Centers for Medicare and Medicaid Services;
- (2) The managed care plan is being offered by a health carrier that has been accredited by the National Committee for Quality Assurance at a level of "accredited" or better, and such accreditation is in effect at the time the access plan is filed;
- (3) The managed care plan's network has been accredited by the Joint Commission on the Accreditation of Health Organizations for Network Adequacy, and such accreditation is in effect at the time the access plan is filed. If the accreditation applies to only a portion of the managed care plan's network, only the accredited portion will be deemed adequate; [or]
- (4) The managed care plan is being offered by a health carrier that has been accredited by the Utilization Review Accreditation Commission at a level of "accredited" or better, and such accreditation is in effect at the time the access plan is filed; **or**

**(5) The managed care plan is being offered by a health carrier that has been accredited by the Accreditation Association for Ambulatory Health Care, and such accreditation is in effect at the time the access plan is filed.**

374.150. 1. All fees due the state under the provisions of the insurance laws of this state shall be paid to the director [of revenue] and deposited in the state treasury to the credit of the insurance dedicated fund unless otherwise provided for in subsection 2 of this section.

2. There is hereby established in the state treasury a special fund to be known as the “Insurance Dedicated Fund”. The fund shall be subject to appropriation of the general assembly and shall be devoted solely to the payment of expenditures incurred by the department attributable to duties performed by the department for the regulation of the business of insurance, regulation of health maintenance organizations and the operation of the division of consumer affairs as required by law which are not paid for by another source of funds. Other provisions of law to the contrary notwithstanding, beginning on January 1, 1991, all fees charged under any provision of chapter 325, 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385 due the state shall be paid into this fund. The state treasurer shall invest moneys in this fund in the same manner as other state funds and any interest or earnings on such moneys shall be credited to the insurance dedicated fund. The provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, be transferred to or placed to the credit of the general revenue fund unless and then only to the extent to which the unencumbered balance at the close of the biennium year exceeds two times the total amount appropriated, paid, or transferred to the fund during such fiscal year.

[3. Notwithstanding provisions of this section to the contrary, five hundred thousand dollars of the insurance dedicated fund shall annually be transferred and placed to the credit of the state general revenue fund on July first beginning with fiscal year 2014.]

374.230. Every [insurance company doing business in this state] **individual or entity making a filing with the department described below** shall pay to the director [of revenue] the following fees **and charges, to be paid into the insurance dedicated fund established under section 374.150:**

(1) For filing the declaration required on organization of each domestic company, [two hundred fifty] **one thousand** dollars;

(2) For filing statement and certified copy of charter required of foreign companies, [two hundred fifty] **one thousand** dollars;

(3) For filing application to renew certificate of authority, along with all required annual reports, including the annual statement, actuarial statement, risk-based capital report, report of valuation of policies or other obligations of assurance, and audited financial report annual statement of any company doing business in this state, [one thousand five hundred] **two thousand** dollars;

(4) [For filing supplementary annual statement of any company doing business in this state, fifty dollars] **For filing the ORSA summary report required by sections 382.500 to 382.550, or a preacquisition notification required by sections 382.040 through 382.060, or section 382.095, five hundred dollars;**

**(5) Unless otherwise specified in subdivision (4) or another section of law, for any filings required under chapter 382, two hundred fifty dollars;**

**(6) For filing any paper, document, or report for which a filing fee is not otherwise provided for in another section of law that is not filed under subdivision (1), (2), [or] (3), (4), or (5), but required to be filed in the office of the director, [fifty] one hundred fifty dollars each[;] .**

[(6) For a copy of a company's certificate of authority or producer or agent license, ten dollars;

(7) For affixing the seal of office of the director, ten dollars;

(8) For accepting each service of process upon the company, ten dollars.]”;

Further amend said bill, Page 1, Section 376.427, Lines 2 through 4, by deleting all of said lines and inserting in lieu thereof the following:

**“(1) “Health benefit plan”, as such term is defined in section 376.1350;**

**(2) “Health care services”, medical, surgical, dental, podiatric, pharmaceutical, chiropractic, licensed ambulance service, and optometric services;**

**(3) “Health carrier” or “carrier”, as such term is defined in section 376.1350;**

[(2)] **(4) “Insured”, any person entitled to benefits under a contract of accident”;** and

Further amend said section by renumbering accordingly; and

Further amend said bill, Pages 2-5, Section 376.690, Lines 1-92, by deleting all of said lines and inserting in lieu thereof the following:

**“376.690. 1. As used in this section, the following terms shall mean:**

**(1) “Emergency medical condition”, the same meaning given to such term in section 376.1350;**

**(2) “Facility”, the same meaning given to such term in section 376.1350;**

**(3) “Health care professional”, the same meaning given to such term in section 376.1350;**

**(4) “Health carrier”, the same meaning given to such term in section 376.1350;**

**(5) “Unanticipated out-of-network care”, health care services received by a patient in an in-network facility from an out-of-network health care professional from the time the patient presents with an emergency medical condition until the time the patient is discharged;**

**2. Health care professionals may send any claim for charges incurred for unanticipated out-of-network care to the patient's health carrier within one hundred and eighty days of the delivery of the unanticipated out-of-network care on a U.S. Centers of Medicare and Medicaid Services Form 1500, or its successor form, or electronically using the 837 HIPAA format, or its successor.**

**(1) Within forty-five processing days, as defined in 376.383, of receiving the health care professional's claim, the health carrier shall offer to pay the health care professional a reasonable reimbursement for unanticipated out-of-network care based on the health care professional's services. If the health care professional participates in one or more of the carrier's commercial networks, the offer of reimbursement for unanticipated out-of-network care shall be the amount from the network which has the highest reimbursement.**

**(2) If the health care professional declines the health carrier's initial offer of reimbursement, the**

health carrier and health care professional shall have sixty days from the date of the initial offer of reimbursement to negotiate in good faith to attempt to determine the reimbursement for the unanticipated out-of-network care.

(3) If the health carrier and health care professional do not agree to a reimbursement amount by the end of the sixty day negotiation period, the dispute shall be resolved through an arbitration process as specified in subsection 4 of this section.

(4) To initiate arbitration proceedings, either the health carrier or health care professional must provide written notification to the director and the other party within 120 days of the end of the negotiation period, indicating their intent to arbitrate the matter and notifying the director of the billed amount and the date and amount of the final offer by each party. A claim for unanticipated out of network care may be resolved between the parties at any point prior to the commencement of the arbitration proceedings. Claims may be combined for purposes of arbitration, but only to the extent the claims represent similar circumstances and services provided by the same health care professional, and the parties attempted to resolve the dispute in accordance with subdivisions (2) through (4) of this subsection.

(5) No health care professional who sends a claim to a health carrier under subsection 2 of this section shall send a bill to the patient for any difference between the reimbursement rate as determined under this subsection and the health care professional's billed charge.

3. When unanticipated out-of-network care is provided, the health care professional who sends a claim to a health carrier under subsection 2 of this section may bill a patient for no more than the cost-sharing requirements described under this section.

(1) Cost-sharing requirements shall be based on the reimbursement amount as determined under subsection 2 of this section.

(2) The patient's health carrier shall inform the health care professional of its enrollee's cost-sharing requirements within forty-five processing days of receiving a claim from the health care professional for services provided.

(3) The in-network deductible and out-of-pocket maximum cost-sharing requirements shall apply to the claim for the unanticipated out-of-network care.

4. The director shall ensure access to an external arbitration process when a health care professional and health carrier cannot agree to a reimbursement under subdivision (2) of subsection 2 of this section. In order to ensure access, when notified of a parties' intent to arbitrate, the director shall randomly select an arbitrator for each case from the department's approved list of arbitrators or entities that provide binding arbitration. The director shall specify the criteria for an approved arbitrator or entity by rule. The costs of arbitration shall be shared equally between and will be directly billed to the health care professional and health carrier. These costs will include, but are not limited to, reasonable time necessary for the arbitrator to review materials in preparation for the arbitration, travel expenses and reasonable time following the arbitration for drafting of the final decision.

5. At the conclusion of such arbitration process, the arbitrator shall issue a final decision, which shall be binding on all parties. The arbitrator shall provide a copy of the final decision to the director.

The initial request for arbitration, all correspondence and documents received by the Department and the final arbitration decision shall be considered a closed record under section 374.071. However, the director may release aggregated summary data regarding the arbitration process. The decision of the arbitrator shall not be considered an agency decision nor shall it be considered a contested case within the meaning of 536.010.

6. The arbitrator shall determine a dollar amount due under subsection 2 of this section between one hundred twenty percent of the Medicare allowed amount and the seventieth percentile of the usual and customary rate for the unanticipated out-of-network care, as determined by benchmarks from independent nonprofit organizations that are not affiliated with insurance carriers or provider organizations.

7. When determining a reasonable reimbursement rate, the arbitrator shall consider the following factors if the health care professional believes the payment offered for the unanticipated out-of-network care does not properly recognize:

- (1) The health care professional's training, education, or experience;
- (2) The nature of the service provided;
- (3) The health care professional's usual charge for comparable services provided;
- (4) The circumstances and complexity of the particular case, including the time and place the services were provided; and
- (5) The average contracted rate for comparable services provided in the same geographic area.

8. The enrollee shall not be required to participate in the arbitration process. The health care professional and health carrier shall execute a nondisclosure agreement prior to engaging in an arbitration under this section.

9. This section shall take effect on January 1, 2019.

10. The department of insurance, financial institutions and professional registration may promulgate rules and fees as necessary to implement the provisions of this section, including but not limited to, procedural requirements for arbitration. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

376.1065. 1. As used in this section, the following terms shall mean:

- (1) "Contracting entity", any health carrier, as such term is defined in section 376.1350, subject to the jurisdiction of the department engaged in the act of contracting with providers for the delivery of dental services, or the selling or assigning of dental network plans to other entities under the jurisdiction of the department;
- (2) "Department", the department of insurance, financial institutions and professional

registration;

(3) **“Official notification,”** written communication by a provider or participating provider to a contracting entity describing such provider’s or participating provider’s change in contact information or participation status with the contracting entity;

(4) **“Participating provider,”** a provider who has an agreement with a contracting entity to provide dental services with an expectation of receiving payment, other than coinsurance, co-payments, or deductibles, directly or indirectly from such contracting entity;

(5) **“Provider,”** any person licensed under chapter 332.

**2. A contracting entity shall, upon official notification, make changes contained in the official notification to their electronic provider material and their next edition of paper material made available to plan members or other potential plan members.**

**3. The department, when determining the result of a market conduct examination under sections 374.202 to 374.207, shall consider violations of this section by a contracting entity.”; and**

Further amend said bill, Page 5, Section 376.1063, Lines 1 through 16, by removing all of said section from the bill; and

Further amend said bill, Page 10, Section 376.1367, Line 15, by inserting after the word, **“forty-five”** the word, **“processing”**; and

Further amend said page and section, Line 34, by inserting after all of said line the following:

**“379.1545. Notwithstanding any other provision of law:**

(1) An insurer may terminate or otherwise change the terms and conditions of a policy of portable electronics insurance only upon providing the policyholder and enrolled customers with at least thirty days’ notice;

(2) If the insurer changes the terms and conditions of a policy of portable electronics insurance, the insurer shall provide the vendor and any policyholders with a revised policy or endorsement and each enrolled customer with a revised certificate, endorsement, updated brochure, or other evidence indicating a change in the terms and conditions has occurred and a summary of material changes;

(3) Notwithstanding subdivision (1) of this section, an insurer may terminate an enrolled customer’s enrollment under a portable electronics insurance policy upon fifteen days’ notice for discovery of fraud or material misrepresentation in obtaining coverage or in the presentation of a claim thereunder;

(4) Notwithstanding subdivision (1) of this section, an insurer may immediately terminate an enrolled customer’s enrollment under a portable electronics insurance policy:

(a) For nonpayment of premium;

(b) If the enrolled customer ceases to have an active service with the vendor of portable electronics; or

(c) If an enrolled customer exhausts the aggregate limit of liability, if any, under the terms of the portable electronics insurance policy and the insurer sends notice of termination to the customer within thirty calendar days after exhaustion of the limit. However, if the notice is not timely sent, enrollment and

coverage shall continue notwithstanding the aggregate limit of liability until the insurer sends notice of termination to the enrolled customer;

(5) Where a portable electronics insurance policy is terminated by a policyholder, the policyholder shall mail or deliver written notice to each enrolled customer advising the customer of the termination of the policy and the effective date of termination. The written notice shall be mailed or delivered to the customer at least thirty days prior to the termination;

(6) Whenever notice is required under this section, it shall be in writing and may be mailed or delivered to the vendor at the vendor's mailing address and to its affected enrolled customers' last known mailing addresses on file with the insurer. If notice is mailed, the insurer or vendor, as the case may be, shall maintain proof of mailing in a form authorized or accepted by the U.S. Postal Service or other commercial mail delivery service. Alternatively, an insurer or vendor policyholder may comply with any notice required by this section by providing electronic notice to a vendor or its affected enrolled customers, as the case may be, by electronic means. **For purposes of this subdivision, agreement to receive notices and correspondence by electronic means shall be determined in accordance with section 432.220.** Additionally, if an insurer or vendor policyholder provides electronic notice to an affected enrolled customer and such delivery by electronic means is not available or is undeliverable, the insurer or vendor policyholder shall provide written notice to the enrolled customer by mail in accordance with this section. If notice is accomplished through electronic means, the insurer or vendor of portable electronics, as the case may be, shall maintain proof that the notice was sent.

[374.115. Insurance examiners appointed or employed by the director of the department of insurance, financial institutions and professional registration shall be compensated according to the applicable levels established and published by the National Association of Insurance Commissioners.]

Section B. The repeal of section 374.115 and the repeal and reenactment of sections 354.150, 354.495, 374.150, and 374.230 of section A of this act shall become effective on January 1, 2019.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

### PRIVILEGED MOTIONS

Senator Wieland moved that **SS** for **SB 982**, with **HA 1** be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Wieland moved that the above amendment be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		



NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Wieland, **SS** for **SB 982**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Munzlinger moved that the Senate recede from its position on **SS** for **HB 1428**, as amended, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Eigel
Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Wallingford	Wasson
Wieland—29						

NAYS—Senator Sifton—1

Absent—Senators

Dixon	Hummel	Walsh—3
-------	--------	---------

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Munzlinger, **HB 1428** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Eigel
Emery	Hegeman	Holsman	Hoskins	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Wallingford	Wasson	Wieland—28

NAYS—Senators

Hummel	Schaaf	Sifton—3
--------	--------	----------

Absent—Senators

Dixon	Walsh—2
-------	---------

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Munzlinger, title to the bill was agreed to.

Senator Munzlinger moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Rowden assumed the Chair.

President Parson assumed the Chair.

Senator Riddle, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 843**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 843

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, with House Amendment Nos. 1 and 2 to House Amendment No. 1, House Amendment No. 1 as amended, House Amendment Nos. 2, 3, 4, 5, 6, 7, 8, 9, and 10, House Amendment No. 1 to House Amendment 11, House Amendment No. 11 as amended, House Amendment Nos. 12 and 14, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for

Senate Bill No. 843;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 843, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jeanie Riddle  
/s/ Brian Munzlinger  
/s/ Caleb Rowden  
/s/ Scott Sifton  
/s/ Jason Holsman

FOR THE HOUSE:

/s/ Robert Ross  
/s/ Mike Bernskoetter  
/s/ Nate Walker  
/s/ Jon Carpenter  
/s/ Pat Conway

Senator Riddle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Wasson	Wieland—30					

NAYS—Senators—None

Absent—Senators

Dixon	Schaaf	Walsh—3
-------	--------	---------

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Riddle, **CCS** for **HCS** for **SS** for **SCS** for **SB 843**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 843

An Act to repeal sections 8.003, 8.007, 8.010, 8.015, 8.017, 41.1010, 91.640, 103.008, 109.221, 109.225, 109.255, 143.1015, 160.2100, 160.2110, 181.022, 186.007, 189.015, 189.025, 189.030, 189.035, 191.400, 191.980, 192.005, 192.014, 192.230, 192.240, 192.707, 192.710, 192.2030, 194.400, 194.408, 194.409, 196.1129, 208.197, 208.955, 209.287, 209.307, 210.170, 217.900, 217.903, 217.905, 217.907, 217.910, 253.408, 253.412, 288.475, 324.177, 324.180, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.478, 327.313, 327.321, 332.086, 334.430, 334.625, 334.749, 335.021, 453.600, 620.1200, 633.200, 701.040, and 701.353, RSMo, and to enact in lieu thereof sixty-one new sections relating to the existence of certain state boards and commissions.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

## NAYS—Senators—None

## Absent—Senators

Dixon	Schaaf—2
-------	----------

## Absent with leave—Senators—None

## Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

Senator Schatz moved that **HB 1809**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Schatz, **SS** for **HB 1809** was withdrawn, rendering **SA 1** moot.

On motion of Senator Schatz, **HB 1809** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

## NAYS—Senators—None

## Absent—Senators

Dixon	Onder	Schaaf—3
-------	-------	----------

## Absent with leave—Senators—None

## Vacancies—1

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### PRIVILEGED MOTIONS

Senator Wasson, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SBs 807** and **577**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 807 and 577

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 807 and 577, with House Amendment Nos. 1, 2, and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 807 and 577, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 807 and 577;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 807 and 577 be Third Read and Finally Passed.

#### FOR THE SENATE:

/s/ Jay Wasson  
/s/ Mike Cunningham  
/s/ Bill Eigel  
/s/ Scott Sifton  
/s/ Jason Holsman

#### FOR THE HOUSE:

/s/ Donna Lichtenegger  
/s/ Allen Andrews  
/s/ Dean Dohrman  
/s/ Gretchen Bangert  
/s/ Greg Razer

Senator Wasson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Holsman	Hoskins	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Schatz	Wallingford	Wasson	Wieland—25			

#### NAYS—Senators

Chappelle-Nadal	Curls	Hummel	Nasheed	Schupp	Sifton	Walsh—7
-----------------	-------	--------	---------	--------	--------	---------

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Wasson, **CCS** for **HCS** for **SCS** for **SBs 807** and **577**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 807 & 577

An Act to repeal sections 34.010, 160.545, 162.441, 163.191, 172.280, 173.005, 173.260, 173.1003, 173.1101, 173.1102, 173.1104, 173.1105, 173.1107, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof twenty-two new sections relating to higher education, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger	Onder
Richard	Riddle	Rizzo	Romine	Rowden	Sater	Schatz
Wallingford	Wasson	Wieland—24				

NAYS—Senators

Chappelle-Nadal	Curls	Holsman	Hummel	Nasheed	Schupp	Sifton
Walsh—8						

Absent—Senator Schaaf—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wasson, title to the bill was agreed to.

Senator Wasson moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Hoskins moved that **SB 882**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Onder assumed the Chair.

Senator Hoskins moved that the above amendment be adopted.

At the request of Senator Hoskins, the motion to adopt **HA 1** was withdrawn.

**HOUSE BILLS ON THIRD READING**

**HB 1998**, introduced by Representative Bondon, with **SCS**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the comprehensive state energy plan.

Was called from the Informal Calendar and taken up by Senator Emery.

**SCS** for **HB 1998**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1998**

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the comprehensive state energy plan.

Was taken up.

At the request of Senator Emery, **HB 1998**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Wieland moved that **HB 1831**, with **SA 1** and **SA 1 to SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Schupp, **SA 1** was withdrawn, rendering **SA 1 to SA 1** moot.

Senator Wasson offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend House Bill No. 1831, Page 1, In the Title, Lines 2-3, by striking “a sales tax holiday” and inserting in lieu thereof “sales taxes”; and

Further amend said bill and page, section A, line 2, by inserting after all of said line the following:

“144.011. 1. For purposes of sections 144.010 to 144.525 and 144.600 to 144.748, and the taxes imposed thereby, the definition of “retail sale” or “sale at retail” shall not be construed to include any of the following:

- (1) The transfer by one corporation of substantially all of its tangible personal property to another corporation pursuant to a merger or consolidation effected under the laws of the state of Missouri or any other jurisdiction;
- (2) The transfer of tangible personal property incident to the liquidation or cessation of a taxpayer’s trade or business, conducted in proprietorship, partnership or corporate form, except to the extent any transfer is made in the ordinary course of the taxpayer’s trade or business;
- (3) The transfer of tangible personal property to a corporation solely in exchange for its stock or securities;
- (4) The transfer of tangible personal property to a corporation by a shareholder as a contribution to the capital of the transferee corporation;
- (5) The transfer of tangible personal property to a partnership solely in exchange for a partnership interest therein;
- (6) The transfer of tangible personal property by a partner as a contribution to the capital of the

transferee partnership;

(7) The transfer of tangible personal property by a corporation to one or more of its shareholders as a dividend, return of capital, distribution in the partial or complete liquidation of the corporation or distribution in redemption of the shareholder's interest therein;

(8) The transfer of tangible personal property by a partnership to one or more of its partners as a current distribution, return of capital or distribution in the partial or complete liquidation of the partnership or of the partner's interest therein;

(9) The transfer of reusable containers used in connection with the sale of tangible personal property contained therein for which a deposit is required and refunded on return;

(10) The purchase by persons operating eating or food service establishments, of items of a nonreusable nature which are furnished to the customers of such establishments with or in conjunction with the retail sales of their food or beverage. Such items shall include, but not be limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks and toothpicks;

(11) The purchase by persons operating hotels, motels or other transient accommodation establishments, of items of a nonreusable nature which are furnished to the guests in the guests' rooms of such establishments and such items are included in the charge made for such accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and other toiletries and food or confectionery items offered to the guests without charge;

(12) The transfer of a manufactured home other than:

(a) A transfer which involves the delivery of the document known as the "Manufacturer's Statement of Origin" to a person other than a manufactured home dealer, as defined in section 700.010, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state;

(b) A transfer which involves the delivery of a "Repossessed Title" to a resident of this state if the tax imposed by sections 144.010 to 144.525 was not paid on the transfer of the manufactured home described in paragraph (a) of this subdivision;

(c) The first transfer which occurs after December 31, 1985, if the tax imposed by sections 144.010 to 144.525 was not paid on any transfer of the same manufactured home which occurred before December 31, 1985; or

(13) Charges for initiation fees or dues to:

(a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations operating under the lodge system a substantial part of the activities of which are devoted to religious, charitable, scientific, literary, educational or fraternal purposes; [or]

(b) Posts or organizations of past or present members of the Armed Forces of the United States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization substantially all of the members of which are past or present members of the Armed Forces of the United States or who are cadets, spouses, widows, or widowers of past or present members of the Armed Forces of the United States, no part of the net earnings of which inures to the benefit of any private shareholder or individual; **or**

**(c) Nonprofit organizations exempt from taxation under Section 501(c)(7) of the Internal Revenue**



**Code of 1986, as amended.**

2. The assumption of liabilities of the transferor by the transferee incident to any of the transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not disqualify the transfer from the exclusion described in this section, where such liability assumption is related to the property transferred and where the assumption does not have as its principal purpose the avoidance of Missouri sales or use tax.”; and

Further amend the title and enacting clause accordingly.

Senator Wasson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wieland, **HB 1831**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dixon	Hegeman	Hoskins	Kehoe
Libla	Munzlinger	Onder	Richard	Riddle	Romine	Rowden
Schatz	Wallingford	Wasson	Wieland—18			

## NAYS—Senators

Cierpiot	Curls	Eigel	Emery	Holsman	Hummel	Koenig
Nasheed	Rizzo	Schaaf	Schupp	Sifton	Walsh—13	

## Absent—Senators

Crawford	Sater—2
----------	---------

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 1350**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HB 1350**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 1719**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HB 1719**.

**PRIVILEGED MOTIONS**

Senator Hegeman, on behalf of the conference committee appointed to act with a like committee from the House on **SS No. 2** for **SCS** for **SB 590** moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 590**

The Conference Committee appointed on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 590, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 590, as amended;
2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 590;
3. That the attached Conference Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 590, be Third Read and Finally Passed.

**FOR THE SENATE:**

/s/ Dan Hegeman  
/s/ Mike Cunningham  
/s/ Andrew Koenig  
/s/ Jacob Hummel  
/s/ John Rizzo

**FOR THE HOUSE:**

/s/ Holly Rehder  
/s/ Kevin Engler  
/s/ Jered Taylor  
/s/ Steven Roberts  
/s/ Barbara Washington

Senator Hegeman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

**YEAS—Senators**

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Dixon	Eigel
Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig	Libla
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Sifton	Wallingford	Walsh	Wasson	Wieland—26		

**NAYS—Senators**

Curls	Holsman	Nasheed	Schupp—4
-------	---------	---------	----------

**Absent—Senators**

Munzlinger	Schaaf	Schatz—3
------------	--------	----------

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Hegeman, **CCS** for **SS No. 2** for **SCS** for **SB 590**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 590

An Act to repeal sections 253.545, 253.550, 253.559, and 620.1900, RSMo, and to enact in lieu thereof four new sections relating to historic buildings.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Eigel	Emery
Hegeman	Hoskins	Hummel	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Schaaf	Wallingford	Wasson	Wieland—25			

NAYS—Senators

Curls	Holsman	Nasheed	Schupp	Sifton—5
-------	---------	---------	--------	----------

Absent—Senators

Dixon	Schatz	Walsh—3
-------	--------	---------

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Hegeman, title to the bill was agreed to.

Senator Hegeman moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

President Parson assumed the Chair.

Senator Eigel, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 881**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE BILL NO. 881

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 881, with House Amendment Nos. 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 881, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 881;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 881 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bill Eigel  
 /s/ Dave Schatz  
 /s/ Doug Libla  
 Jacob Hummel  
 /s/ Shalonn “KiKi” Curls

FOR THE HOUSE:

/s/ Charlie Davis  
 /s/ Bart Korman  
 /s/ Bill Reiboldt  
 Tracy McCreery  
 /s/ Greg Razer

Senator Eigel moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford	Walsh

Wieland—29

NAYS—Senators

Nasheed                      Rowden                      Wasson—3

Absent—Senator Brown—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Eigel, CCS for HCS for SS for **SB 881**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 SENATE SUBSTITUTE FOR  
 SENATE BILL NO. 881

An Act to repeal sections 21.795, 68.075, 70.370, 71.012, 71.015, 137.010, 137.016, 137.017, 226.770, 226.780, 227.240, 301.010, 301.020, 301.030, 301.055, 301.074, 301.075, 301.130, 301.140, 301.142, 301.145, 301.350, 302.170, 302.173, 304.005, 304.060, 304.180, 304.232, 307.175, and 307.350, RSMo, and to enact in lieu thereof thirty-one new sections relating to transportation, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Hummel	Koenig	Libla	Onder	Riddle
Rizzo	Romine	Schaaf	Schatz	Schupp	Sifton	Wallingford

Wieland—22

## NAYS—Senators

Curls                      Kehoe                      Munzlinger                      Nasheed                      Richard                      Rowden                      Walsh  
Wasson—8

## Absent—Senators

Brown                      Holsman                      Sater—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Eigel, title to the bill was agreed to.

Senator Eigel moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**SIGNING OF CONCURRENT RESOLUTIONS**

The President Pro Tem announced that all other business would be suspended and **SCR 49**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the concurrent resolution would be signed by the President Pro Tem to the end that it may become law. No objections being made, the concurrent resolution was so read by the Secretary and signed by the President Pro Tem.

**CONCURRENT RESOLUTIONS  
DELIVERED TO THE GOVERNOR**

**SCR 49**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

**PRIVILEGED MOTIONS**

Senator Riddle, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 1719**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1719**

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 1719, with Senate Amendment No. 2, Senate Amendment No. 1 to Senate Amendment No. 3, Senate Amendment No. 2 to Senate Amendment No. 3, Senate Amendment No. 3, as amended, Senate Amendment No. 4, and Senate Amendment No. 5 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 1719, as amended;
2. That the House recede from its position on House Bill No. 1719;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 1719, be Third Read and Finally Passed.

## FOR THE HOUSE:

/s/ Derek Grier  
 /s/ Steve Helms  
 /s/ Robert Ross  
 Jon Carpenter  
 DaRon McGee

## FOR THE SENATE:

/s/ Jeanie Riddle  
 Mike Cierpiot  
 /s/ Caleb Rowden  
 /s/ Jill Schupp  
 /s/ Scott Sifton

Senator Riddle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

## NAYS—Senator Schaaf—1

## Absent—Senators

Hegeman                      Holsman—2

## Absent with leave—Senators—None

## Vacancies—1

On motion of Senator Riddle, **CCS** for **SS** for **SCS** for **HB 1719**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
 SENATE SUBSTITUTE FOR  
 SENATE COMMITTEE SUBSTITUTE FOR  
 HOUSE BILL NO. 1719

An Act to repeal sections 324.001, 324.200, 324.205, 324.210, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.920, 324.925, 324.1108, 327.221, 327.312, 327.313, 327.321, 328.080, 328.100, 329.010, 329.040, 329.050, 329.060, 329.070, 329.080, 329.085, 329.130, 330.030, 331.030, 332.131, 332.321, 334.530, 334.655, 335.036, 335.066, 335.067, 336.030, 337.020, 337.025, 337.029, 337.033, 337.315, 337.320, 337.507, 337.510, 337.612, 337.618, 337.662, 337.712,

337.718, 338.315, 338.330, 338.333, 338.337, 338.340, 344.030, 374.715, 374.784, and 632.005, RSMo, and to enact in lieu thereof ninety-one new sections relating to professional registration, with existing penalty provisions and a contingent effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

NAYS—Senator Schaaf—1

Absent—Senator Brown—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Rowden, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 1350**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1350

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 1350, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 1350, as amended;
2. That the House recede from its position on House Bill No. 1350;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 1350 be Third Read and Finally Passed.

## FOR THE HOUSE:

/s/ Cody Smith  
 /s/ Phil Christofanelli  
 /s/ Kathie Conway  
 /s/ Bruce Franks, Jr.  
 /s/ Gina Mitten

## FOR THE SENATE:

/s/ Caleb Rowden  
 /s/ Jeanie Riddle  
 /s/ Jay Wasson  
 Scott Sifton  
 /s/ Gina Walsh

Senator Rowden moved that the above conference committee report be adopted, which motion prevailed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Eigel
Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

## NAYS—Senators—None

## Absent—Senators

Dixon                      Holsman—2

## Absent with leave—Senators—None

## Vacancies—1

On motion of Senator Rowden, **CCS for SS for SCS for HB 1350**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
 SENATE SUBSTITUTE FOR  
 SENATE COMMITTEE SUBSTITUTE FOR  
 HOUSE BILL NO. 1350

An Act to repeal sections 43.500, 43.503, 43.504, 43.506, 43.509, 43.527, 43.530, 43.535, 43.540, 43.543, 43.546, 43.547, 192.2495, 208.909, 210.025, 210.254, 210.258, 210.482, 210.487, 302.060, 313.810, and 610.120, RSMo, and to enact in lieu thereof twenty-three new sections relating to criminal history records, with penalty provisions.

Was read the 3rd time and passed by the following vote:

## YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Wallingford	Walsh	Wasson	Wieland—32			

## NAYS—Senators—None

## Absent—Senators Holsman—1



Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Rowden, title to the bill was agreed to.

Senator Rowden moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Senator Hoskins moved that **SS** for **SB 882**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

Senator Wasson assumed the Chair.

President Parson assumed the Chair.

Senator Hoskins moved that **HA 1** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Dixon	Eigel
Emery	Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Rowden	Sater	Schaaf	Schatz
Wallingford	Wasson	Wieland—24				

NAYS—Senators

Curls	Hummel	Nasheed	Rizzo	Romine	Schupp	Sifton
Walsh—8						

Absent—Senator Holsman—1

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Hoskins, **SS** for **SB 882**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Dixon	Eigel
Emery	Hegeman	Hoskins	Kehoe	Koenig	Libla	Munzlinger
Onder	Richard	Riddle	Romine	Rowden	Sater	Schaaf
Schatz	Wallingford	Wasson	Wieland—25			

NAYS—Senators

Curls	Hummel	Nasheed	Rizzo	Schupp	Sifton	Walsh—7
-------	--------	---------	-------	--------	--------	---------

Absent—Senator Holsman—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### HOUSE BILLS ON THIRD READING

**HB 1968**, introduced by Representative Grier, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the state tartan.

Was called from the Informal Calendar and taken up by Senator Schatz.

At the request of Senator Schatz, **HB 1968** was placed on the Informal Calendar.

**HB 1625**, introduced by Representative Morris, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the Missouri senior farmers' market nutrition program.

Was called from the Informal Calendar and taken up by Senator Curls.

On motion of Senator Curls, **HB 1625** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Hoskins	Hummel	Kehoe	Libla	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schaaf	Schupp	Sifton	Wallingford	Walsh	Wasson

Wieland—29

#### NAYS—Senators

Eigel                      Koenig—2

#### Absent—Senators

Holsman                      Schatz—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

**HB 1469**, introduced by Representative Davis, entitled:

An Act to repeal sections 41.050, 41.070, 41.080, 41.110, 41.450, 41.460, 41.490, 41.500, and 115.013, RSMo, and to enact in lieu thereof ten new sections relating to Missouri military code.

Was called from the Informal Calendar and taken up by Senator Wallingford.

On motion of Senator Wallingford, **HB 1469** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schupp	Sifton
Wallingford	Wasson	Wieland—31				

NAYS—Senators—None

Absent—Senators

Schatz Walsh—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Wallingford, title to the bill was agreed to.

Senator Wallingford moved that the vote by which the bill passed be reconsidered.

Senator Kehoe moved that motion lay on the table, which motion prevailed.

### CONCURRENT RESOLUTIONS

Senator Schupp moved that **SCR 28** be taken up for adoption, which motion prevailed.

On motion of Senator Schupp, **SCR 28** was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schupp	Sifton	Wallingford
Wasson	Wieland—30					

NAYS—Senators—None

Absent—Senators

Holsman Schatz Walsh—3

Absent with leave—Senators—None

Vacancies—1

President Pro Tem Richard assumed the Chair.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 773**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 773**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **HB 1415** and has taken up and passed **SS** for **HB 1415**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **HCS** for **HBs 1729, 1621 and 1436** and has taken up and passed **SS** for **HCS** for **HBs 1729, 1621 and 1436**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HCS** for **HB 1635** and has taken up and passed **SCS** for **HCS** for **HB 1635**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS No. 2** for **HCS** for **HB 2129** and has taken up and passed **SS No. 2** for **HCS** for **HB 2129**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **SCS** for **HCS** for **HB 1456** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 1456**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS No. 2** for **HB 1460** and has taken up and passed **SS No. 2** for **HB 1460**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HCS** for **HB 1713** and has taken up and passed **SCS** for **HCS** for **HB 1713**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HB 1832** and has taken up and passed **SS** for **SCS** for **HB 1832**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS No. 2**, as amended for **HCS** for **HB 1796** and has taken up and passed **SS No. 2** for **HCS** for **HB 1796**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **HCS** for **HB 1872** and has taken up and passed **SS** for **HCS** for **HB 1872**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HCS No. 2** for **HB 1503** and has taken up and passed **SCS** for **HCS No. 2** for **HB 1503**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HB 2347** and has taken up and passed **SCS** for **HB 2347**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HCS** for **HB 1388** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 1388**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HCS** for **HBs 2280, 2120, 1468 and 1616** and has taken up and passed **SS** for **SCS** for **HCS** for **HBs 2280, 2120, 1468 and 1616**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HB 1769** and has taken up and passed **SS** for **SCS** for **HB 1769**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 718**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 718**.

Emergency Clause Adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 884**, as amended, and has taken up and passed **CCS** for **SB 884**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 655**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 655**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 951**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 951**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 843**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 843**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 819**, as amended, and has taken up and passed **CCS** for **SB 819**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SBs 807** and **577**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SBs 807** and **577**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 37**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 50**.

Concurrent Resolution ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 36**.

Concurrent Resolution ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS No. 2** for **SCS** for **SB 590**, and has taken up and passed **CCS** for **SS No. 2** for **SCS** for **SB 590**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS**, as amended for **HB 1250** and has taken up and passed **SCS** for **HB 1250**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 53**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 2** to **HB 1831** and has taken up and passed **HB 1831**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCS** for **HB 1446** and has taken up and passed **SS** for **SCS** for **HB 1446**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 881**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SB 881**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 568**.

Bill ordered enrolled.

### **INTRODUCTION OF GUESTS**

Senator Hoskins introduced to the Senate, Chris Bauer, and his daughter, Edie, Loose Creek; and Edie was made an honorary page.

Senator Schupp introduced to the Senate, the Physician of the Day, Jerry D. Kennett, MD, MACC, FACP, FSCAI, Columbia.

Senator Schupp introduced to the Senate, June Isenberg and Jill Kline.

On motion of Senator Kehoe, the Senate adjourned until 10:00 a.m., Friday, May 25, 2018.

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SEVENTY-FIFTH DAY—FRIDAY, MAY 25, 2018**

---

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

### **RESOLUTIONS**

On behalf of Senator Crawford, Senator Kehoe offered Senate Resolution No. 2180, regarding the Fortieth Wedding Anniversary of Randall David and Frances Leona Wyatt, Warsaw, which was adopted.

Senator Kehoe offered Senate Resolution No. 2181, regarding William R. Whitfield, Jr., which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 2182, regarding Eagle Scout Nathan Blackford, Clarence, which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 2183, regarding the Fiftieth Wedding Anniversary of Ed and Janet Watson, Canton, which was adopted.

Senator Kehoe offered Senate Resolution No. 2184, regarding Linda Schmidt, Jefferson City, which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 2185, regarding Eagle Scout Christopher Marshall, Kirksville, which was adopted.

On behalf of Senator Schaaf, Senator Kehoe offered Senate Resolution No. 2186, regarding Eagle Scout Jeremiah Allen Russell, Parkville, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2187, regarding the death of Charles “Big Chuck” Jones, Sr., which was adopted.

On behalf of Senator Rizzo, Senator Kehoe offered Senate Resolution No. 2188, regarding the death of Judy A. Trammell, Jefferson City, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2189, regarding Dorothy Buchanan Wilson, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2190, regarding Sara



Burke, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2191, regarding Pastor Shirley Caesar, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2192, regarding Laraine Davis, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2193, regarding Alicia Elsner, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2194, regarding Courtney Bryant, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2195, regarding Kristina Hazley, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2196, regarding the Honorable Emeka Jackson-Hicks, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2197, regarding Karen Jones, RN, BSN, CCM, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2198, regarding Jan Holloway, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2199, regarding Martha Rose Reeves, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2200, regarding Brenda McDuffie, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2201, regarding Evangelist Mary Tillman, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2202, regarding Shirley Washington, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2203, regarding Dr. Mary Breaux Wright, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2204, regarding Beverly Smith, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2205, regarding Cynthia Wilson-Thompson, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2206, regarding Ollie Stewart, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 2207, regarding Catherine Hughes, which was adopted.

On behalf of Senator Wieland, Senator Kehoe offered Senate Resolution No. 2208, regarding Eagle

Scout Nathaniel Timothy Biermann, Barnhart, which was adopted.

**MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor:

May 24, 2018

TO THE SECRETARY OF THE SENATE  
99<sup>th</sup> GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI

Herewith I return to you Senate Concurrent Resolution No. 49 entitled:

Senate Relating to the election date for the referendum on Senate Substitute #2 for  
Bill 19 as enacted by the Ninety-ninth General Assembly, First Regular Session.

On May 24, 2018, I approved Senate Concurrent Resolution No. 49.

Respectfully Submitted,  
Eric R. Greitens  
Governor

On motion of Senator Kehoe, the Senate adjourned until 1:15 p.m., Wednesday, May 30, 2018.

✓

# Journal of the Senate

## SECOND REGULAR SESSION

---

**SEVENTY-SIXTH DAY—WEDNESDAY, MAY 30, 2018**

---

The Senate met pursuant to adjournment.

President Pro Tem Richard in the Chair.

Senator Kehoe announced photographers from KTVI, Jefferson City News Tribune, KMIZ, KOMU-TV, KY-3, MissouriNet, St. Louis Post Dispatch, the Associated Press and KMOX News were given permission to take pictures in the Senate Chamber.

### RESOLUTIONS

On behalf of Senator Brown, Senator Kehoe offered Senate Resolution No. 2209, regarding Kaleidoscope Discovery Center, Rolla, which was adopted.

On behalf of Senator Crawford, Senator Kehoe offered Senate Resolution No. 2210, regarding the One Hundred Fiftieth Anniversary of the Bolivar Herald-Free Press, which was adopted.

On behalf of Senator Crawford, Senator Kehoe offered Senate Resolution No. 2211, regarding Jennifer Otradovec, Bolivar, which was adopted.

On behalf of Senator Sater, Senator Kehoe offered Senate Resolution No. 2212, regarding Tammy Morton, Taneyville, which was adopted.

On behalf of Senator Sater, Senator Kehoe offered Senate Resolution No. 2213, regarding Michael O. Adcock, Cape Fair, which was adopted.

On behalf of Senator Libla, Senator Kehoe offered Senate Resolution No. 2214, regarding L. Joe Scott, Poplar Bluff, which was adopted.

On behalf of Senator Schupp, Senator Kehoe offered Senate Resolution No. 2215, regarding Enrique “Hank” Morales, Saint Louis, which was adopted.

On behalf of Senator Schupp, Senator Kehoe offered Senate Resolution No. 2216, regarding Orville L. Braun, Ballwin, which was adopted.

On behalf of Senator Riddle, Senator Kehoe offered Senate Resolution No. 2217, regarding James Wesley “Jim” Matthews, Old Monroe, which was adopted.

On behalf of Senator Schatz, Senator Kehoe offered Senate Resolution No. 2218, regarding Gerald Joseph “Gerry” Neuner, Chesterfield, which was adopted.

On behalf of Senator Crawford, Senator Kehoe offered Senate Resolution No. 2219, regarding Brett F. Reese, Warsaw, which was adopted.

Senator Walsh offered Senate Resolution No. 2220, regarding Jose Salazar, which was adopted.

Senator Walsh offered Senate Resolution No. 2221, regarding Richard J. “Dick” Augustine, which was adopted.

### **REPORTS OF STANDING COMMITTEES**

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS No. 5** for **SB 564**; **SS** for **SCS** for **SB 568**; **SB 573**; **HCS** for **SB 581**; **CCS** for **SS No. 2** for **SCS** for **SB 590**; **SS** for **SCS** for **SB 592**; **SS** for **SCS** for **SB 593**; **SB 594**; **HCS** for **SCS** for **SB 598**; **CCS** for **HCS** for **SS** for **SCS** for **SBs 603, 576 and 898**; **CCS** for **HCS** for **SS** for **SB 608**; **HCS** for **SCS** for **SB 623**; **SS** for **SCS** for **SBs 627 and 925**; **SCS** for **SB 629**; **SCS** for **SB 644**; **SS** for **SCS** for **SB 652**; **CCS** for **HCS** for **SB 655**; **HCS** for **SB 659**; **CCS** for **HCS** for **SB 660**; **SB 683**; **CCS** for **HCS** for **SB 687**; **SS** for **SB 705**; **CCS** for **HCS** for **SS** for **SCS** for **SB 707**; **SB 708**; **CCS** for **HCS** for **SCS** for **SB 718**; **CCS** for **HCS** for **SB 743**; **SB 768**; **HCS** for **SCS** for **SB 769**; **CCS** for **HCS** for **SB 773**; **CCS** for **HCS** for **SS** for **SCS** for **SB 775**; **HCS** for **SS** for **SCS** for **SB 782**; **HCS** for **SB 793**; **HCS** for **SB 800**; **SS No. 2** for **SCS** for **SB 802**; **CCS** for **HCS** for **SB 806**; **CCS** for **HCS** for **SCS** for **SBs 807 and 577**; **SCS** for **SB 814**; **CCS** for **SB 819**; **CCS** for **HCS** for **SS** for **SCS** for **SB 826**; **SB 840**; **CCS** for **HCS** for **SS** for **SCS** for **SB 843**; **SCS** for **SB 862**; **CCS** for **HCS** for **SS** for **SB 870**; **HCS** for **SB 871**; **CCS** for **HCS** for **SS** for **SB 881**; **SS** for **SB 882**; **CCS** for **SB 884**; **SB 891**; **CCS** for **SCS** for **SB 892**; **HCS** for **SS** for **SCS** for **SBs 894 and 921**; **SS** for **SCS** for **SB 907**; **HCS** for **SCS** for **SB 917**; **CCS** for **HCS** for **SB 951**; **SB 954**; **SCS** for **SRBs 975 and 1024**; **SB 981**; **SS** for **SB 982**; **SCS** for **SB 990**; **SCS** for **SBs 999 and 1000**; **SCS** for **SB 1007**; **SCR 36**; and **SCR 50**, begs leave to report that it has examined the same and finds that the bills and concurrent resolutions have been duly enrolled and that the printed copies furnished the Senators are correct.

### **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **SS No. 5** for **SB 564**; **SS** for **SCS** for **SB 568**; **SB 573**; **HCS** for **SB 581**; **CCS** for **SS No. 2** for **SCS** for **SB 590**; **SS** for **SCS** for **SB 592**; **SS** for **SCS** for **SB 593**; **SB 594**; **HCS** for **SCS** for **SB 598**; **CCS** for **HCS** for **SS** for **SCS** for **SBs 603, 576 and 898**; **CCS** for **HCS** for **SS** for **SB 608**; **HCS** for **SCS** for **SB 623**; **SS** for **SCS** for **SBs 627 and 925**; **SCS** for **SB 629**; **SCS** for **SB 644**; **SS** for **SCS** for **SB 652**; **CCS** for **HCS** for **SB 655**; **HCS** for **SB 659**; **CCS** for **HCS** for **SB 660**; **SB 683**; **CCS** for **HCS** for **SB 687**; **SS** for **SB 705**; **CCS** for **HCS** for **SS** for **SCS** for **SB 707**; **SB 708**; **CCS** for **HCS** for **SCS** for **SB 718**; **CCS** for **HCS** for **SB 743**; **SB 768**; **HCS** for **SCS** for **SB 769**; **CCS** for **HCS** for **SB 773**; **CCS** for **HCS** for **SS** for **SCS** for **SB 775**; **HCS** for **SS** for **SCS** for **SB 782**; **HCS** for **SB 793**; **HCS** for **SB 800**; **SS No. 2** for **SCS** for **SB 802**; **CCS** for **HCS** for **SB 806**; **CCS** for **HCS** for **SCS** for **SBs 807 and 577**; **SCS** for **SB 814**; **CCS** for **SB 819**; **CCS** for **HCS** for **SS** for **SCS** for **SB 826**; **SB 840**; **CCS** for **HCS** for **SS** for **SCS** for **SB 843**; **SCS** for **SB 862**; **CCS** for **HCS** for **SS** for **SB 870**; **HCS** for **SB 871**; **CCS** for **HCS** for **SS** for **SB 881**; **SS** for **SB 882**; **CCS** for

**SB 884; SB 891; CCS for SCS for SB 892; HCS for SS for SCS for SBs 894 and 921; SS for SCS for SB 907; HCS for SCS for SB 917; CCS for HCS for SB 951; SB 954; SCS for SRBs 975 and 1024; SB 981; SS for SB 982; SCS for SB 990; SCS for SBs 999 and 1000; and SCS for SB 1007**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

### **SIGNING OF CONCURRENT RESOLUTIONS**

The President Pro Tem announced that all other business would be suspended and **SCR 36 and SCR 50**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, be signed to the end that they shall have the full force and effect of law. No objections being made, the concurrent resolutions were so read by the Secretary and signed by the President Pro Tem.

### **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **SCS for HB 1250; HB 1252; SCS for HCS for HB 1268; SCS for HCS for HB 1286; SS No. 2 for SCS for HCS for HBs 1288, 1377 and 2050; CCS for SS for SCS for HB 1291; CCS for SS for SCS for HB 1350; SS for SCS for HB 1355; SS for SCS for HCS for HB 1364; SS for SCS for HCS for HB 1388; SS No. 2 for SCS for HB 1413; SS for HB 1415; HB 1428; SS for SCS for HB 1446; SS for SCS for HCS for HB 1456; SS No. 2 for HB 1460; HCS for HB 1461; SS for SCS for HB 1465; HB 1469; HB 1484; HB 1492; SS No. 2 for SCS for HCS for HB 1500; SCS for HCS No. 2 for HB 1503; SS for HB 1504; HB 1516; HB 1517; SS for HB 1531; SS for SCS for HB 1558; SS for HCS for HB 1606; SS No. 3 for SCS for HCS for HB 1617; HB 1625; SCS for HCS for HB 1635; HB 1646; HB 1665; HCS for HB 1690; SCS for HCS for HB 1713; CCS for SS for SCS for HB 1719; SS for HCS for HBs 1729, 1621 and 1436; SS for HB 1744; SS for SCS for HB 1769; SS No. 2 for HCS for HB 1796; SCS for HB 1797; HB 1809; HB 1831; SS for SCS for HB 1832; SS for SCS for HB 1838; CCS for SS for HB 1858; SS for HCS for HB 1872; CCS for SS for SCS for HCS for HB 1879; SS No. 2 for SCS for HB 1880; HB 1887; SS for HB 1953; SS for SCS for HCS for HB 1991; HCS for HB 2001; CCS for SCS for HCS for HB 2002; CCS for SCS for HCS for HB 2003; CCS for SCS for HCS for HB 2004; CCS for SCS for HCS for HB 2005; CCS for SCS for HCS for HB 2006; CCS for SCS for HCS for HB 2007; CCS for SCS for HCS for HB 2008; CCS for SCS for HCS for HB 2009; CCS for SS for SCS for HCS for HB 2010; CCS for SCS for HCS for HB 2011; CCS for SCS for HCS for HB 2012; SCS for HCS for HB 2013; HCS for HB 2017; HCS for HB 2018; HCS for HB 2019; SS for SCS for HCS for HB 2034; HB 2101; SCS for HCS for HB 2116; SS No. 2 for HCS for HB 2129; HCS for HB 2171; HB 2183; SS for SCS for HCS for HBs 2280, 2120, 1468 and 1616; HB 2330; SCS for HB 2347; SCS for HCS for HB 2540; SS for SCS for HB 2562; and HJR 59** having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

### **SIGNING OF CONCURRENT RESOLUTIONS**

The President Pro Tem announced that all other business would be suspended and **HCR 63 and HCR 70**, having passed both branches of the General Assembly, would be read at length by the Secretary,

and if no objections be made, be signed to the end that they shall have the full force and effect of law. No objections being made, the concurrent resolutions were so read by the Secretary and signed by the President Pro Tem.

### **BILLS DELIVERED TO THE GOVERNOR**

**SS No. 5 for SB 564; SS for SCS for SB 568; SB 573; HCS for SB 581; CCS for SS No. 2 for SCS for SB 590; SS for SCS for SB 592; SS for SCS for SB 593; SB 594; HCS for SCS for SB 598; CCS for HCS for SS for SCS for SBs 603, 576 and 898; CCS for HCS for SS for SB 608; HCS for SCS for SB 623; SS for SCS for SBs 627 and 925; SCS for SB 629; SCS for SB 644; SS for SCS for SB 652; CCS for HCS for SB 655; HCS for SB 659; CCS for HCS for SB 660; SB 683; CCS for HCS for SB 687; SS for SB 705; CCS for HCS for SS for SCS for SB 707; SB 708; CCS for HCS for SCS for SB 718; CCS for HCS for SB 743; SB 768; HCS for SCS for SB 769; CCS for HCS for SB 773; CCS for HCS for SS for SCS for SB 775; HCS for SS for SCS for SB 782; HCS for SB 793; HCS for SB 800; SS No. 2 for SCS for SB 802; CCS for HCS for SB 806; CCS for HCS for SCS for SBs 807 and 577; SCS for SB 814; CCS for SB 819; CCS for HCS for SS for SCS for SB 826; SB 840; CCS for HCS for SS for SCS for SB 843; SCS for SB 862; CCS for HCS for SS for SB 870; HCS for SB 871; CCS for HCS for SS for SB 881; SS for SB 882; CCS for SB 884; SB 891; CCS for SCS for SB 892; HCS for SS for SCS for SBs 894 and 921; SS for SCS for SB 907; HCS for SCS for SB 917; CCS for HCS for SB 951; SB 954; SCS for SBs 975 and 1024; SB 981; SS for SB 982; SCS for SB 990; SCS for SBs 999 and 1000; and SCS for SB 1007, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.**

### **CONCURRENT RESOLUTIONS DELIVERED TO THE GOVERNOR**

**SCR 36 and SCR 50, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.**

### **COMMUNICATIONS**

President Pro Tem Richard submitted the following:

May 30, 2018

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Mrs. Crouse:

Pursuant to Senate Concurrent Resolution 53, I hereby appoint Senators Brian Munzlinger, Denny Hoskins, Sandy Crawford, S. Kiki Curls, and Jacob Hummel, to the Joint Committee on the Review of the Plant Industries Division.

Please do not hesitate to contact my office if you have any questions.

Sincerely,



Ron Richard

President Pro Tem

On motion of Senator Kehoe, the Senate adjourned sine die, pursuant to the Constitution.

MICHAEL L. PARSON

Lieutenant Governor

ADRIANE D. CROUSE

Secretary of the Senate

✓

**JOURNAL OF THE SENATE**  
**NINETY-NINTH GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF MISSOURI**  
**FIRST SPECIAL SESSION**  
**OF THE**  
**SECOND REGULAR SESSION**

---

**FIRST DAY—FRIDAY, MAY 18, 2018**

---

The Senate was called to order in Special Session by Lieutenant Governor Michael L. Parson.

Reverend Carl Gauck offered the following prayer:

“Those who are wise understand these things; those who are discerning know them.” (Hosea 14:9)

Almighty and righteous God: We hear Your prophet’s call for more than an educated thinking as we go through a process for the first time in Missouri’s history but it is a call for which we gather. And at such a time You do require wisdom and discernment of us which is rarer than education. For what good is our knowledge if we do not know what to do with it, yet it is wisdom that brings insight and a moral clarity to understand what is truly required of us. As we seek to walk upright in this special session help us to make it Your way O God and may You, who is truly omniscient, grant to us such a needful wisdom. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Proclamation was delivered to the Secretary of State on May 9, 2018:

**JOINT PROCLAMATION**

WHEREAS, on May 3, 2018, pursuant to Section 20(b), Article III of the Constitution of Missouri, the General Assembly submitted a petition to the Secretary of State signed by three-fourths of the members of the Senate and three-fourths of the members of the House of Representatives to convene a special session; and

WHEREAS, pursuant to Section 20(b), Article III of the Constitution of Missouri, upon such submission, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall by joint proclamation convene the General Assembly in special session:

NOW THEREFORE, on the special occasion that exists in the State of Missouri:

WE, RON RICHARD, PRESIDENT PRO TEMPORE OF THE SENATE, AND TODD RICHARDSON, SPEAKER OF THE HOUSE OF REPRESENTATIVES, pursuant to the authority vested in us by Section 20(b), Article III of the Constitution of the State of Missouri, do, by this Joint Proclamation, convene the Ninety-Ninth General Assembly of the State of Missouri in the First Special Session of the Second Regular Session; and

WE HEREBY call upon the Senators and Representatives of said General Assembly to meet in their respective chambers in the State Capitol in the City of Jefferson at 6:30 p.m. on Friday, May 18, 2018; and

WE HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To consider the findings and recommendations of the House of Representatives Special Investigative Committee on Oversight including, but not limited to, all available disciplinary actions against Eric R. Greitens, Governor of the State of Missouri.
2. Such additional and other matters as may be jointly recommended by the President Pro Tempore of the Senate and the Speaker of the House of Representatives by special message to the General Assembly after it shall have been convened.



IN WITNESS WHEREOF, I have  
hereunto set my hand and  
caused to be affixed the  
Great Seal of the Missouri  
Senate, in the City of  
Jefferson, on this 18<sup>th</sup>  
day of May, 2018.

Ron Richard  
President Pro Tempore  
Senate

IN WITNESS WHEREOF, I have  
hereunto set my hand and  
caused to be affixed the  
Great Seal of the Missouri  
House of Representatives, in  
the City of Jefferson, on this  
18<sup>th</sup> day of May, 2018.

Todd Richardson  
Speaker  
House of Representatives

ATTEST:

John R. Ashcroft  
Secretary of State

The following Senators were present during the day's proceedings:

Present—Senators

Brown	Chappelle-Nadal	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

Absent—Senators—None

Absent with leave—Senators

Cierpiot      Schatz—2

Vacancies—1

The Lieutenant Governor was present.

Senator Kehoe announced that photographers from KRCG, Jefferson City News Tribune, St. Louis Post Dispatch, KMIZ and the Missourian were given permission to take pictures in the Senate Chamber.

## RESOLUTIONS

Senator Kehoe offered the following resolution, which was adopted:

### SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the First Special Session of the Second Regular Session and is ready for consideration of its business.

Senator Kehoe offered the following resolution, which was adopted:

### SENATE RESOLUTION NO. 2

BE IT RESOLVED, by the Senate of the Ninety-ninth General Assembly of the State of Missouri, First Special Session of the Second Regular Session, that the rules adopted by the Ninety-ninth General Assembly, Second Regular Session, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of the deliberations of the Senate of the Ninety-ninth General Assembly, First Special Session of the Second Regular Session, until permanent rules are adopted.

On motion of Senator Kehoe, the Senate recessed until 7:00 p.m.

**RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Richard.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

**HOUSE RESOLUTION NO. 1**

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, inform the Senate that the House duly convened in the First Special Session of the Second Regular Session on Friday, May 18, 2018, and is convened in full session and ready for consideration of its business.

**INTRODUCTIONS OF GUESTS**

Senator Kehoe introduced to the Senate, his wife, Claudia, Jefferson City.

Senator Libla introduced to the Senate, his wife, Elaine, Poplar Bluff.

Senator Richard introduced to the Senate, his wife, Patty, Joplin.

Senator Hoskins introduced to the Senate, his wife, Michelle, Warrensburg.

The President introduced to the Senate, his wife, Teresa, Bolivar.

Senator Kehoe introduced to the Senate, his daughter, Maggie, Jefferson City; and Leo Lutz, Washington, D.C.

On motion of Senator Kehoe, the Senate adjourned until 10:00 a.m., Friday, May 25, 2018.

✓

# Journal of the Senate

SECOND REGULAR SESSION  
FIRST SPECIAL SESSION

---

**SECOND DAY—FRIDAY, MAY 25, 2018**

---

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

On motion of Senator Kehoe, the Senate adjourned until 1:00 p.m., Wednesday, May 30, 2018.

✓

# Journal of the Senate

SECOND REGULAR SESSION

FIRST SPECIAL SESSION

---

**THIRD DAY—WEDNESDAY, MAY 30, 2018**

---

The Senate met pursuant to adjournment.

President Pro Tem Richard in the Chair.

Senator Kehoe announced photographers from KTVI, Jefferson City News Tribune and KMIZ were given permission to take pictures in the Senate Chamber.

On motion of Senator Kehoe, the Senate adjourned until 3:00 p.m., Thursday, June 7, 2018.

✓

# Journal of the Senate

SECOND REGULAR SESSION

FIRST SPECIAL SESSION

---

**FOURTH DAY—THURSDAY, JUNE 7, 2018**

---

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

## RESOLUTIONS

On behalf of Senator Koenig, Senator Kehoe offered Senate Resolution No. 3, regarding John Levi Mohr, Kirkwood, which was adopted.

On behalf of Senator Crawford, Senator Kehoe offered Senate Resolution No. 4, regarding the One Hundred Fifty Years of operation of the Sedalia Democrat, which was adopted.

On behalf of Senator Sifton, Senator Kehoe offered Senate Resolution No. 5, regarding James Leonard “Zott” Zottarella, Affton, which was adopted.

On behalf of Senator Chappelle-Nadal, Senator Kehoe offered Senate Resolution No. 6, regarding Albert Lewis “Al” Drury, Bridgeton, which was adopted.

On behalf of Senator Chappelle-Nadal, Senator Kehoe offered Senate Resolution No. 7, regarding Robert Paul “Bob” Partell, Bridgeton, which was adopted.

On behalf of Senator Schupp, Senator Kehoe offered Senate Resolution No. 8, regarding Dale B. “Woody” Woodard, Saint Ann, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 9, regarding Candis “Miss Diddy” Brown, Los Angeles, California, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 10, regarding LaPortcia Bolden, Saint Louis, which was adopted.

On behalf of Senator Eigel, Senator Kehoe offered Senate Resolution No. 11, regarding Donald Harry “Don” Hallemeier, Saint Charles, which was adopted.

On behalf of Senator Eigel, Senator Kehoe offered Senate Resolution No. 12, regarding Melvin Vincent “Mel” DuBois, Saint Charles, which was adopted.

On behalf of Senator Riddle, Senator Kehoe offered Senate Resolution No. 13, regarding the Sixtieth Wedding Anniversary of Clyde and Eunice, Lawrence, Fulton, which was adopted.

On behalf of Senator Riddle, Senator Kehoe offered Senate Resolution No. 14, regarding the Madison West Monroe Fire Protection District, which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 15, regarding the Sixtieth Wedding Anniversary of Jim and Janice Schnitzler, Monroe City, which was adopted.

Senator Kehoe offered Senate Resolution No. 16, regarding the Fiftieth Anniversary of Scholastic, Inc., Jefferson City, which was adopted.

On behalf of Senator Onder, Senator Kehoe offered Senate Resolution No. 17, regarding Darrell Woodard, Saint Charles, which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 18, regarding the Sixtieth Wedding Anniversary of Robert “Bob” and Gwen Wilgus, Hannibal, which was adopted.

On behalf of Senator Riddle, Senator Kehoe offered Senate Resolution No. 19, regarding Linda Finn, Truxton, which was adopted.

On behalf of Senator Riddle, Senator Kehoe offered Senate Resolution No. 20, regarding the 2017-2018 New Bloomfield Boys 1600-Meter Relay Team, which was adopted.

On behalf of Senator Riddle, Senator Kehoe offered Senate Resolution No. 21, regarding Jasean White, which was adopted.

On behalf of Senator Riddle, Senator Kehoe offered Senate Resolution No. 22, regarding Josh Hodde, which was adopted.

On behalf of Senator Riddle, Senator Kehoe offered Senate Resolution No. 23, regarding the 2017-2018 Class 1 State Champion Van-Far High School Boys Track and Field Indians, Vandalia, which was adopted.

On behalf of Senator Crawford, Senator Kehoe offered Senate Resolution No. 24, regarding the Fiftieth Wedding Anniversary of Timothy T. and Linda C. Bartkoski, El Dorado Springs, which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 25, regarding the Sixtieth Wedding Anniversary of William Gerald and Lovina Ruth Raleigh, Ewing, which was adopted.

On behalf of Senator Riddle, Senator Kehoe offered Senate Resolution No. 26, regarding the Fiftieth Wedding Anniversary of Don and Phyllis Lawrence, Montgomery City, which was adopted.

On behalf of Senator Munzlinger, Senator Kehoe offered Senate Resolution No. 27, regarding the Two Hundredth Anniversary of Louisiana, Missouri, which was adopted.

On behalf of Senator Hummel, Senator Kehoe offered Senate Resolution No. 28, regarding Eagle Scout Jake Thomas Loy Kazban, St. Louis, which was adopted.

On behalf of Senator Libla, Senator Kehoe offered Senate Resolution No. 29, regarding the Fiftieth Anniversary of United Gospel Rescue Mission, Poplar Bluff, which was adopted.

On behalf of Senator Hegeman, Senator Kehoe offered Senate Resolution No. 30, regarding the Seventieth Wedding Anniversary of Don and Margie Bonner, Overland Park, which was adopted.

On behalf of Senator Hegeman, Senator Kehoe offered Senate Resolution No. 31, regarding the Fiftieth Wedding Anniversary of Jesse and Theresa Ousley, Holt, which was adopted.

On behalf of Senator Hegeman, Senator Kehoe offered Senate Resolution No. 32, regarding the Fiftieth Wedding Anniversary of Jerry and Darlene Davidson, Saint Joseph, which was adopted.

On behalf of Senator Hegeman, Senator Kehoe offered Senate Resolution No. 33, regarding the Fiftieth Wedding Anniversary of Alan and Judy Bradfield, Saint Joseph, which was adopted.

On behalf of Senator Hegeman, Senator Kehoe offered Senate Resolution No. 34, regarding the Sixtieth Wedding Anniversary of Johnny and Norma Dixon, Unionville, which was adopted.

On behalf of Senator Hegeman, Senator Kehoe offered Senate Resolution No. 35, regarding the Sixtieth Wedding Anniversary of Edward and Joan Farquhar, Maryville, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 36, regarding the death of Joyce Ann Eaton, Saint Louis, which was adopted.

Senator Kehoe offered Senate Resolution No. 37, regarding Marilyn A. Curtit, Jefferson City, which was adopted.

On behalf of Senator Sater, Senator Kehoe offered Senate Resolution No. 38, regarding the One Hundredth Anniversary of Baptist Hill, Mount Vernon, which was adopted.

On behalf of Senator Richard, Senator Kehoe offered Senate Resolution No. 39, regarding the Ed and Kathy Jo Koca Theatre, Greenfield, which was adopted.

On behalf of Senator Nasheed, Senator Kehoe offered Senate Resolution No. 40, regarding Saint Louis Surge women's professional basketball team, which was adopted.

On behalf of Senator Hegeman, Senator Kehoe offered Senate Resolution No. 41, regarding the One Hundredth Birthday of Vernadene Steinman, King City, which was adopted.

Senator Kehoe offered Senate Resolution No. 42, regarding Susan Eiken, Jefferson City, which was adopted.

On behalf of Senator Brown, Senator Kehoe offered Senate Resolution No. 43, regarding the Fiftieth Wedding Anniversary of Terry and Ivana Harris, Rolla, which was adopted.

On behalf of Senator Cierpiot, Senator Kehoe offered Senate Resolution No. 44, regarding Andrew Mitchell, Lee's Summit, which was adopted.

On behalf of Senator Cierpiot, Senator Kehoe offered Senate Resolution No. 45, regarding Camden Smith, Oak Grove, which was adopted.

On behalf of Senator Cierpiot, Senator Kehoe offered Senate Resolution No. 46, regarding Akilah Wright, Lee's Summit, which was adopted.

On behalf of Senator Cierpiot, Senator Kehoe offered Senate Resolution No. 47, regarding Alexandra Widick, Lee's Summit, which was adopted.

On motion of Senator Kehoe, the Senate adjourned until 4:00 p.m., Monday, June 11, 2018.

# Journal of the Senate

SECOND REGULAR SESSION

FIRST SPECIAL SESSION

---

**FIFTH DAY—MONDAY, JUNE 11, 2018**

---

The Senate was called to order in Special Session by President Pro Tem Richard.

Reverend Carl Gauck offered the following prayer:

“God gives Grace unto the humble.” (James 4:6)

Lord God, we know that You give to the humble the gift of understanding hearts, kindness, patience and the will to be meek. We know that with Your help we will make the right choices and decisions in our discernment on how our future will be attuned to what You will have us do. So be present with us this day and may we follow the path that You have laid out for us to follow. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Friday, May 18, 2018, Friday, May 25, 2018, Wednesday, May 30, 2018 and Thursday, June 7, 2018 were read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Hummel	Kehoe	Koenig	Libla
Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

Absent—Senators—None

Absent with leave—Senators

Holsman	Hoskins	Schupp—3
---------	---------	----------

Vacancies—1

## RESOLUTIONS

Senator Munzlinger offered Senate Resolution No. 48, regarding the Sixtieth Wedding Anniversary of



Roger and Margaret Starmer, Shelbina, which was adopted.

Senator Libla offered Senate Resolution No. 49, regarding the 2018 Class 3 State Champion Malden High School baseball program, which was adopted.

Senator Kehoe offered Senate Resolution No. 50, regarding United States Army Lieutenant Colonel Daniel P. Ellinger, which was adopted.

Senator Munzlinger offered Senate Resolution No. 51, regarding the Fiftieth Wedding Anniversary of Richard And Suellen Robertson, LaGrange, which was adopted.

Senator Emery offered Senate Resolution No. 52, regarding Samuel Fish, Peculiar, which was adopted.

Senator Emery offered Senate Resolution No. 53, regarding the Ninetieth Birthday of Toby Dean Wiseman, Freeman, which was adopted.

Senator Sifton offered Senate Resolution No. 54, regarding Stephanie True, Affton, which was adopted.

Senator Sifton offered Senate Resolution No. 55, regarding Dr. Steve Brotherton, Affton, which was adopted.

Senator Sater offered Senate Resolution No. 56, regarding the Twenty-fifth Anniversary of the Lawrence County Historical Society Museum, which was adopted.

Senator Wieland offered Senate Resolution No. 57, regarding Dr. Shirley Davenport, Festus, which was adopted.

Senator Wieland offered Senate Resolution No. 58, regarding Richard Hardin, Crystal City, which was adopted.

Senator Kehoe offered Senate Resolution No. 59, regarding the Ninetieth Birthday of Arthur W. Enke, Owensville, which was adopted.

Senator Kehoe offered Senate Resolution No. 60, regarding Eagle Scout Grant Alexander Mustoe, Jefferson City, which was adopted.

Senator Dixon offered Senate Resolution No. 61, regarding Kari Wilson, which was adopted.

Senator Riddle offered Senate Resolution No. 62, regarding 2017-2018 Van-Far High School Boys Track and Field 4x200 Relay Team, which was adopted.

Senator Riddle offered Senate Resolution No. 63, regarding the Class 2 State Champion 2017-2018 Mexico High School Boys Wrestling Bulldogs, which was adopted.

Senator Riddle offered Senate Resolution No. 64, regarding Kelen Ekern, which was adopted.

Senator Riddle offered Senate Resolution No. 65, regarding Terrese Aaron, which was adopted.

Senator Riddle offered Senate Resolution No. 66, regarding Dillon Nichols, which was adopted.

Senator Hummel offered Senate Resolution No. 67, regarding Carl J. Schaeffer, Saint Louis, which was adopted.

Senator Hummel offered Senate Resolution No. 68, regarding Norman W. "Norm" Lake, Saint Louis, which was adopted.

Senator Hummel offered Senate Resolution No. 69, regarding Clifford G. “Cliff” Terry, Saint Louis, which was adopted.

Senator Hummel offered Senate Resolution No. 70, regarding Robert Charles “Bob” Hubeli, Saint Louis, which was adopted.

Senator Hummel offered Senate Resolution No. 71, regarding William Charles “Bill” Loftus, Saint Louis, which was adopted.

Senator Walsh offered Senate Resolution No. 72, regarding Gerard M. Kohler, Hazelwood, which was adopted.

Senator Wasson offered Senate Resolution No. 73, regarding Judge Larry Luna, Highlandville, which was adopted.

Senator Riddle offered Senate Resolution No. 74, regarding Claude F. Cox, Troy, which was adopted.

On motion of Senator Kehoe, the Senate recessed until 4:35 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Richard.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

#### HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the Ninety-ninth General Assembly, First Special Session of the Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 5:00 p.m., Monday, June 11, 2018, to receive a message from His Excellency, the Honorable Michael L. Parson, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that His Excellency be informed that the House of Representatives and Senate of the Ninety-ninth General Assembly, First Special Session of the Second Regular Session, are ready to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of the resolution.

### CONCURRENT RESOLUTIONS

Senator Kehoe moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Kehoe, **HCR 1** was adopted by the following vote:

#### YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Hummel	Kehoe	Koenig	Libla	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schaaf	Schatz	Sifton	Wallingford	Walsh	Wasson

Wieland—29

NAYS—Senators—None

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators

Holsman                      Hoskins                      Schupp—3

Vacancies—1

On motion of Senator Kehoe, the Senate repaired to the House of Representatives to receive the Address from His Excellency, Governor Michael L. Parson.

### JOINT SESSION

The Joint Session was called to order by President Pro Tem Richard.

The Color Guard from the Missouri State Highway Patrol, Troop F, presented the colors.

The Pledge of Allegiance to the Flag was recited.

On roll call the following Senators were present:

YEAS—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Hummel	Kehoe	Koenig	Libla	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schaaf	Schatz	Sifton	Wallingford	Walsh	Wasson

Wieland—29

NAYS—Senators—None

Absent—Senator Chappelle-Nadal—1

Absent with leave—Senators

Holsman                      Hoskins                      Schupp—3

Vacancies—1

On roll call the following Representatives were present:

AYES: 134

Adams	Anders	Anderson	Andrews	Arthur	Austin	Bangert
Baringer	Barnes 28	Barnes 60	Basye	Beck	Bernskoetter	Berry
Black	Bondon	Brown 27	Burns	Butler	Carpenter	Chipman
Christofanelli	Conway 104	Cookson	Corlew	Cornejo	Cross	Curtis
Davis	DeGroot	Dinkins	Dogan	Dohrman	Eggleston	Ellebracht
Ellington	Engler	Fitzpatrick	Fitzwater	Fraker	Francis	Franklin
Franks Jr	Frederick	Gannon	Green	Grier	Haahr	Haefner
Hannegan	Hansen	Harris	Helms	Henderson	Higdon	Houghton
Houx	Hurst	Justus	Kelley 127	Kelly 141	Kendrick	Kidd
Knight	Kolkmeier	Korman	Lant	Lavender	Lichtenegger	Lynch
Marshall	Matthiesen	May	McCann Beatty	McCreery	McDaniel	McGaugh

McGee	Meredith 71	Merideth 80	Messenger	Miller	Mitten	Moon
Morgan	Morris 140	Morse 151	Muntzel	Neely	Nichols	Pfautsch
Pierson Jr	Pike	Plocher	Quade	Razer	Redmon	Rehder
Reiboldt	Reisch	Remole	Revis	Rhoads	Roberts	Roden
Rone	Ross	Rowland 155	Runions	Ruth	Schroer	Shaul 113
Shull 16	Shumake	Smith 163	Smith 85	Sommer	Stacy	Stephens 128
Stevens 46	Swan	Tate	Taylor	Trent	Unsicker	Vescovo
Walker 3	Walsh	Washington	Wessels	Wiemann	Wilson	Wood
Mr. Speaker						

NOES: 0

ABSENT: 26

Bahr	Beard	Brattin	Brown 57	Burnett	Conway 10	Curtman
Evans	Gray	Gregory	Hill	Johnson	Lauer	LoveMathews
Mosley	Newman	Peters	Phillips	Pietzman	Pogue	Roeber
Rowland 29	Spencer	Walker 74	White			

VACANCIES: 3

#### **ADDRESS BY GOVERNOR MICHAEL L. PARSON**

Thank you, Speaker Richardson, President Pro Tem Richard, and members of the Missouri House and Senate.

First, let me start by introducing my wife Teresa to you. I'm so proud to recognize her as the First Lady of the State of Missouri. She is a blessing to all of us.

I stand before you at a difficult time for our state.

During this time, we have witnessed politics at its worst and at its best. We have been divided, and we have been united. Missouri has risen to the occasion, as we always do.

Today is a time for a fresh start for our state and to recommit ourselves – each and every one of us, including you in the galleries – we must work together for a better Missouri!

We faced difficult truths; we made tough decisions; we persevered because our institutions are strong, and the people of Missouri are stronger. Over the last 200 years, more than 7,000 Missourians have been elected to a state legislative or constitutional office.

These were honorable men and women—people just like you and me—who temporarily put aside their personal obligations, travelled to the seat of government, and took an oath to do the people's businesses.

And like so many of you, most were not looking to build a career. They were not here for fame or glory or notoriety. They placed their names on the ballot, staked out positions on issues, endured the inevitable attacks that come with campaigning, and walked into this building because they were called to be a public servant.

We stand here today in a long legacy of citizen patriots from across the state of Missouri who have answered the call of duty – and we salute their service!

One hundred years ago, the governor's mansion and the seats in this chamber were occupied by people whose names most of us don't remember.

And one hundred years from now, long after each of us has departed from this earth, these seats will continue to exist, held by men and women whose grandparents have not even been born.

Make no mistake: the offices we now hold are far bigger than any one of us.

Future Missourians may look back at the journals of the House or the Senate from this legislative session, and they will see our names. They will know our party affiliations. They will see the votes we cast. But none of these things will define who we are.

The responsibility of our jobs was given to us by our forefathers by passing down the Declaration of Independence, the Constitution, and the Bill of Rights.

Our job – the job of each and every one of us – is to continue that tradition, which is the framework to be able to live the American Dream and ensure it exists for the next generation. And our job is also to honor the memory of those who have come before, and to applaud those yet to come who will leave their permanent mark on our great state of Missouri.

What we must ask ourselves: Have we been respectful to our constituents, to our colleagues, and to our state? Have we acted morally and ethically? Have we honored the people of our great state who sent us here? How we answer these questions will define who we are.

For many of you, this will be the first and last office you ever hold—but what you do during your brief time matters. It matters to the student and the teacher. It matters to the truck driver and the small business owner. It matters to the police officer and the prisoner. It matters to the worker and the employer. It matters to the nurse and the farmer. But it's not just the votes you cast or the bills that are signed; it's how we respect the institution that has temporarily been entrusted to our care.

We are expected to debate passionately for what we believe - but we must be careful not to erode the public's trust in our system of government for short-term personal gain.

The government our forefathers established make us unique in the world and sets America apart as a shining city on the hill!

We should expect criticism and understand that some of it is unfair—but we must always take responsibility for our own actions.

Most of all, we must always remember that we serve the people and the state of Missouri—not the other way around.

Sadly, much of the political turmoil that has engulfed our state is a result of these truths being forgotten.

When the public's trust is violated, we are obligated to act.

Over the past few months, I have been impressed by the care, prudence, and professionalism you have shown as you have sought the truth.

I am in awe, once again, of the fortitude of our state's institutions.

But our institutions are only as strong as the people who serve them—and the great State of Missouri is better because of your service.

Today, in this chamber, we have the opportunity for a fresh start. To elevate the tone of our political discourse. To recommit ourselves to the values that made our system of government the envy of the world.

This does not mean disregarding our beliefs or moderating our positions. It means debating with respect. It means conducting ourselves with integrity. It means unifying around the idea that—no matter which party we belong to—each of us is here for the same reason: to make Missouri... a better place.

Too many people have come to believe that dysfunction and inaction are the normal conditions of government.

But over the past few months, you—the members of the Missouri General Assembly—have proven that effective leadership is possible. Among you, there are profound disagreements, yet throughout the legislative session, you respected each other, you respected the process, and you respected the people of this state. And in the midst of political strife, you debated and argued passionately for issues you cared about.

Not long ago you completed one of the most historic legislative sessions in recent memory. Not enough has been said about it. Your many legislative achievements include significant tax reform for Missourians, record education funding for our students, government union reform, a responsible, balanced budget, and many other reforms that made government smaller, more efficient, and more effective for Missourians.

This is how government should work, and this is the people's government and we—all of us in this room—can ensure that it continues to work in the years ahead.

As we move forward, together, I pledge that I will spend every day working to make our state stronger and more prosperous. I promise that the welfare of the people will be my guiding principle and sole consideration. And I will never forget – never forget – that public service is—first and foremost—is about serving Missourians.

I hope that each of you will join me.

During this time, I am reminded by a passage in Philippians 2:3-4, “Do nothing from selfish ambition or conceit, but in humility... count others more significant than yourselves. Let each of you look not only to his own interest, but also to the interests of others.”

With your prayers—and the prayers of millions of Missourians—for me and my family, for all of our political leaders, and for our state, I am confident that our wounds will heal and the bonds that bind us together as Missourians will strengthen. And now more than ever, I am optimistic that we will move forward, as President Abraham Lincoln urged in the closing days of the Civil War, “with malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on... to finish the work we are in... to bind up the nation's wounds.”

May God bless you...and may God bless the great state of Missouri!

On motion of Senator Kehoe, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by President Pro Tem Richard.

**INTRODUCTION OF GUESTS**

Senator Koenig introduced to the Senate, Congresswoman Ann Wagner, Ballwin.

Senator Emery introduced to the Senate, Gratziana and Craig Jones, Brighton.

Senator Sater introduced to the Senate, David Cole, Cassville.

Senator Eigel introduced to the Senate, his son, Kevin, Weldon Springs.

Senator Kehoe introduced to the Senate, Briese Carter, St. Louis.

On motion of Senator Kehoe, the Senate of the First Special Session of the Second Regular Session of the 99th General Assembly adjourned sine die, pursuant to the Constitution.

RONALD F. RICHARD  
President Pro Tem

ADRIANE D. CROUSE  
Secretary of the Senate

✓

**JOURNAL OF THE SENATE**  
**NINETY-NINTH GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF MISSOURI**  
**FIRST EXTRA SESSION**  
**OF THE**  
**SECOND REGULAR SESSION**

---

**FIRST DAY—MONDAY, SEPTEMBER 10, 2018**

---

The Senate was called to order in Extra Session by Lieutenant Governor Mike Kehoe.

Reverend Carl Gauck offered the following prayer:

Examine me, Lord, and prove me; test my heart and mind, for your loving kindness is before my eyes, and I walk in faithfulness to you.” (Psalm 26:2-3)

God of love and power we are here ready and eager to experience Your power at work in this body. You offer changes that touch our lives and give us hope in the mystery of Your presence. So guide our thoughts and efforts this week as we see to do as You direct us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Onder announced photographers from KRCG-TV and Post Dispatch were given permission to take pictures in the Senate Chamber.

**COMMUNICATIONS FROM THE  
GOVERNOR**

The President laid before the Senate the following proclamation from the Governor, reading of which was waived:

**PROCLAMATION**

WHEREAS, it has become increasingly important for students to be equipped with the knowledge and skills to solve tough problems, gather and evaluate evidence, and make sense of complex information, which can be learned by studying science, technology, engineering, and math, collectively known as STEM; and

WHEREAS, not enough students are pursuing careers in STEM fields and not enough teachers are equipped to educate students in those subjects; and

WHEREAS, computer science is quickly becoming a vital subject area, as most careers require some level of computer science knowledge; and

WHEREAS, allowing a computer science course to fulfill an academic credit requirement for graduation would allow more students to learn valuable technology skills and better equip them for postsecondary education or the workforce; and

WHEREAS, treatment courts, as an alternative for the judicial system to resolve cases that stem from substance use disorders, are a proven, cost-effective method for reducing recidivism of criminal offenders; and

WHEREAS, treatment courts ensure that participants get the treatment services they need, while requiring them to meet certain goals such as gaining employment or getting an education; and

WHEREAS, Article IV, Section 9 of the Missouri Constitution authorizes the Governor on extraordinary occasions to convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary; and

WHEREAS, the need for the establishment of the “STEM Career Awareness Program”, students to be able to fulfill one unit of academic credit with a computer science course, and treatment court reform are extraordinary occasions envisioned by Article IV, Section 9 of the Missouri Constitution.

NOW THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the Ninety-Ninth General Assembly of the State of Missouri in the First Extra Session of the Second Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 12:00 p.m. on Monday, September 10, 2018; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To enact legislation requiring the Department of Elementary and Secondary Education to establish a statewide program to be known as the “STEM Career Awareness Program” to increase STEM career awareness among students in grades six through eight through the use of an online-based STEM curriculum and to develop a high school graduation policy that allows a student to fulfill one unit of academic credit with a district-approved computer science course meeting standards adopted by the State Board of Education for any mathematics, science, or practical arts unit required for high school graduation.
2. To enact legislation implementing comprehensive reforms to existing drug court programs, including authorizing the establishment of treatment court divisions in any judicial circuit in the state to provide an alternative for the judicial system to dispose of cases that stem from, or are otherwise impacted by, substance use disorders. Treatment courts shall include, but not be limited to, adult treatment courts, DWI courts, family treatment courts, juvenile treatment courts, and veterans treatment courts. Such legislation shall also include reforms to the current Drug Courts Coordinating Commission, renaming it the “Treatment Courts Coordinating Commission” and requiring it to establish standards and practices for treatment courts throughout the state.
3. To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require the advice and consent of the Senate.
4. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been convened.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4th day of September 2018.

Michael L. Parson  
Governor

ATTEST:

Jay Ashcroft  
Secretary of State

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Cierpiot	Crawford	Cunningham	Curls	Dixon	Eigel
Emery	Hegeman	Hoskins	Koenig	Libla	Munzlinger	Nasheed
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Schaaf	Sifton	Wallingford	Walsh	Wasson	Wieland—27	

Absent—Senators

Chappelle-Nadal	Holsman	Hummel	Schatz—4
-----------------	---------	--------	----------



Absent with leave—Senator Schupp—1

Vacancies—2

The Lieutenant Governor was present.

## **RESOLUTIONS**

Senator Onder offered the following resolution, which was adopted.

### **SENATE RESOLUTION NO. 1**

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly, Second Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the Second Extra Session of the Second Regular Session and is ready for consideration of its business.

Senator Onder offered the following resolution, which was adopted:

### **SENATE RESOLUTION NO. 2**

BE IT RESOLVED by the Senate of the Ninety-ninth General Assembly of the State of Missouri, Second Regular Session, First Extra Session, that the rules adopted by the Ninety-ninth General Assembly, Second Regular Session, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of deliberations of the First Extra Session of the Senate of the Ninety-ninth General Assembly, Second Regular Session, until permanent rules are adopted.

Senator Riddle offered Senate Resolution No. 3, regarding Janet Sue Buschman, Holts Summit, which was adopted.

Senator Riddle offered Senate Resolution No. 4, regarding Lisa Mary Fowler, Jefferson City, which was adopted.

Senator Riddle offered Senate Resolution No. 5, regarding Kelan Kinion, Middletown, which was adopted.

Senator Wieland offered Senate Resolution No. 6, regarding Jefferson County Fire Fighters Association, which was adopted.

## **INTRODUCTION OF BILLS**

The following Bill was read the 1st time and ordered printed:

**SB 1**—By Libla, Rizzo, Romine and Schaaf.

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to computer science education.

## **MESSAGES FROM THE GOVERNOR**

The following messages were received from the Governor, reading of which was waived:

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July

23, 2018, while the Senate was not in session.

Stephen L. Abney, Republican, 623 Oakmont Drive, Warrensburg, Johnson County, Missouri 64093, as a member of the University of Central Missouri Board of Governors, for a term ending January 1, 2024, and until his successor is duly appointed and qualified; vice, Weldon R. Brady, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 13, 2018, while the Senate was not in session.

Karen J. Anderson, 4100 East Liberty Lane, Hartsburg, Boone County, Missouri 65039, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2020, and until her successor is duly appointed and qualified; vice, Karen J. Anderson, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 13, 2018, while the Senate was not in session.

Steven K. Archer, 6212 Northwest 78 Street, Kansas City, Platte County, Missouri 64151, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2022, and until his successor is duly appointed and qualified; vice, Derek E. Williams, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 30, 2018, while the Senate was not in session.

Kimberly R. Bailey, Republican, 105 Libby Lane, Raymore, Cass County, Missouri 64083, as a member of the State Board of Education, for a term ending July 1, 2025, and until her successor is duly appointed and qualified; vice, John D. Russell, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 13, 2018, while the Senate was not in session.

Nanci Bobrow, 50 Kingsbury Place, St. Louis City, Missouri 63112, as a member of the Children's Trust Fund Board, for a term ending September 15, 2019, and until her successor is duly appointed and qualified; vice, Nanci Bobrow, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 29, 2018, while the Senate was not in session.

Gary L. Carver, 4411 Sterling Avenue, Kansas City, Jackson County, Missouri 64133, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending March 4, 2020, and until his successor is duly appointed and qualified; vice, Gary L. Carver, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 30, 2018, while the Senate was not in session.

Donald M. Claycomb, Independent, 85 Wildflower Lane, Linn, Osage County, Missouri 65051, as a member of the State Board of Education, for a term ending July 1, 2021, and until his successor is duly appointed and qualified; vice, Marvin R. Jungmeyer, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 22, 2018, while the Senate was not in session.

Robert W. Cornejo, Republican, 101 Berry Manor Circle, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Labor and Industrial Relations Commission, for a term ending June 27, 2024, and until his successor is duly appointed and qualified;

vice, John J. Larsen Jr., term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 7, 2018, while the Senate was not in Session.

Thomas Mark Elliott, Republican, 12481 County Road 240, Oronogo, Jasper County, Missouri 64855, as a member of the Missouri Southern State University Board of Governors, for a term ending August 30, 2024, and until his successor is duly appointed and qualified; vice, Glenn M. McCumber, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 27, 2018, while the Senate was not in session.

Lisa A. Elmore, 9551 North Farm Road 203, Fair Grove, Greene County, Missouri 65648, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2022, and until her successor is duly appointed and qualified; vice, Theresa J. Parker, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2018, while the Senate was not in session.

Sherry Lynn Farrell, 1655 Farrell Drive, Osage Beach, Camden County, Missouri 65065, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2021, and until her successor is duly appointed and qualified; vice, Charles W. Davis, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2018, while the Senate was not in session.

Jennifer N. Foster, 6197 Fulks Road, Bates City, Lafayette County, Missouri 64011, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2022, and until her successor is duly appointed and qualified; vice, Katie L. Brown, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2018, while the Senate was not in session.

Cindy Fox, 2580 Bates Road, O'Fallon, Saint Charles County, Missouri 63368, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2020, and until her successor is duly appointed and qualified; vice, Rosemary Vitale, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 13, 2018, while the Senate was not in session.

Thomas J. Frawley, 51 Waterman Place, Saint Louis, Saint Louis City, Missouri 63112, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2022, and until his successor is duly appointed and qualified; vice, Thomas J. Frawley, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2018, while the Senate was not in session.

Paul N. Granberry, 1139 Bliss Drive, Saint Louis, Saint Louis County, Missouri 63137, as the student representative of the Missouri Western State University Board of Governors, for a term ending December 31, 2019, and until his successor is duly

appointed and qualified; vice, Joseph Kellogg, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 30, 2018, while the Senate was not in session.

Gwendolyn Grant, Democrat, 9909 East 90th Terrace, Kansas City, Jackson County, Missouri 64138, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2022, and until her successor is duly appointed and qualified; vice, Jeanne M. Lillig-Patterson, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 12, 2018, while the Senate was not in session.

Carol M. Hallquist, Democrat, 17 Janssen Place, Kansas City, Jackson County, Missouri 64109, as a member of the State Board of Education, for a term ending July 1, 2022, and until her successor is duly appointed and qualified; vice, Eric Teeman, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 12, 2018, while the Senate was not in session.

Peter Herschend, Republican, 538 Oak Bluff Road, Branson, Taney County, Missouri 65616, as a member of the State Board of Education, for a term ending July 1, 2023, and until his successor is duly appointed and qualified; vice, Jennifer W. Edwards, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 13, 2018, while the Senate was not in session.

Linda Hosman, 18504 East 24th Street South, Independence, Jackson County, Missouri 64057, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2020, and until her successor is duly appointed and qualified; vice, Linda Hosman, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2018, while the Senate was not in session.

Emily C. Hymer, 10330 State Line Avenue, Asbury, Jasper County, Missouri 64832, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2022, and until her successor is duly appointed and qualified; vice, Emily C. Hymer, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 30, 2018 and effective September 1, 2018, while the Senate was not in session.

Sandra K. Karsten, 4911 Wardsville Road, Jefferson City, Cole County, Missouri 65101, as Director of the Department of Public Safety, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 13, 2018, while the Senate was not in session.

Jon M. Kempker, 2139 Deer Trail, Jefferson City, Cole County, Missouri 65101, as a member of the Child Abuse and Neglect

Review Board, for a term ending April 7, 2021, and until his successor is duly appointed and qualified; vice, Derek Conard, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 13, 2018, while the Senate was not in session.

Jamie S. Kondis, 250 South Brentwood Boulevard, Unit 1-A, Clayton, Saint Louis County, Missouri 63105, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Jamie S. Kondis, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2018, while the Senate was not in session.

Mary A. Long, Democrat, 6500 East 108th Street, Kansas City, Jackson County, Missouri 64134, as a member of the University of Central Missouri Board of Governors, for a term ending January 1, 2023, and until her successor is duly appointed and qualified; vice, Mary A. Long, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 13, 2018, while the Senate was not in session.

Dana Lopez, 1004 East Skyline Avenue, Ozark, Christian County, Missouri 65721, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2022, and until her successor is duly appointed and qualified; vice, Dana Lopez, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,



GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 13, 2018, while the Senate was not in session.

Crissy L. Mayberry, 13026 State Highway 72, Millersville, Cape Girardeau County, Missouri 63766, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2022, and until her successor is duly appointed and qualified; vice, Dean Aye, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 14, 2018, while the Senate was not in session.

Alyssa M. Mayer, Republican, 2940 Baltimore Avenue, Apartment 1306, Kansas City, Jackson County, Missouri 64108, as a member of the Kansas City Board of Election Commissioners, for a term ending January 10, 2021, and until her successor is duly appointed and qualified; vice, Melodie A. Powell, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 13, 2018, while the Senate was not in session.

Melanie McDole, 320 West Southside Boulevard, Independence, Jackson County, Missouri 64055, as a member of the Missouri State Foster Care and Adoption Board, for a term ending May 31, 2022, and until her successor is duly appointed and qualified; vice, Jennifer N. Foster, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2018, while the Senate was not in session.

Tiffany M. Middlemas, 1705 Kings Road, Kirksville, Adair County, Missouri 63501, as the student representative of the Truman

State University Board of Governors, for a term ending January 1, 2020, and until her successor is duly appointed and qualified; vice, Carter Brooks Templeton, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 30, 2018, while the Senate was not in session.

John M. Miles, Democrat, 1801 East 60th Terrace, Kansas City, Jackson County, Missouri 64130, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2023, and until his successor is duly appointed and qualified; vice, John M. Miles, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2018, while the Senate was not in session.

John F. Moore, Independent, 1211 Kingsland Circle, Raymore, Cass County, Missouri 64083, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2023, and until his successor is duly appointed and qualified; vice, Matthew D. Kitzi, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 13, 2018, while the Senate was not in session.

Chassity S. Nevels, 38866 West Saint Cloud Circle, Richmond, Ray County, Missouri 64085, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Lana M. Martin, withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 30, 2018, while the Senate was not in session.

Gary Nodler, Republican, 308 Morgan Court, Joplin, Jasper County, Missouri 64801, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2024, and until his successor is duly appointed and qualified; vice, Bobby G. Robertson Jr., withdrawn.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 13, 2018, while the Senate was not in session.

Amy Robins, 198 Fox Creek Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2020, and until her successor is duly appointed and qualified; vice, Nanci A. Bobrow, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 13, 2018, while the Senate was not in session.

Janet Rogers, 601 Center Street, Lathrop, Clinton County, Missouri 64465, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Rhonda K. Haight, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 30, 2018, while the Senate was not in session.

J. Allen Rowland, Republican, 18880 State Highway D, Dexter, Stoddard County, Missouri 63841, as a member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2022, and until his successor is duly appointed and qualified; vice, John C. Kleiboeker, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 29, 2018, while the Senate was not in session.

Colleen Scott, Republican, 2124 Northeast Patterson Drive, Lee's Summit, Jackson County, Missouri 64086, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 2022, and until her successor is duly appointed and qualified; vice, Colleen Scott, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 29, 2018, while the Senate was not in session.

Vernon E. Scoville III, Democrat, 2150 Southwest Park Avenue, Blue Springs, Jackson County, Missouri 64015, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 2022, and until his successor is duly appointed and qualified; vice, Sara Zorich, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2018, while the Senate was not in session.

Casey J. Short, 91 Route O, Greenfield, Dade County, Missouri 65661, as the student representative of the University of Central Missouri Board of Governors, for a term ending December 31, 2019, and until her successor is duly appointed and qualified; vice, Matthew R. Martinez, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 30, 2018, while the Senate was not in session.

Patricia N. Thomas, Republican, 3444 Hobbs Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2022, and until her successor is duly appointed and qualified; vice, Patricia N. Thomas, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 29, 2018, while the Senate was not in session.

Michael D. Thomson, Republican, 311 Lynn Lane, Maryville, Nodaway County, Missouri 64468, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2022, and until his successor is duly appointed and qualified; vice, Michael D. Thomson, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 13, 2018, while the Senate was not in session.

Monica Walker, 10150 Southwest Watson Road, Stewartsville, DeKalb County, Missouri 64490, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2020, and until her successor is duly appointed and qualified; vice, Anne M. Bethune, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 13, 2018, while the Senate was not in session.

Donna Washburn, 1059 East Nottingham Lane, Springfield, Greene County, Missouri 65810, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2019, and until her successor is duly appointed and qualified; vice, Kristen

Buckley, resigned.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2018, while the Senate was not in session.

Avery J. Welker, 600 Schindler Road, Perryville, Perry County, Missouri 63775, as the student representative of the University of Missouri Board of Curators, for a term ending January 1, 2020, and until his successor is duly appointed and qualified; vice, Courtney N. Lauer-Myers, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 23, 2018, while the Senate was not in session.

Gus S. Wetzel II, Republican, 1700 South Eighth Street, Clinton, Henry County, Missouri 64735, as a member of the University of Central Missouri Board of Governors, for a term ending January 1, 2023, and until his successor is duly appointed and qualified; vice, Gus S. Wetzel II, reappointed.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI  
September 10, 2018

To the Senate of the 99<sup>th</sup> General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 29, 2018, while the Senate was not in session.

Rose A. Windmiller, 446 Greeley Avenue, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 11, 2018, and until her successor is duly appointed and qualified; vice, Kelly F. Farrell, resigned.

Respectfully submitted,

Michael L. Parson

Governor

President Pro Tem Richard referred the above appointments to the Committee on Gubernatorial Appointments.

The Senate observed a moment of silence for fallen officer, Deputy Aaron Roberts of the Greene County Sheriff's Department.

### COMMUNICATIONS

Senator Richard submitted the following:

August 16, 2018

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to Rule 12, I hereby appoint Senator Bob Onder to the Administration Committee. This appointment fills the vacancy left by resignation of Senator Mike Kehoe.

Please do not hesitate to contact my office if you have any questions.

Sincerely,



Ron Richard  
President Pro Tem

Also,

September 10, 2018

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to Rule 12, I make the following committee changes:

I hereby remove Senator Dan Hegeman from the committee on Economic Development and appoint Senator Dan Brown. I hereby, remove Senator Andrew Koenig from the committee on Judiciary and Criminal and Civil Jurisprudence and appoint Senator Mike Cunningham. I hereby, appoint Senator Jay Wasson to the committee on Judiciary and Criminal and Civil Jurisprudence. This was due to a vacancy left by the resignation of Senator Ryan Silvey. I hereby, appoint Senator Bob Onder to the committee on Gubernatorial Appointments. This was due to the vacancy left by the resignation of Senator Mike Kehoe.

Please do not hesitate to contact my office if you have any questions.

Sincerely,



Ron Richard  
President Pro Tem

On motion of Senator Onder, the Senate adjourned until 1:00 p.m., Tuesday, September 11, 2018.

## SENATE CALENDAR

---

SECOND DAY—TUESDAY, SEPTEMBER 11, 2018

---

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 1-Libla, et al

✓



# Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

---

**SECOND DAY—TUESDAY, SEPTEMBER 11, 2018**

---

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Gauck offered the following prayer:

Righteousness and justice are the foundation of your throne; steadfast love and faithfulness go before you.” (Psalm 89:14)

It is a day of remembering the path we have traveled and how our lives were changed by 9/11. We remember those who were lost that day and grieve what was lost and You have comforted us. Yet we are, because of You, a people of hope and we have rebuilt and grown stronger by those who thought they would break our spirit. You O Lord continue to meet our coming and going, crossing our path and walking beside us whatever a day may bring to us. Your path leads us and we follow it and You pave the ground before us so we might do what is required and we rejoice in the opportunity to serve. We will do whatever You ask of us O Lord. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Monday, September 10, 2018 was read and approved.

Senator Onder announced photographers from KY3/KSPR were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel	Koenig
Libla	Munzlinger	Onder	Richard	Riddle	Rizzo	Romine
Rowden	Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford
Walsh	Wasson	Wieland—31				

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—2

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Eigel offered Senate Resolution No. 7, regarding Shelly Parks, which was adopted.

Senator Dixon offered Senate Resolution No. 8, regarding Jack Knee, Springfield, which was adopted.

Senator Hoskins offered Senate Resolution No. 9, regarding Northwest Community Services, which was adopted.

Senators Walsh, Nasheed, Curls, Schupp, Hummel, Rizzo, Chappelle-Nadal, Holsman and Sifton offered the following resolution:

### SENATE RESOLUTION NO. 10

Whereas, Attorney General Josh Hawley has made the state of Missouri a plaintiff in *Texas v. United States*, No. 4:18-cv-00167-O (N.D. Tex.); and

Whereas, approximately 2.5 million Missourians and 133 million nonelderly Americans have preexisting conditions; and

Whereas, if this lawsuit succeeds, it will become difficult if not impossible for these individuals to obtain adequate health insurance coverage; and

Whereas, this lawsuit could result in a fifty percent increase in the uninsured rate; and

Whereas, this lawsuit could negate the current policy that children be allowed to remain on their parents' insurance until age twenty-six; and

Whereas, this lawsuit could lift the ban on annual and lifetime limits; and

Whereas, this lawsuit could lift the ban on insurance discrimination against women and the elderly; and

Whereas, this lawsuit could terminate the Affordable Care Act's tax credits for small businesses' health care costs; and

Whereas, this lawsuit could eliminate the marketplace tax credits for up to nine million people; and

Whereas, by joining in this lawsuit, Missouri Attorney General Josh Hawley is squarely on the side of removing protections on which many people depend to obtain health insurance; and

Whereas, denying health care to any human being simply because they have preexisting conditions or disabilities is cruel and inhumane; and

Whereas, several nonpartisan health care organizations have filed amicus briefs in opposition to the lawsuit, including the American Medical Association, the American Heart Association, the American Lung Association, the Catholic Health Association of the United States, and the American Academy of Pediatrics; and

Whereas, the great state of Missouri should not be a party to this cruel attempt to undermine America's health care system:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, First Extraordinary Session of the Second Regular Session, hereby strongly urge Attorney General Josh Hawley on behalf of all Missourians to withdraw his support for this lawsuit and instead work to ensure that millions of families across the country can continue to have access to quality, affordable health care; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution to Missouri Attorney General Josh Hawley.

The Senate observed a moment of silence in remembrance of September 11, 2001.

## SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

**SB 1—Economic Development.**

## **COMMUNICATIONS**

Senator Walsh submitted the following:

September 11, 2018

Adriane Crouse – Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, Missouri 65101

Dear Adriane:

Pursuant to section 21.771 RSMo, I hereby appoint myself to fill the minority caucus vacancy on the Joint Committee on Child Abuse and Neglect.

Sincerely,



Gina Walsh

## **INTRODUCTION OF GUESTS**

Senator Emery introduced to the Senate, Kim Bailey, Raymore.

Senator Schaaf introduced to the Senate, former state Senator Charlie Shields.

Senator Dixon introduced to the Senate, Keith Ray and Marcia Mackie, and their children, Tristan and Atticus, Springfield.

On motion of Senator Onder, the Senate adjourned until 1:00 p.m., Wednesday, September 12, 2018.

## **SENATE CALENDAR**

\_\_\_\_\_

**THIRD DAY—WEDNESDAY, SEPTEMBER 12, 2018**

\_\_\_\_\_

## **INFORMAL CALENDAR**

## **RESOLUTIONS**

To be Referred

SR 10-Walsh, et al

✓

# Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

---

**THIRD DAY—WEDNESDAY, SEPTEMBER 12, 2018**

---

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

## RESOLUTIONS

Senator Riddle offered Senate Resolution No. 11, regarding Davis H. Hart Career Center, Mexico, which was adopted.

Senator Koenig offered Senate Resolution No. 12, regarding James P. “Jim” Holloran, which was adopted.

Senator Rowden offered Senate Resolution No. 13, regarding Eric and Cindy Imhoff, Cooper County, which was adopted.

Senator Riddle offered Senate Resolution No. 14, regarding the Seventieth Wedding Anniversary of Mike and Juanita Willingham, Monroe County, which was adopted.

## MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

GOVERNOR

STATE OF MISSOURI

September 12, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment:

Jon M. Kempker, 2139 Deer Trail, Jefferson City, Cole County, Missouri 65101, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until his successor is duly appointed and qualified; vice, Derek Conard, term expired.

Respectfully submitted,

Michael L. Parson

Governor

Also,

GOVERNOR  
STATE OF MISSOURI

September 12, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Monica Walker as a member of the Child Abuse and Neglect Review Board submitted to you on September 10, 2018. Lines 3 and 4 should be amended to read:

7, 2020, and until her successor is duly appointed and qualified; vice, Christopher M. Carriger, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR  
STATE OF MISSOURI

September 12, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I hereby withdraw from you consideration the following appointment:

Jamie S. Kondis, 250 South Brentwood Boulevard, Unit 1-A, Clayton, Saint Louis County, Missouri 63105, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2021, and until her successor is duly appointed and qualified; vice, Jamie S. Kondis, reappointed.

Respectfully submitted,  
Michael L. Parson  
Governor

President Pro Tem Richard referred the above addendum to the Committee on Gubernatorial Appointments.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2**, entitled:

An Act to repeal sections 208.151, 217.703, 478.001, 478.003, 478.004, 478.005, 478.006, 478.007, 478.008, 478.009, 478.466, 478.550, 478.551, 478.600, 478.716, 488.2230, 488.5358, and 577.001, RSMo, and to enact in lieu thereof fifteen new sections relating to treatment courts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 3**, entitled:

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to science education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, inform the Senate that the House duly convened in the First Extraordinary Session of the Second Regular Session on Monday, September 10, 2018, and is convened in full session and ready for consideration of its business.

**COMMUNICATIONS**

President Pro Tem Richard submitted the following:

September 12, 2018

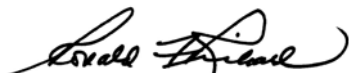
Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

Pursuant to Rule 12, I hereby remove Senator Dan Brown from the committee on Economic Development and appoint Senator Dan Hegeman as member and Vice Chairman of the committee.

Please do not hesitate to contact my office if you have any questions.

Sincerely,



Ron Richard

President Pro Tem

On motion of Senator Onder, the Senate adjourned until 10:00 a.m., Thursday, September 13, 2018.

SENATE CALENDAR

---

FOURTH DAY—THURSDAY, SEPTEMBER 13, 2018

---

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 2-Austin

HB 3-Fitzwater

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SR 10-Walsh, et al

✓

# Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

---

**FOURTH DAY—THURSDAY, SEPTEMBER 13, 2018**

---

The Senate met pursuant to adjournment.

President Pro Tem Richard in the Chair.

Reverend Gauck offered the following prayer:

“I will give thanks to the Lord with my whole heart; I will tell of all your wonderful deeds.” (Psalm 9:1)

Wondrous God, the wind rustles in the trees and we are reminded that You have created all this for our benefit. Help us, O Lord, to always be mindful that Your work is done through our hands and voices and people can greatly benefit from the work You have given us to do in this wonderful world. And help us see that life is even more than we can see but for which we can give You thanks and praise. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Kehoe assumed the Chair.

The Journals for Tuesday, September 11, 2018 and Wednesday, September 12, 2018 were read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls	Dixon
Emery	Hegeman	Holsman	Hoskins	Hummel	Libla	Munzlinger
Nasheed	Onder	Richard	Riddle	Rizzo	Romine	Rowden
Sater	Schaaf	Schatz	Schupp	Sifton	Wallingford	Walsh
Wasson	Wieland—30					

Absent—Senators—None

Absent with leave—Senators

Arthur	Eigel	Koenig—3
--------	-------	----------

Vacancies—1

The Lieutenant Governor was present.



**RESOLUTIONS**

Senator Chappelle-Nadal offered the following resolution:

**SENATE RESOLUTION NO. 15**

Whereas, every United States presidential candidate since Jimmy Carter, except for the current president, has made his or her tax returns public; and

Whereas, tax returns can reveal conflicts of interest that may not appear in financial disclosure statements; and

Whereas, efforts have been made at the federal level to require a presidential candidate to make his or her tax returns public, including H.R. 305 in the 115th Congress; and

Whereas, H.R. 305 amends the Ethics in Government Act of 1978 to require the president and certain candidates for president to disclose federal income tax returns for the three most recent taxable years in reports filed with either the Office of Government Ethics or the Federal Election Commission, in the case of a candidate; and

Whereas, H.R. 305 provides a foundation but should be amended to require disclosure of federal income tax returns for the ten most recent taxable years; and

Whereas, financial transparency should also be extended to mental health transparency; and

Whereas, many professions where the person may be authorized to use deadly force in the line of duty require an applicant for the position to undergo a psychological screening to determine the mental fitness of the person for the position; and

Whereas, the president of the United States, with the power to mobilize armed forces and launch nuclear weapons, is not required to undergo any psychological screening prior to assuming office; and

Whereas, to date, no efforts have been made at the federal level to require a presidential candidate to undergo a psychological screening prior to assuming office:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, First Extraordinary Session of the Second Regular Session, hereby strongly urge the Congress of the United States to amend federal law to require that every presidential candidate shall disclose his or her federal income tax returns for the ten most recent taxable years; and

Be It Further Resolved that the Congress should amend federal law to require every presidential candidate to undergo a psychological screening to determine the mental fitness of the person for the position of president of the United States, and that such screening shall be completed by a psychologist independently designated by a panel of experts chosen by the director of Walter Reed National Military Medical Center and the results of such screening shall be made public; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

Senator Schupp offered the following resolution:

**SENATE RESOLUTION NO. 16**

Whereas, for Missourians and lawmakers of the Jewish faith, Rosh Hashanah, the Jewish New Year, is one of the most holy days in the Jewish religion; and

Whereas, this year, Rosh Hashanah was celebrated on September 10, 2018; and

Whereas, the Governor called an extraordinary session of the General Assembly which commenced on September 10th; and

Whereas, by beginning an extraordinary session on September 10th, Jewish lawmakers and government employees were required to make the decision to either recognize this important Jewish holiday or to work and be present in Jefferson City; and

Whereas, the decision to begin this extraordinary session during Rosh Hashanah could, unfortunately, be viewed as sending a message to the Jewish community throughout this great state that Jewish High Holy Days are not important or deserving of consideration; and

Whereas, in addition to Rosh Hashanah, Yom Kippur, the Day of Atonement, is the most holy day of the year on the Jewish calendar; and

Whereas, inclusion and respect for a diverse legislature and electorate, unless constitutionally required or in the case of emergency, would be best acknowledged by refraining from scheduling legislative session on those holidays, the dates of which differ from year to year; and

Whereas, while celebrated for very different purposes, in terms of their sacred nature, Rosh Hashanah and Yom Kippur are analogous to the Christian sacred holidays of Christmas and Easter; and

Whereas, there is no evidence to suggest that the current scheduling of the extraordinary session was intended to show any ill will toward any person of the Jewish faith; and

Whereas, it is probable that the date of September 10, 2018, was chosen without knowledge of the holiday or its significance when this

extraordinary session was called:

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, First Extraordinary Session of the Second Regular Session, hereby urge all Governors and legislative leaders to refrain from scheduling future regular or extraordinary sessions of the Missouri General Assembly on any important religious holidays such as the Jewish High Holy Days; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor.

### **CONCURRENT RESOLUTIONS**

Senator Chappelle-Nadal offered the following concurrent resolution, which was read:

#### **SENATE CONCURRENT RESOLUTION NO. 1**

Whereas, all government power originates from the people, is founded upon their will, and is instituted for the good of the whole; and

Whereas, Constitutional Democracies are intended to promote the general welfare of all people; and

Whereas, no person shall be deprived of life, liberty, and the pursuit of happiness; and

Whereas, the United States of America has a long history of denying Black individuals basic human rights; and

Whereas, the early American economy was erected on the backs of slaves; and

Whereas, even after slavery “ended”, Black people were still denied basic human rights in this nation; and

Whereas, White people used coercion, violence, and government regulation to exclude Black people from the prosperity America has enjoyed in abundance; and

Whereas, among the rights refused to Black people after the abolition of slavery was the right to vote, including direct legal prohibitions and indirect prohibitions, via poll taxes and lynch mobs; and

Whereas, Black Americans have never enjoyed the fruits of “blind justice” by this nation; and

Whereas, Black Americans have been denied basic opportunities by this country; and

Whereas, Black Americans have been deprived access to education, voting rights, jobs, and the privilege of equal citizenship; and

Whereas, affording these rights to Black Americans would have raised the Black community to an equal level of opportunity; and

Whereas, Black Americans have suffered nothing less than an institutional robbery by the governing class of this nation; and

Whereas, White supremacy is a force so fundamental to American life that it is impossible to contemplate what this nation is without it; and

Whereas, the income gap between black and white households is roughly the same today as it was in 1970; and

Whereas, reparations would help ease the pain resulting in the long history of racial injustice Black people have faced; and

Whereas, perhaps more significant than the monetary gains reparations would generate, such payments would represent America's maturation concerning the racial history of this nation; and

Whereas, U.S. Senator Claire McCaskill, has the privilege of representing the people of Missouri in the United States Senate; and

Whereas, U.S. Senator Claire McCaskill often claims she supports the Black community and typically receives a large percentage of the Black vote; and

Whereas, as a proud daughter of Missouri, U.S. Senator Claire McCaskill has a duty to promote the general welfare of Missouri citizens; and

Now Therefore Be It Resolved that the members of the Missouri Senate, Ninety-ninth General Assembly, First Extraordinary Session of the Second Regular Session, the House of Representatives concurring therein, hereby urge U.S. Senator Claire McCaskill to put forward and support Federal legislation instituting reparations to the Black community; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for U.S. Senator Claire McCaskill.

### **HOUSE BILLS ON SECOND READING**

The following Bills were read the 2nd time and referred to the Committees indicated:

**HB 2**—Judiciary and Civil and Criminal Jurisprudence.

**HB 3**—Economic Development.

### REFERRALS

President Pro Tem Richard referred **SR 10** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Richard moved that the appointments of Jon M. Kempker, as a member of the Child Abuse and Neglect Review Board and Jamie E. Kondis, as a member of the Child Abuse and Neglect Review Board, appearing on pages 22 and 23 of the Senate Journal for Wednesday, September 12, 2018, be returned to the Governor, per his request, which motion prevailed.

On motion of Senator Onder, the Senate recessed until 4:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Richard.

### RESOLUTIONS

Senator Crawford offered Senate Resolution No. 17, regarding Dave Berry, which was adopted.

Senator Cunningham offered Senate Resolution No. 18, regarding Don Vance, Marshfield, which was adopted.

Senator Cunningham offered Senate Resolution No. 19, regarding Peggy Flood, Thayer, which was adopted.

Senator Cunningham offered Senate Resolution No. 20, regarding Becky Haven, CNA, CMT, which was adopted.

Senator Cunningham offered Senate Resolution No. 21, regarding Sherri Beasley, which was adopted.

Senator Cunningham offered Senate Resolution No. 22, regarding Robert “Bob” Schultheis, Marshfield, which was adopted.

### REPORTS OF STANDING COMMITTEES

Senator Wasson, Chairman of the Committee on Economic Development, submitted the following report:

Mr. President: Your Committee on Economic Development, to which was referred **HB 3**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dixon, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 2**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Hegeman assumed the Chair.

### REFERRALS

President Pro Tem Richard referred **HB 3** to the Committee on Fiscal Oversight.

### INTRODUCTION OF GUESTS

Senator Brown introduced to the Senate, Lynn Farrell, Lake Ozark.

Senator Walsh introduced to the Senate, Paul Granberry, III, St. Louis.

Senator Holsman introduced to the Senate, Carol Hallquist, Kansas City.

On motion of Senator Onder, the Senate adjourned until 9:00 a.m., Friday, September 14, 2018.

SENATE CALENDAR

---

FIFTH DAY–FRIDAY, SEPTEMBER 14, 2018

---

FORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HB 3-Fitzwater (Libla) (In Fiscal Oversight)

HB 2-Austin (Dixon)

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 1-Chappelle-Nadal

SR 16-Schupp

SR 15-Chappelle-Nadal

✓

# Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

---

**FIFTH DAY—FRIDAY, SEPTEMBER 14, 2018**

---

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Gauck offered the following prayer:

“Hear my prayer, O God, give ear to the words of my mouth.” (Psalm 54:2)

Lord God it has been a full week of mixed emotions and work that needed to be done. Add to those feelings our concern for our Sergeant of Arms and the emergency surgery and care for his son. We pray for the skill and knowledge of the doctors who treat him. We pray you sustain Bill and his family and Senator Holsman and family during the illness of his mother, and bless them with your healing presence. You have been with us and our concerns and bring the work we are accomplishing to that which we pray is most pleasing in Your sight. And bless what we have done, go with us as we return to our loved ones. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Onder announced photographers from KOMU were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Libla	Munzlinger	Nasheed
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Schaaf	Schatz	Schupp	Sifton	Wallingford	Walsh	Wasson

Wieland—29

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal	Curls	Hummel	Koenig—4
-----------------	-------	--------	----------

Vacancies—1

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Wallingford offered Senate Resolution No. 23, regarding the Missouri Chapter of the Trail of Tears Association.

Senator Nasheed offered Senate Resolution No. 24, regarding Sadie Maxwell, St. Louis.

Senator Cunningham offered Senate Resolution No. 25, regarding the death of Margaret “Peg” Miller, Jefferson City, which was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Fiscal Oversight, to which was referred **HB 3**, begs leave to report that it has considered the same and recommends that the bill do pass.

**HOUSE BILLS ON THIRD READING**

**HB 3**, introduced by Representative Fitzwater, entitled:

An Act to amend chapters 161 and 170, RSMo, by adding thereto two new sections relating to science education.

Was taken up by Senator Libla.

Senator Schupp offered **SA 1**, which was read:

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 3, Page 2, Section 161.261, Lines 27-30, by striking all of said lines; and further amend said section by renumbering the remaining subsections accordingly.

Senator Schupp moved that the above amendment be adopted, which motion failed.

On motion of Senator Libla, **HB 3** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Arthur	Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Libla	Munzlinger	Nasheed
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Schaaf	Schatz	Sifton	Wallingford	Walsh	Wasson	Wieland—28

**NAYS—Senator Schupp—1****Absent—Senators—None****Absent with leave—Senators**

Chappelle-Nadal	Curls	Hummel	Koenig—4
-----------------	-------	--------	----------

**Vacancies—1**

The President declared the bill passed.

On motion of Senator Libla, title to the bill was agreed to.

Senator Libla moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

**HB 2**, introduced by Representative Austin, entitled:

An Act to repeal sections 208.151, 217.703, 478.001, 478.003, 478.004, 478.005, 478.006, 478.007, 478.008, 478.009, 478.466, 478.550, 478.551, 478.600, 478.716, 488.2230, 488.5358, and 577.001, RSMo, and to enact in lieu thereof fifteen new sections relating to treatment courts.

Was taken up by Senator Dixon.

Senator Hegeman assumed the Chair.

President Kehoe assumed the Chair.

On motion of Senator Dixon, **HB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Brown	Cierpiot	Crawford	Cunningham	Dixon	Eigel
Emery	Hegeman	Holsman	Hoskins	Libla	Munzlinger	Nasheed
Onder	Richard	Riddle	Rizzo	Romine	Rowden	Sater
Schaaf	Schatz	Schupp	Sifton	Wallingford	Walsh	Wasson

Wieland—29

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Chappelle-Nadal	Curls	Hummel	Koenig—4
-----------------	-------	--------	----------

Vacancies—1

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Onder moved that motion lay on the table, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Rose A. Windmiller, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District;

Also,

J. Allen Rowland, Republican and Patricia N. Thomas, Republican, as members of the Clean Water Commission of the State of Missouri;

Also,

Chassity S. Nevels; Amy Robins; Janet Rogers; Donna Washburn and Monica Walker, as members of the Child Abuse and Neglect Review Board;

Also,

Nanci Bobrow, as a member of the Children's Trust Fund Board;

Also,

Gwendolyn Grant, Democrat; Gary Nodler, Republican and Michael D. Thomson, Republican, as members of the Coordinating Board for Higher Education;

Also,

Sandra K. Karsten, as Director of the Department of Public Safety;

Also,

Colleen Scott, Republican and Vernon E. Scoville III, Democrat as members of the Jackson County Board of Election Commissioners;

Also,

John M. Miles, Democrat, as a member of the Jackson County Sports Complex Authority;

Also,

Alyssa M. Mayer, Republican, as a member of the Kansas City Board of Election Commissioners;

Also,

Robert W. Cornejo, Republican, as a member of the Labor and Industrial Relations Commission;

Also,

Lisa A. Elmore, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Sherry Lynn Farrell and Cindy Fox, as members of the Missouri Real Estate Commission;

Also,

Gary L. Carver, as a member of the Missouri State Board of Chiropractic Examiners;

Also,

Karen J. Anderson, Steven K. Archer, Jennifer Foster, Thomas J. Frawley, Linda Hosman, Emily C. Hymer, Dana Lopez, Crissy L. Mayberry and Melanie McDole, as members of the Missouri State Foster Care and Adoption Board;

Also,

Thomas Mark Elliott, Republican, as a member of the Missouri Southern State University Board of Governors;

Also,



Paul N. Granberry, as student representative of the Missouri Western State University Board of Governors;

Also,

John F. Moore, Independent, as a member of the Northwest Missouri State University Board of Regents;

Also,

Kimberly R. Bailey, Republican; Donald M. Claycomb, Independent; Carol M. Hallquist, Democrat and Peter Herschend, Republican, as members of the State Board of Education;

Also,

Tiffany M. Middlemas, as student representative of the Truman State University Board of Governors;

Also,

Stephen L. Abney, Republican; Mary A. Long, Democrat; Gus S. Wetzel II, Republican, as members and Casey J. Short, as student representative of the University of Central Missouri Board of Governors; and

Avery J. Welker, as student representative of the University of Missouri Board of Curators.

Senator Richard requested unanimous consent of the Senate to vote on the above reports in one motion, with the exception of the committee reports on Patricia N. Thomas, Republican and J. Allen Rowland, Republican, as members of the Clean Water Commission of the State of Missouri.

Senator Nasheed rose to object and requested that each appointment be considered individually.

Senator Richard moved that the Senate vote on the reports, with the exception of the committee reports on Patricia N. Thomas and J. Allen Rowland, as members of the Clean Water Commission of the State of Missouri and Peter Herschend, as a member of the State Board of Education, in one motion.

Senator Holsman raised the point of order that the Senate Rules state that each gubernatorial appointment be considered separately and that the rules may only be suspended by a two-thirds vote. The point of order was referred to the President Pro Tem.

At the request of Senator Holsman, the point of order was withdrawn.

Senator Nasheed offered a substitute motion that all appointments be considered individually.

At the request of Senator Nasheed, the above substitute motion was withdrawn.

Senator Munzlinger assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Richard, the motion to vote on the reports was withdrawn.

### **MESSAGES FROM THE GOVERNOR**

The following message was received from the Governor, which was read:

GOVERNOR  
STATE OF MISSOURI  
September 14, 2018

To the Senate of the 99th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointment:

Peter Herschend, Republican, 538 Oak Bluff Road, Branson, Taney County, Missouri 65616, as a member of the State Board of Education, for a term ending July 1, 2023, and until his successor is duly appointed and qualified; vice, Jennifer W. Edwards, withdrawn.

Respectfully submitted,  
Michael L. Parson  
Governor

President Pro Tem Richard moved that the above appointment be returned to the Governor, per his request, which motion prevailed.

### REPORTS OF STANDING COMMITTEES

Senator Richard requested unanimous consent of the Senate to approve the committee reports appearing on pages 33 through 35 in one motion, with the exception of J. Allen Rowland, Republican and Patricia N. Thomas, Republican, as members of the Clean Water Commission of the State of Missouri and Peter Herschend, as a member of the State Board of Education, which request was granted.

Senator Richard moved the committee report appearing on pages 33 through 35 with the exception of J. Allen Rowland, Republican and Patricia N. Thomas, Republican, as members of the Clean Water Commission of the State of Missouri and Peter Herschend, as a member of the State Board of Education, be adopted, which motion prevailed.

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Patricia N. Thomas, Republican, as a member of the Clean Water Commission of the State of Missouri, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Richard moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment and requested a roll call vote be taken. He was joined in his request by Senators Emery, Onder, Sater and Schatz.

The committee report was adopted by the following vote:

#### YEAS—Senators

Arthur	Brown	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—26		

#### NAYS—Senator Cierpiot—1

#### Absent—Senator Holsman—1

#### Absent with leave—Senators

Chappelle-Nadal	Curls	Hummel	Koenig	Libla—5
-----------------	-------	--------	--------	---------

#### Vacancies—1

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of J. Allen Rowland, Republican, as a member of the Clean Water Commission of the State of Missouri, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Richard moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment and requested a roll call vote be taken. He was joined in his request by Senators Emery, Schatz, Sater and Hoskins.

The committee report was adopted by the following vote:

YEAS—Senators

Arthur	Brown	Crawford	Cunningham	Dixon	Eigel	Emery
Hegeman	Hoskins	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—26		

NAYS—Senator Cierpiot—1

Absent—Senator Holsman—1

Absent with leave—Senators

Chappelle-Nadal	Curls	Hummel	Koenig	Libla—5
-----------------	-------	--------	--------	---------

Vacancies—1

Senator Munzlinger assumed the Chair.

## REFERRALS

President Pro Tem Richard referred **SCR 1**, **SR 15** and **SR 16** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## COMMUNICATIONS

President Pro Tem Richard submitted the following:

September 14, 2018

Ms. Adriane Crouse  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

Dear Ms. Crouse:

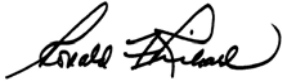
Pursuant to Rule 12, I request the following changes to committees:

I hereby remove Senator Mike Cunningham from the committee on Judiciary and Civil and Criminal Jurisprudence and appoint Senator Andrew Koenig.

I hereby, remove Senator Rob Schaaf from the committee on Appropriations and appoint Senator Jeanie Riddle.

Please do not hesitate to contact my office if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Richard", with a stylized flourish at the end.

Ron Richard

President Pro Tem

On motion of Senator Onder, the Senate adjourned until 1:00 p.m., Wednesday, September 19, 2018.

✓

# Journal of the Senate

SECOND REGULAR SESSION

FIRST EXTRA SESSION

---

**SIXTH DAY—WEDNESDAY, SEPTEMBER 19, 2018**

---

The Senate met pursuant to adjournment.

President Pro Tem Richard in the Chair.

## **RESOLUTIONS**

On behalf of Senator Cunningham, Senator Richard offered Senate Resolution No. 26, regarding the Ninetieth Anniversary of Bado Community Church, which was adopted.

On behalf of Senator Rowden, Senator Richard offered Senate Resolution No. 27, regarding William Douglas “Doug” Abele, Boonville, which was adopted.

Senator Richard offered Senate Resolution No. 28, regarding David McNeel, Pacific, which was adopted.

On behalf of Senator Libla, Senator Richard offered Senate Resolution No. 29, regarding the One Hundred Fiftieth Anniversary of the First Baptist Church, Portageville, which was adopted.

On behalf of Senator Sater, Senator Richard offered Senate Resolution No. 30, regarding the Security Bank of Southwest Missouri, Cassville, which was adopted.

On behalf of Senator Sater, Senator Richard offered Senate Resolution No. 31, regarding Anna O’Neill, which was adopted.

On behalf of Senator Sater, Senator Richard offered Senate Resolution No. 32, regarding Lyle Whittaker, which was adopted.

On behalf of Senator Sater, Senator Richard offered Senate Resolution No. 33, regarding Danny and Stephanie Bowling, Lawrence County, which was adopted.

On behalf of Senator Sater, Senator Richard offered Senate Resolution No. 34, regarding Jeff and Elizabeth Reed, Barry County, which was adopted.

## **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HB 2** and **HB 3**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become

law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

On motion of Senator Walsh, the Senate of the First Extraordinary Session of the Second Regular Session of the 99th General Assembly adjourned sine die, pursuant to the Constitution.

MIKE KEHOE  
Lieutenant Governor

ADRIANE D. CROUSE  
Secretary of Senate

✓

# Journal of the Senate

## NINETY-NINTH GENERAL ASSEMBLY

### OF THE

### STATE OF MISSOURI

### SECOND REGULAR SESSION

### VETO SESSION

---

**WEDNESDAY, SEPTEMBER 12, 2018**

---

The Senate was called to order in Veto Session by Lieutenant Governor Mike Kehoe.

Reverend Carl Gauck offered the following prayer:

“The things, good Lord, that we pray for gives us the grace to labor for.” (St. Thomas More)

Now we gather O Lord to fulfill our constitutional obligation as we enter into this veto session. May our time in it be fruitful and fulfill what is required of us. Bless us through this time and may we rejoice that we have this time together. In Your holy name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Senators were present during the day’s proceedings:

**Present—Senators**

Arthur	Brown	Chappelle-Nadal	Cierpiot	Crawford	Cunningham	Curls
Dixon	Eigel	Emery	Hegeman	Holsman	Hoskins	Hummel
Koenig	Libla	Munzlinger	Nasheed	Onder	Richard	Riddle
Rizzo	Romine	Rowden	Sater	Schaaf	Schatz	Schupp
Sifton	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

### MESSAGES FROM THE SECRETARY OF STATE

The President laid before the Senate the following communication from the Secretary of State:

TO THE SECRETARY OF THE SENATE  
 Honorable Adriane D. Crouse  
 Jefferson City, MO

Madam:

I, John R. Ashcroft, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 17<sup>th</sup> Senatorial District in the State of Missouri, on the 5<sup>th</sup> day of June, 2018, as provided by law, the following named person was elected to the office of State Senator, 17<sup>th</sup> Senatorial District as shown by the election results certified to this office by the election authorities of the 17<sup>th</sup> Senatorial District.

<b>Name</b>	<b>Office</b>
Lauren Arthur	State Senate
4135 NW Willow Dr.	17 <sup>th</sup> Senatorial District
Kansas City, MO 64116	

SEAL

IN WITNESS WHEREOF, I have hereunto set  
 my hand and affixed the seal of my office this 26<sup>th</sup>  
 day of June, 2018.

/s/ John R. Ashcroft  
 Secretary of State

Senator Arthur was escorted to the dais and received her oath of office from the Honorable Mary Rhodes Russell, Justice of the Missouri Supreme Court.

Senator Onder announced photographers from KCUR-FM, Jefferson City New Tribune, Gasconade County Republican and Unterrified Democrat were given permission to take pictures in the Senate Chamber.

## RESOLUTIONS

Senator Onder offered the following resolution, which was read and adopted:

### SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Article III, Section 32 of the Constitution and is ready for the consideration of its business.

Senator Onder offered the following resolution, which was read and adopted:

### SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-ninth General Assembly, Second Regular Session, be declared to be the rules of the Veto Session of the Ninety-ninth General Assembly.

## COMMUNICATIONS FROM THE GOVERNOR

The following communications, regarding vetoed Senate Bills were received by the Secretary of State, reading of which was waived:

GOVERNOR OF MISSOURI  
 JEFFERSON CITY  
 65102  
 July 13, 2018

TO THE SECRETARY OF STATE  
 OF THE STATE OF MISSOURI  
 99th GENERAL ASSEMBLY  
 SECOND REGULAR SESSION

Herewith I return to you House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 894 & 921 entitled:



AN ACT

To repeal sections 161.106, 162.1115, 173.670, and 178.550, RSMo, and to enact in lieu thereof eight new sections relating to education curriculum involving science and technology.

I disapprove of House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 894 & 921. My reasons for disapproval are as follows:

Section 161.261 of the bill establishes the “STEM Career Awareness Program,” with the purported goal of increasing STEM career awareness among students in grades six through eight. While I fully support the promotion of science, technology, engineering, and mathematics (STEM) education and making our state’s students aware of career opportunities in those fields, I cannot approve of the program’s provisions as written.

As part of the STEM Career Awareness Program, the Department of Elementary and Secondary Education is charged with selecting a provider for an online program to introduce students to a wide variety of STEM careers and technology. The bill contains a detailed list of criteria the program must meet in order to be selected. The criteria are so specific that they appear to be narrowly tailored to apply to only one company, which violates the Missouri Constitution.

Article III, Section 40 of the Missouri Constitution prohibits the General Assembly from passing any local or special law “granting to any corporation, association or individual any special or exclusive right, privilege or immunity” or “where a general law can be made applicable.” While imposing certain requirements for the program is appropriate, the opportunity to establish an online STEM career curriculum should be open to many providers so that the Department has the ability to choose the best option from qualified applicants. Such legislation would receive a welcome review from my administration in the future.

I also look forward to working with the legislature next session on the computer science credit provisions of this bill, which unfortunately will not be enacted this year due to the aforementioned issues.

In accordance with the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 894 & 921 without my approval.

Respectfully Submitted,  
Michael L. Parson  
Governor

Also,

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102  
July 13, 2018

TO THE SECRETARY OF STATE  
OF THE STATE OF MISSOURI  
99th GENERAL ASSEMBLY  
SECOND REGULAR SESSION

Herewith I return to you Senate Concurrent Resolution No. 50 entitled:

Relating to the replacement of a statue in the Statuary Hall of the Capitol of the United States.

I disapprove of Senate Concurrent Resolution No. 50. My reasons for disapproval are as follows:

While I fully support the placement of a statue of Harry S. Truman in the National Statuary Hall in the United States Capitol, I cannot approve of this resolution as written.

Senate Concurrent Resolution No. 50 proposes the replacement of one of Missouri’s statues in the National Statuary Hall. Currently, Missouri’s two allocated statues are of United States Senator Thomas Hart Benton and Francis Preston Blair. Senate Concurrent Resolution No. 50 requests the statue of Thomas Hart Benton be replaced by a statue of Harry S. Truman.

Unfortunately, the Thomas Hart Benton referred to in the resolution delivered to my office is not the correct individual who is currently represented in the National Statuary Hall. The Thomas Hart Benton who is depicted in our nation’s capitol was one of Missouri’s first United

States Senators and also elected to the United States House of Representatives. He was instrumental in the westward expansion of the United States and was an outspoken opponent of the institution of slavery.

The Thomas Hart Benton referred to in Senate Concurrent Resolution No. 50 is the famed painter and muralist, who happens to be Senator Thomas Hart Benton's great-great-nephew. This incorrect reference, while seemingly minor, fails to honor the legacy of Senator Thomas Hart Benton and his importance to the history of our state.

In accordance with the above stated reasons for disapproval, I am returning Senate Concurrent Resolution No. 50 without my approval.

Respectfully Submitted,  
Michael L. Parson  
Governor

Senator Onder moved that the Senate proceed to the order of business, Vetoed Bills, and that the calendar be called, which motion prevailed.

**HCS for SS for SCS for SBs 894 & 921** was called thereafter and no motion was taken thereon.

**SCR 50** was called thereafter and no motion was taken thereon.

### MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

#### HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-ninth General Assembly, Second Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2018 Constitutional Veto Session and ready for consideration of business.

### RESOLUTIONS

Senator Onder offered the following resolution, which was read and adopted:

#### SENATE RESOLUTION NO. 3

BE IT RESOLVED by the Senate that the Secretary of the Senate inform the House of Representatives that the Senate, having been duly convened as provided by Article III, Section 32 of the Constitution, made no motion to override the Governor's veto of House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills 894 & 921 and Senate Concurrent Resolution No. 50 when the bills were called by the president.

On motion of Senator Onder, the Senate recessed until 1:35 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by President Kehoe.

### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Section 2.230, for the Missouri Commission for the Deaf and Hard of Hearing, of Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2002, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is Respectfully requested.

Also, the attached are certified copies of the Roll calls pertaining to the above named section of the Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2002:

AYES: 121

Anders	Anderson	Bahr	Bangert	Baringer	Barnes 28	Barnes 60
Beard	Beck	Black	Brattin	Brown 27	Brown 57	Burnett
Burns	Butler	Carpenter	Chipman	Christofanelli	Conway 10	Corlew
Curtman	Davis	Dinkins	Dogan	Dohrman	Ellebracht	Ellington
Evans	Fitzpatrick	Fitzwater	Franklin	Franks Jr	Frederick	Gray
Green	Gregory	Grier	Haahr	Hannegan	Harris	Helms
Higdon	Hill	Houghton	Houx	Hurst	Justus	Kelly 141
Kendrick	Kidd	Knight	Kolkmeier	Korman	Lant	Lauer
Lavender	Lichtenegger	Lynch	Marshall	Mathews	Matthiesen	May
McCreery	McDaniel	McGauth	McGee	Meredith 71	Merideth 80	Miller
Mitten	Moon	Morgan	Morris 140	Morse 151	Mosley	Newman
Nichols	Pfautsch	Phillips	Pierson Jr	Pietzman	Pike	Plocher
Quade	Razer	Rehder	Reiboldt	Reisch	Revis	Roeber
Rone	Ross	Rowland 155	Rowland 29	Runions	Ruth	Schroer
Shaul 113	Shull 16	Shumake	Smith 85	Smith 163	Sommer	Stacy
Stephens 128	Stevens 46	Swan	Taylor	Trent	Unsicker	Vescovo
Walker 74	Walsh	Washington	Wessels	White	Wiemann	Wilson
Wood	Mr. Speaker					

NOES: 30

Andrews	Austin	Basye	Bernskoetter	Berry	Bondon	Conway 104
Cookson	Cross	Curtis	DeGroot	Eggleston	Engler	Fraker
Francis	Gannon	Haefner	Hansen	Henderson	Johnson	Kelley 127
Love	Muntzel	Neely	Pogue	Redmon	Remole	Spencer
Tate	Walker 3					

ABSENT: 5

Adams	Messenger	Peters	Roberts	Roden
-------	-----------	--------	---------	-------

VACANCIES: 7

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Section 5.145, for the Office of Child Advocate of Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2005, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is Respectfully requested.

Also, the attached are certified copies of the Roll Calls pertaining to the above named section of the Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No 2005:

## AYES: 136

Adams	Anders	Anderson	Andrews	Bahr	Bangert	Baringer
Barnes 28	Barnes60	Beard	Beck	Black	Bondon	Brattin
Brown 27	Brown 57	Burnett	Burns	Butler	Carpenter	Chipman
Christofanelli	Conway 10	Corlew	Cross	Curtis	Curtman	Davis
Dinkins	Dogan	Dohrman	Eggleston	Ellebracht	Ellington	Evans
Fitzpatrick	Fitzwater	Franklin	Franks Jr	Frederick	Gray	Green
Gregory	Grier	Haahr	Haefner	Hannegan	Hansen	Harris
Helms	Higdon	Hill	Houghton	Houx	Hurst	Johnson
Justus	Kelley 127	Kelly 141	Kendrick	Kidd	Knight	Kolkmeier
Korman	Lant	Lauer	Lavender	Lichtenegger	Love	Lynch
Marshall	Mathews	Matthiesen	May	McCreery	McDaniel	McGaugh
McGee	Meredith 71	Merideth 80	Miller	Mitten	Moon	Morgan
Morris 140	Morse 151	Mosley	Neely	Newman	Nichols	Pfautsch
Phillips	Pierson Jr	Pietzman	Pike	Plocher	Quade	Razer
Rehder	Reiboldt	Reisch	Remole	Revis	Roeber	Rone
Ross	Rowland 155	Rowland 29	Runions	Ruth	Schroer	Shaul 113
Shull 16	Shumake	Smith 85	Smith 163	Sommer	Spencer	Stacy
Stephens 128	Stevens 46	Swan	Tate	Taylor	Trent	Unsicker
Vescovo	Walker 74	Walsh	Washington	Wessels	White	Wiemann
Wilson	Wood	Mr. Speaker				

## NOES: 16

Austin	Basye	Bernskoetter	Berry	Conway 104	Cookson	DeGroot
Engler	Fraker	Francis	Gannon	Henderson	Muntzel	Pogue
Redmon	Walker 3					

## ABSENT: 4

Messenger	Peters	Roberts	Roden
-----------	--------	---------	-------

## VACANCIES: 7

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Section 10.900, for the Time Critical Diagnosis Unit, of Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2010, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is Respectfully requested.

Also, the attached are certified copies of the Roll Calls pertaining to the above named section of the Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No 2010:

AYES: 136

Adams	Anders	Anderson	Bahr	Bangert	Baringer	Barnes 28
Barnes 90	Basye	Beard	Beck	Black	Bondon	Brattin
Brown 27	Brown 57	Burnett	Burns	Butler	Carpenter	Chipman
Christofanelli	Conway 104	Corlew	Curtis	Curtman	Davis	DeGroot
Dinkins	Dogan	Dohrman	Eggleston	Ellebracht	Ellington	Evans
Fitzpatrick	Fitzwater	Francis	Franklin	Franks Jr	Frederick	Gannon
Gray	Green	Gregory	Grier	Haahr	Haefner	Hannegan
Hansen	Harris	Helms	Henderson	Higdon	Hill	Houghton
Houx	Hurst	Johnson	Justus	Kelley 127	Kelly 141	Kendrick
Kidd	Knight	Kolkmeyer	Korman	Lant	Lauer	Lavender
Lichtenegger	Love	Lynch	Mathews	Matthiesen	May	McCreery
McDaniel	McGaugh	McGee	Meredith 71	Merideth 80	Miller	Mitten
Morgan	Morris 140	Morse 151	Mosley	Muntzel	Neely	Newman
Nichols	Pfautsch	Phillips	Pierson Jr	Pietzman	Pike	Plocher
Quade	Razer	Rehder	Reiboldt	Reisch	Remole	Revis
Roeber	Rone	Ross	Rowland 155	Rowland 29	Runions	Ruth
Schroer	Shaul 113	Shull 16	Shumake	Smith 85	Smith 163	Sommer
Spencer	Stacy	Stevens 46	Swan	Tate	Taylor	Trent
Unsicker	Vescovo	Walsh	Washington	Wessels	White	Wiemann
Wilson	Wood	Mr. Speaker				

NOES: 13

Austin	Bernskoetter	Berry	Cookson	Cross	Engler	Fraker
Marshall	Moon	Pogue	Redmon	Stephens 128	Walker 3	

ABSENT: 7

Andrews	Conway 10	Messenger	Peters	Roberts	Roden	Walker 74
---------	-----------	-----------	--------	---------	-------	-----------

VACANCIES: 7

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed Section 12.400, for the juvenile advocacy units in the Kansas City and St. Louis regions, of Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2012, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is Respectfully requested.

Also, the attached are certified copies of the Roll Calls pertaining to the above named section of the Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No 2012:

AYES: 121

Adams	Anders	Anderson	Andrews	Bahr	Bangert	Baringer
Barnes 28	Barnes 60	Beck	Berry	Black	Brattin	Brown 27
Brown 57	Burnett	Burns	Butler	Carpenter	Chipman	Christofanelli
Conway 10	Curtis	Curtman	Davis	Dinkins	Dogan	Dohrman

Eggleston	Ellebracht	Ellington	Evans	Fitzpatrick	Fitzwater	Franklin
Franks Jr	Frederick	Gray	Green	Gregory	Grier	Haahr
Hannegan	Hansen	Harris	Helms	Higdon	Hill	Houghton
Houx	Justus	Kelley 127	Kelly 141	Kendrick	Kidd	Knight
Kolkmeier	Korman	Lant	Lavender	Lynch	Mathews	Matthiesen
May	McCreery	McDaniel	McGaugh	McGee	Meredith 71	Merideth 80
Miller	Mitten	Moon	Morgan	Morris 140	Morse 151	Mosley
Neely	Newman	Phillips	Pierson Jr	Pietzman	Pike	Plocher
Quade	Razer	Rehder	Reiboldt	Reisch	Revis	Roeber
Rone	Ross	Rowland 155	Rowland 29	Runions	Ruth	Schroer
Shaul 113	Shull 16	Shumake	Smith 85	Smith 163	Sommer	Stacy
Stephens 128	Stevens 46	Swan	Tate	Taylor	Trent	Unsicker
Vescovo	Walsh	Washington	Wessels	White	Wiemann	Wilson
Wood	Mr. Speaker					

## NOES: 28

Austin	Basye	Beard	Bernskoetter	Bondon	Conway 104	Cookson
Corlew	Cross	DeGroot	Engler	Fraker	Francis	Gannon
Haefner	Henderson	Hurst	Johnson	Lauer	Love	Marshall
Muntzel	Pfautsch	Pogue	Redmon	Remole	Spencer	Walker 3

## ABSENT: 7

Lichtenegger	Messenger	Nichols	Peters	Roberts	Roden	Walker 74
--------------	-----------	---------	--------	---------	-------	-----------

## VACANCIES: 7

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

## HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on CCS for SCS for HCS for **HB 2003**, CCS for SCS for HCS for **HB 2004**, CCS for SCS for HCS for **HB 2006**, CCS for SCS for HCS for **HB 2011**, HCS for **HB 2019**, and SS for SCS for **HB 2562**, when the bills were called by the Speaker.

President Pro Tem Richard assumed the Chair.

President Kehoe assumed the Chair.

Senator Hummel assumed the Chair.

**INTRODUCTIONS OF GUESTS**

Senator Chappelle-Nadal introduced to the Senate, Chris Carter, St. Louis.

Senator Arthur introduced to the Senate, her parents, Julie and Larry Arthur; husband, Russell Shankland; her mother- and father-in-law, Marilyn and Richard Shankland; her sisters Jenny Arthur and Kristin Searle; her nieces, Amelia and Julia Searle; and her sister-in-law, Emma Shankland, Kansas City.

Senator Curls introduced to the Senate, former state Representative Trent Skaggs; former state Representative Bill Skaggs, and his wife, Sandy; and Jane Quick, Kansas City.

Senator Romine introduced to the Senate, fourth through eighth grade students, Centerville School District.

Senator Crawford introduced to the Senate, students from Stockton High School.

Senator Schupp introduced to the Senate, Senator-elect Brian Williams; and former state Representative Chris Kelly.

Senator Hoskins introduced to the Senate, Hans Richter, Austria; and Lorenz and Lisa Richter, Warrensburg.

On motion of Senator Onder, the Senate of the Veto Session of the Second Regular Session of the 99th General Assembly adjourned sine die, pursuant to the Constitution.

MIKE KEHOE  
Lieutenant Governor

ADRIANE D. CROUSE  
Secretary of Senate

✓